

Vartick Town Board  
April 2, 2013

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 Peter McDonald, John Saeli, Kathy Russo, and Rob Bauman, Town Attorney, John Sipos, Town Clerk, Donna Karlsen, Superintendent of Highway, Richard McCulloch, Bookkeeper Carol Sipos and Account Clerk, Angela Testa, Code Enforcement Officer, Larry Colton and Bob McGill

**Highway:** Mr. McCulloch reported that the 2012 CHIP amount was \$40,818 and he was notified that the town will be receiving \$52,168 in 2013. It was reported that we have yet to receive the 2012 CHIP funds but that it should be received any time now.

Mr. McCulloch also reported that the electric run above the conference room is not in conduit and it would not be good to use blown insulation over the top of the electric wiring. He did note that there is some insulation in that ceiling already. He also reported that Greg Cool was not interested in repairing the plumbing so we still need to address this issue.

**Code Enforcement:** Larry Colton reported that he had received a complaint from Greg McNealy regarding his belief that his next door neighbor's dock is on his property. Larry Colton advised him that he should seek legal counsel if he wishes to pursue this matter. He also reported that he will be writing a letter to Jamie Eldredge regarding complaints he has received about the appearance of his property and that he is in violation of Varick Zoning Code numbers 309.2 and 311.5. He will give him 60 days from the date of his letter to comply with the code.

Mr. Colton also submitted a written Permit Report for February.

**Varick Sewer District No. 1:** Nothing

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

**Varick Water District No. 1:** Nothing

**Seneca Lake Water District:** It was noted that the Village of Waterloo replaced bolts on hydrant number 58.

Mr. Hayssen reported that he met with the Village of Waterloo and they will be looking into giving us a credit towards the billing they estimated when the master meter wasn't working properly. Jim Bromka is also working on a break down of billing and water usage.

**Varick Water District No. 3:** Mr. Hayssen is working with Seneca County to get a water bill from them. Mr. Hayssen has requested that the bill be broken down by Town

of Fayette and Town of Varick usage. The bills have currently been sent to the Town of Fayette for payment, which they have made no payments on. Varick Water District No. 3 has made payments for water usage to Seneca County based off this district's individual water readings billed to the homeowners.

It was also reported that NYS DOT still needs the punch list completed on this project. Water bills sent to Syracuse Constructors are also being reviewed.

Once the weather breaks, landscaping will need to be completed on Route 336 where the repair to the water main break was made by the Village of Waterloo.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to grant the Supervisor permission to advertise the surplus water pipe and corner horns on the county web page.

**Water District No. 4:** It was reported that the town will go out for bid on BAN on April 23 with an issuance date of May 7<sup>th</sup>. The water application is almost completed and the necessary paperwork has been approved by DOT and Rural Development. Tim Buhl has completed the contract documents and bid specs for the Route 89 water main construction which will be available to be picked up by April 24<sup>th</sup> with a bid opening scheduled for May 16<sup>th</sup> at 4:00 p.m. at the Varick Town Hall.

**Town Clerk's Report:** A motion by Peter McDonald, seconded by Robert Bauman and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$212.50, NYS Ag & Markets: \$10.00, State Health Dept.: \$22.50, Total Disbursements: \$245.00.

**Bookkeeper Report:** A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve the written Bookkeeper's Report.

**Personnel:** Kathy Russo reported that Romulus Central School will be under major construction and was informed by Marty Rotz, who was just newly employed as the School Superintendent, that the Summer Recreation Program cannot be held at the school this year. Mrs. Russo has spoken to Mike Whirtley at Seneca County Youth Bureau who suggested contacting the Town of Ovid who also runs a summer program. She has also contacted Seneca Community Church and will follow up with that. The board suggested that Mrs. Russo approach the School Board for permission to use the school facility. The board discussed the swimming program as well as other activities that are offered through this program.

**Assessor:** Nothing

**Planning Board:** Progressing slowly and methodically on proposed zoning changes regarding transfer stations. Bob McGill discussed incinerators and how modern technology has improved them. He spoke briefly of NYC garbage coming into the area and suggested the board become educated on the use of incinerators and the placement of them in Seneca County. Mr. Hayssen did not feel the public would be in favor of this.

**Minutes:** A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve the minutes of March 5, 2013.

**Abstract:** A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to approve Abstract No. 4, General, Vouchers A0013-043 to A0013-052 in the amount of \$2,136.90, Highway, Vouchers DA013-018 to DA013-24 in the amount of \$1,588.35, Varick Water 1, Voucher VW113-005 in the amount of \$15.00, Seneca Lake Water District, Vouchers SWS13-019 to SWS13-22 in the amount of \$32,349.69, Varick Water District No. 3, Voucher No. VW313-007 in the amount of \$15.00, Varick Sewer District No. 2, Voucher No. SSS13-006 in the amount of \$2,189.51

**South Seneca Ambulance:** A lengthy discussion and review of the history of past agreements with South Seneca Ambulance was held. Mr. Sipos reviewed his concerns with the proposed agreement presented and suggested that the board consider hiring an attorney that is familiar with exclusive contracts and was willing to allow an expense of up to \$1,000 to come from his budget expense line. Further questions and concerns were expressed by the board and Mr. McDonald indicated he would be willing to look into this further and try to make revisions, with Mr. Sipos' input, to this proposed agreement and bring it back to the board meeting in May for review.

A motion by Kathy Russo, seconded by Robert Bauman and so carried unanimously to have Peter McDonald, with the assistance from Mr. Sipos, review the concerns of this board with South Seneca Ambulance, make revisions and bring a new proposed contract back to the May board meeting for further review.

It was confirmed that no health benefits are being offered to Angel Lawrence.

### **Old Business, New Business and Correspondence:**

The board reviewed a draft resolution submitted by Carl Paladino opposing the enactment of the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013. The board was in favor of adopting this resolution as follows:

### **Opposing the Process of Enactment and Certain Provisions Contained Within the New York SAFE Act**

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United State Constitution; and

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in America, and the rights protected by the Second Amendment to the United States Constitution are exercised by any of our county residents; and

WHEREAS, the people derive economic and environmental benefits from all safe forms or recreation involving firearms, including, but not limited to hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS, members of Legislature, being elected to represent the people of our County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the new York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) was unlawful for both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, it is our understanding that many State Legislators before being forced to vote on it, had less than one half hour to read the legislation, which contained approximately 45 pages, twenty-five thousand words and 60 sections of which only 3 take effect immediately; and

WHEREAS, there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

WHEREAS, there was no time to request and receive the input of constituents regarding this matter, such public input being the standard to which we hold ourselves and there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, there will be a significant financial impact due to the number of permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, few or no low capacity (7 rounds or less) magazines currently exist for the firearms commonly possessed by law-abiding residents of New York State; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, the New York State Combined Ballistic Identification System, which wasted \$4 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE ACT at a time when New York State residents are crying out for tax relief; and

WHEREAS, the legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, the state already has laws prohibiting individuals from possessing fully automatic rifles, along with limitations on high-capacity magazines for ammunition; and

WHEREAS, there is no need for any change to current gun-control laws because it's not the honest people who commit crimes; and

WHEREAS, the good provisions of the law addressing the glaring shortcomings in the mental health system, that strengthen Kendra's Law and Mark's Law, as well as

privacy protections for certain pistol permit holders, should be addressed in separate legislation.

WHEREAS, the legislation fails to offer any meaningful solutions to gun violence therefore be it

RESOLVED, that the Town of Varick does hereby oppose, and request the repeal of the NY SAFE Act (Chapter 1 of Laws of 2013), and further be it

RESOLVED, the Town of Varick strongly encourages member of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and further be it

RESOLVED, that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, all Congressmen representing New York State, Assembly Speaker Sheldon Silver, all New York State Assemblymen and all New York State Senators.

Motion: Robert Bauman  
Seconded: Peter McDonald

Roll Call:  
Supervisor Robert Hayssen: Yes  
Councilman Peter McDonald: Yes  
Councilman John Saeli Yes  
Councilman Robert Bauman Yes  
Councilwoman Kathy Russo Yes

So Carried Unanimously.

It was suggested that this resolution be sent to the Associations of Towns for distribution.

A motion by Peter McDonald, seconded by Robert Bauman and so carried to approve the Town of Varick Hiring Policy.

Discussion: the following changes were made;

(7) We will compensate our employees based on job requirements, experience and training.

(9) Employment by the Town prohibits the use of illegal drugs and alcohol by its employees during work hours. Pre-employment physicals are mandatory as well as random drug testing

(3) The interview will be informal, yet structured.

(4) b. Requires a driver's license, require the candidates to present the required valid driver's license and if necessary perform a read test.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to adopt the Town of Varick Hiring Policy.

A complete copy of the Varick Hiring Policy will be attached to these minutes.

A discussion was held regarding a contractor rate agreement with the following suggestions:

\$80/hr. excavator w/ operator  
\$30/hr. additional laborer  
\$50/hr. dump truck with operator  
\$70/hr. skidsteer with operator

All contractors must supply a \$1,000,000 Certificate of Liability

All employees of contractors must be paid on the books.

The board in the past has required Workman Compensation be carried, but recognized the additional cost to the contractors which is ultimately passed to the town.

Clock starts upon arrival of job.

This is a work in progress and Mr. Saeli and Mr. Hayssen will look at putting these suggestions into a workable format.

Mr. Hayssen reported that as of May 1<sup>st</sup> Angela Testa will be taking over the position of bookkeeper with Carol's assistance when needed. Mrs. Sipos was willing to continue as a consultant at \$400 per month until the end of the year and Angela will begin receiving the full annual pay budgeted.

A motion by Peter McDonald, seconded by Robert Bauman and so carried unanimously to begin paying Angela Testa as bookkeeper, \$1,022.92 per month and Carol Sipos, as consultant till the end of 2013, \$400 per month.

A motion by Robert Bauman, seconded by Peter McDonald and so carried unanimously to adjourn the meeting at 9:30 p.m.