

March 4, 2014

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 Robert Bauman, Attorney for the Town, Steve Ricci, Town Clerk, Donna Karlsen, Bookkeeper, Angel Testa, Village of Waterloo, Jim Bromka, and reporter, Anita Glover. Absent: Highway Superintendent, Richard McCulloch

**Highway:** Nothing to report.

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

**Varick Sewer District No. 2:** Supervisor Hayssen reported that he would like to see Seneca County Sewer District No. 1 separated from Seneca County Sewer No. 2. He noted that Sewer No. 1 consists of a sewer plant and some transmission lines to transport sewer from outlying areas. It is run under a contract with Yaws, who does an exceptional job. He doesn't feel that some of the costs being absorbed by this district are necessary, specified the cost of an attorney as an example. This district has approximately 22 customers and is billed \$30 per quarter, making billing a very simple process requiring a bookkeeper's services. He acknowledged that Seneca County Sewer No. 2 is a more complicated system to manage. He presented a resolution for the board to pass in support of separating Seneca County Sewer 1 from Seneca County Sewer No. 2 and indicated he felt this would get support from the southern towns. After some revisions to the originally proposed resolution the following was presented.

### **Requesting Seneca County Sewer One To Become An Independent District**

Whereas Seneca County Sewer One has been combined with Seneca County Sewer Two and Seneca County Water One for the past few years

And whereas SC1 used to be a well run, independent district prior to the formation of SC2 and SCW1

And whereas SCS1 is operated by contract with Yaw's Environmental and has been for over 20 years.

And whereas almost all operations are overseen by Yaw's, leaving only occasional maintenance to be performed by outside contractors

And whereas the bookkeeping is very simple compared to SCW1 and SCS2 and only requires approximately 5 to 10 checks per month

And whereas the revenue generated is a constant amount. Whether it is either quarterly or monthly, the same amount is billed, including a few outside customers from time to time, thus making deposits very simple, and easy to keep track of

And whereas the bookkeeping could be done by a part-time employee

And whereas this district is a benefited-user district meaning only the users are affected

And whereas the Varick Town Board believes that returning SCS1 back to a totally independent district will be very beneficial to the benefited users

And whereas an independent district will most definitely improve the SCS1 fund balance and return this balance over time back to the pre combined district fund balance.

And whereas this is needed now more than ever due to Capital Project Costs, and with prudent fiscal management SCS1 may be able to avoid a 15% increase in costs to the benefited users.

And whereas it has been proven that attorney and manger services are seldom required, which will also provide beneficial increased savings to benefited users

Be it resolved that the Town of Varick requests that the Seneca County Board of Supervisors allow the affected Towns and Villages to resume the day to day operation of SCS1 as spelled out in NYS County District Laws.

Be it further resolved that copies be sent to the Towns of Ovid, Romulus, Lodi and Covert and the Villages of Ovid and Lodi.

Motion: Peter McDonald

Seconded: Robert Bauman

So Carried Unanimously

**Varick Water District No. 1:** A bill sent by Seneca County to address the location of the curb box for Spano in the hamlet of Romulus was paid.

**Seneca Lake Water District:** Supervisor Hayssen initiated further discussions regarding the expansion of Seneca Lake Water District up Yale Farm Road to McGrane Road in order to benefit the users in Seneca Lake Water District, users along this extension and Varick Water District No. 3 and Fayette Water District No. 5. He has asked Steve Ricci to research information on the development of a new water district or extension of the existing district. He also contacted Municipal Solutions and requested a proposal from them to assist the Town of Varick in applying for a Community Development Block Grant (CDBG) for this project. Municipal Solutions submitted the requested proposal, with a break down of services and their associated costs. Three phases were broken out as follows: Income Survey: \$4,500, Community Development Block Grant Application for Funding: \$5,500 and General Financial Services: Billed at an hourly rate of \$115 per hour plus reimbursable expenses.

The board discussed the preliminary study completed by O'Brien & Gere in 2002 in relation to this expansion which would provide water service to properties along Yale Farm Road from East Lake Road to Route 96A and along Route 96A from Yale Farm Road northerly to the fire station. The original scope of services also included the study of the formation of a water district to include the properties along Yale Farm Road from Route 96A to McGrane Road as well. This study will need to be updated, if the proposed expansion where to move forward.

Mrs. Russo questioned if this line would benefit any of the property within the depot that the town is looking at. Mr. Hayssen indicated that property would be serviced by the county and would not come into contact with this water line. Mr. Saeli felt that prior to looking at another water district, the board should focus on resolving the issues with Varick Water District No. 3 and complete Varick Water District No. 4. Mr. Hayssen pointed out that formation of districts and the paper work it involves is a lengthy process and he would like to see the town begin this process.

A motion by Robert Bauman, seconded by Kathy Russo and so carried to authorize Supervisor Hayssen to sign the proposal submitted by Municipal Solutions and to move forward with the Income Survey at the expense of \$4,500.

Roll Call:

Robert Hayssen:	Yes
Peter McDonald	Yes
John Saeli	No
Kathy Russo	Yes
Robert Bauman	Yes
So Carried	

The cost for Municipal's work will be expensed from the General Fund.

Mr. Hayssen reviewed the fund balance in Seneca Lake Water District and noted that included in this balance are funds that have been appropriated for the replacement of the hydrant bolts, replacement of meters and transponders, grant funds for connections that were not completed by the close of the capital project, and funds for anticipated repairs for an aging system, maintenance of the water district's building as well as replacement of the water truck.

Mr. Hayssen discussed the cost of water to the consumers in this district and reviewed calculations for the cost of water per gallon based on the town's minimum water usage charge. He noted that consumers are not charged an operation and maintenance fee in addition to their cost of water, like so many area districts. The users are also not charged a minimum water charge if they have their water is turned off prior to the next billing quarter and it remains off for the duration of that quarter. They are also not charged for water turn-on and shut-offs. Mr. Hayssen drafted a proposed resolution to lower the minimum water usage fee for the board's consideration, but after further discussion and review of surrounding area fees, they felt that no change at this time was warranted.

Angela Testa reported that the Town of Fayette has not remitted their portion of the debt service for this district which was due in February and requested direction in regards to this pass due bill. .

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to send the Town of Fayette a follow up billing with the stated 1% penalty assessed for the funds owed to this district.

**Water District No. 3:** The board reviewed the motion made at their December 3, 2013 regular meeting regarding revenue sharing and payment of the \$8,188.31 owed to Fayette Water District No. 5 capital project. Mr. Hayssen reported that he did mention to Fayette's supervisor, Cindy Lorenzetti that the Varick Board would like to schedule a joint meeting to discuss the motion with them, as well as other outstanding business, however no meeting was scheduled. Mr. Saeli proposed that the town begin cutting checks as outlined in that resolution, but hold them in escrow until the town receives the payment due Seneca Lake Water District for Fayette's portion of that district's debt service. It was reported that the Fayette Town Board is holding Seneca Lake Water District funds in lieu of payment of funds owed to them from Varick Water District No. 3 Capital Project. The board reviewed the motion made at the request of Cindy Lorenzetti, in her presence at a Varick Board meeting, which acknowledged that Varick Water District No. 3 Capital Project was responsible for payment of the \$8,188.31 and would be paid upon settlement of the outstanding litigation. This motion which was approved by Cindy Lorenzetti at that meeting with a copy sent to the Fayette board, as well as their bookkeeper for their reference and file as requested by Supervisor Lorenzetti was thought to have resolved this issue between the two towns. The issue has been raised again with the Town of Fayette withholding payment to Seneca Lake Water District. As the result of no meeting being held with both boards in attendance and the non-payment of Seneca Lake Water District Funds by the Town of Fayette, Mr. Saeli's proposed motion died for lack of a second. It was determined that a joint meeting with the Fayette town board and Varick Town board needs to be scheduled to discuss the funds owed to Seneca Lake Water District which were collected by the Town of Fayette on their 2014 Town and County tax bills and are being withheld and money owed to Fayette 5 Water District capital project. The other item for discussion would be the disbursement of surplus materials from this project. The board would also invite Fayette to add to the agenda items they wish to discuss.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to schedule a joint board meeting with the Town of Varick and Town of Fayette board members to be held at the Varick Town Hal with a set agenda and to name Peter McDonald as the point person.

A discussion was held regarding billing from Seneca County for the engineering and inspection fees for this project. There has been no final bill submitted for these services from the county, and it is unsure if there will be one forthcoming from them.

**Water District No. 4:** It was reported that there are a few new easements that need to be acquired, which Engineer Tim Buhl will draw up and Mr. Hayssen will obtain. There was no Contractor Pay Request submitted for payment as of this meeting. Mrs. Russo reported that some homeowners have questioned where the main line will be put and how it will affect trees and bushes, but these issues are being addressed on an individual basis as the line progresses. It was noted that it is hoped that a GPS system will be completed on this line in April for future reference.

**Town Clerk's Report:** A motion by John Saeli, seconded by Robert Bauman and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$25, Total Disbursements: \$25.

**Supervisor's Report:** A motion by Peter McDonald, seconded by Robert Bauman and so carried unanimously to approve the Supervisor's Report.

Angela Test reported that the South Seneca Ambulance payment, as well as the Assessor's 2014 payment is being held for contracts to be submitted for the Town's records as directed by the board. Mr. Hayssen will contact them to remind them of the need for these contracts.

**Personnel Report:** Mrs. Russo reported that she is working on the Youth Bureau Grant. A report was received from the Dog Control Officer as requested that reported that he is monitoring a dog issue where the dog has been left out in the cold. He will be following up again with the owner to make sure this dog is housed properly. Mrs. Russo also reported that Larry Colton will be following up on the issue of trash at a residence on Ernsberger Road. Phil Knapp will also follow up with DEC.

**Minutes:** A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve the minutes of February 4<sup>th</sup> and February 18<sup>th</sup>, 2014.

**Abstract:** A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to approve Abstract No. 3, Varick Water No. 1, Vouchers VW114-002 in the amount of \$4,670.55, Highway, Vouchers DAO14-13 to DAO14-17 in the amount of \$2,753.86, General, Vouchers A0014-40 to A0014-047 in the amount of \$12,812.37, Varick Sewer District No. 1, Vouchers VS114-007 to VS114-008 in the amount of \$2,077.88, Varick Sewer District No. 2, Vouchers SSS14-005 to SSS14-007 in the amount of \$10,434.73, Seneca Lake Water, SWS14-009 to SWS14-11 in the amount of \$118.68, Varick Water District No. 3, Vouchers VW314-004 to VW314-005 in the amount of \$3,766.51.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to pay Engineer Tim Buhl for invoice VWD-1305, \$1794.38 and VWD-1306 in the amount of \$4,192.45 from Water District No. 4 Capital Project.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to enter into Executive Session to discuss litigation issues at 9:10 p.m.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to come out of Executive session at 9:45.

A motion by Peter McDonald, seconded by Robert Bauman and so carried to rescind the motion made on December 3 based on the addendum that a joint meeting would be held between the Varick Town Board and the Fayette Town Board regarding a motion by Peter McDonald, seconded by Kathy Russo and so carried to pay the Town of Fayette .40 for every 1000 gallons of billable water used by the Town of Fayette Water District 5 users. This money paid will be applied against the \$8,188.31 owed to Fayette Water District No. 5 Capital Project until the amount of \$8,188.31 is paid in full or the Town of Varick board determines this pilot revenue sharing program should be terminated was never held and no agreement between the two towns was established.

**Old Business, New Business & Correspondence:** Brian Kolb will be holding an open meeting at the Town Hall March 23<sup>rd</sup> from 9:00 to 9:30. Tom Reed will be at the hall on March 15<sup>th</sup>, but it was unsure the time.

A motion by Peter McDonald, seconded by Kathy Russo, and so carried to adjourn the meeting at 9:50 p.m.

Respectfully Submitted

Donna Karlsen  
Varick Town Clerk