

June 15, 2021

The special meeting of the Varick Town Board was called to order by Supervisor Robert Hayssen at 7:00 p.m. Present at this meeting were Councilmen Richard McCulloch and Eric Riegel, Town Clerk, Donna Karlsen, and Highway Superintendent, Ben Freier. Absent: Councilman Richard Peterson and Tom Fox and Attorney for the Town, Joe Midiri.

Highway: Ben Freier reported that he never received a call from Joe Midiri with a legal determination on liability regarding placement of culvert pipes in the town. Mr. Hayssen reported that he had not received any information from him either and contacted him that morning for a determination. He received an email from Mr. Midiri which was forwarded from Stephen Ricci which stated that for the reasons Tom Fox set forth in an email from Tom Fox on June 2, 2021, it was Stephen Ricci's opinion that he was compelled to advise the board to hire an engineer to oversee the Kings Corner Road project. Mr. McCulloch reported that he never saw the email sent by Mr. Fox until right before this meeting. Mr. Riegel stated that he had been "cc" in Mr. Fox's email and responded to his email stating he did not find the information provided by Mr. Fox to be accurate according to his notes and listed the discrepancies. These discrepancies were also acknowledged by Supervisor Hayssen and Highway Superintendent Ben Freier at the time of this meeting.

Mr. Freier did obtain a quote from an engineer of \$2,500 to engineer the integrity of the concrete culvert pipe if the board decided to go with the concrete pipe over the aluminum box pipe. He estimated the increased cost would be approximately \$7,000 more than the aluminum box but is proposed to have a longer life span. He did clarify that the engineering would not address the watershed. A discussion was held regarding Red Creek and was clarified again that the flow of this creek cannot be altered, nor has the flow ever resulted in water issues on Route 89.

Mr. McCulloch voiced his dissatisfaction with Attorney Midiri's lack of response and attendance to this meeting as well as with the one-line opinion from Stephen Ricci with no legal determination nor explanation provided. Supervisor Hayssen tried to contact Mr. Midiri, who said he would be available by phone, but was unable to be reached. Supervisor Hayssen then tried contacting Stephen Ricci by phone with no success. Attorney Frank Fisher was finally able to be reached and did offer his opinion regarding this project. He indicated he agreed with Attorney Ricci, but further explained that the town would need to get in writing from the engineering firm that their engineering design of this project would guarantee there would be no increase in water flow and would never result in any flooding to property below the culvert pipe. It was felt by those in attendance that no engineering firm would be willing to put that in writing.

Mr. Hayssen and Mr. Riegel approved moving forward with this project. Mr. McCulloch continued to express his concern regarding the town's liability and was not in favor of doing so. Mr. Freier indicated that he will be scheduling paving work for Kings Corner Road and will have it stop at the culvert pipe.

No further action was taken regarding the installation of the culvert pipe at this time.

Water Department: Mr. Karlsen received three applications for the seasonal laborer position as of this meeting. It was reported that the first individual who the board was considering was offered a full-time position at the town of Geneva so was no longer interested. He had an opportunity to speak with both of the other applicants. He reviewed Robert Dwello II application and credentials with Mr. McCulloch who supported Mr. Karlsen' recommendation to hire him providing Seneca County Personnel office approved Mr. Dwello's application. Based on his experience and willingness to be on-call the board approved a wage of \$18.50 per hour.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to adjourn the meeting at 7:54 p.m.

Respectfully Submitted

Donna Karlsen
Varick Town Clerk