

November 1, 2011

Supervisor Hayssen opened the regular meeting of the Varick Town Board at 7:00 p.m and asked for a motion to open the public hearings on the 2012 budget. Present at this meeting were council members John Saeli, Peter McDonald and Kathy Russo. Town Clerk, Donna Karlsen, Bookkeeper, Carol Sipos, Town Attorney, John Sipos, Code Enforcement Officer, Larry Colton, Planning Board Chairman, Bill Squires, Zoning Board Chairman, Jeff Hogue, and Reporter, Aneta Glover. Also present were Mr. and Mrs. Olsen, Tom Prichard, and Joan Teichner. Absent were Councilman Richard Peterson, and Highway Superintendent, Richard McCulloch.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to open the public hearing upon the 2012 Preliminary Budget of the Town of Varick and Preliminary Budget of the Special District Fund Budgets and Adopted Fire Protection Units at 7:00 p.m.

Joan Teichner expressed her opinion that providing a health insurance benefit to a highway employee was inappropriate in view of today's economy. She then proceeded to provide self obtained information regarding the cost of health insurance available through the hospital and presumed these costs applied to this highway employee's wife, but was unable to provide any written proof of what she was reporting when requested by Councilman McDonald. She stated she would provide this information to him in writing. Councilman Saeli, after speaking to his daughter who was once an employee of the hospital reported that the hospital does provide health insurance benefits. Mr. Olsen questioned whether a precedent had been set for providing health insurance to prior employees and it was reported that health insurance plans have been provided to highway employees for well over 20 years.

The Town Clerk reported that there was never a question as to whether the hospital does provide access to health insurance benefits, however, the cost is determined on your position with them and that the amount being paid by this highway employee's wife is in excess of \$1,000 monthly. Supervisor Hayssen reminded the board that they approved by motion at the October meeting to pay up to, but not to exceed \$10,000 annually for health benefits for Kris Karlsen and if the cost of insurance annually exceeded this amount, Mr. Karlsen would be responsible for the balance. The town clerk reported that the Town was unable to access health insurance through the county, but was still able to get it through the Seneca County Chamber of Commerce as has been the practice in the past and enrollment paperwork for Mr. Karlsen has been completed. Supervisor Hayssen reported that membership to the Chamber is no longer required in order to access these benefits.

Mr. Saeli indicated that his Town and County tax bill will be higher this year than last based on the Preliminary budget figures. Mr. Hayssen explained that this was not due to the proposed 2012 tax rate per thousand but due to the increase in Mr. Saeli's assessment and the adjustment in his agricultural exemption. Mr. Hayssen reported that the tax levy has not been increased in the last three years and the town tax rate per thousand has decreased from \$2.51 for 2011 to \$2.04 if the proposed 2012 Preliminary budget is accepted.

Mr. Saeli who indicated that he is not in favor of the pay raises budgeted, wanted to move \$75 of the \$150 budgeted in the Justice Clerk's payroll expense line to the expense line that pays the

cleaning woman, to insure she received her pay increase of 3%. Mrs. Sipos reported that Dorothy's pay is budgeted in the building expense line and there are sufficient funds to cover her pay raise.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to close the public hearing on the 2012 budgets and Fire Districts at 7:20.

A motion by Peter McDonald, seconded by Kathy Russo and so carried to open the public hearing on proposed Local Law No. 4 for the year 2011, A Local Law To Override The Tax Levy Limit Established In General Municipal Law 3-C at 7:20.

Attorney Sipos reported that the new tax levy limit of 2% as defined by General Municipal Law 3-C applies to the whole budget and if the whole budget exceeds the 2%, Local Law No. 4 would need to be adopted. It was explained that if a special district budget such as Water District No. 3 exceeds the 2%, the board only need to adopt a resolution pursuant to subdivision 5 of General Municipal Law, Section 3-C which authorizes the Board to override the tax levy limit by resolution by a vote of sixty percent of the Town Board. The bookkeeper has prepared such a resolution if needed, once the 2012 budget is agreed upon.

A motion by Peter McDonald, seconded by Kathy Russo and so carried to close the Public Hearing on Local Law No. 4 of 2011 at 7:25.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to enter into Executive Session to review a contractual matter at 7:25 p.m.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to close the executive session at 8:00 p.m.

**Petitioners to Address the Board:** Jim Hagadorn requested that the Varick Landfill property be posted to keep trespassers/hunters from entering the property, and stated that he would be willing to post the land for the Town if needed. Mr. Sipos reported that due to liability reasons, the Town would need to post the land under their name.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to direct the Highway Department to put up posted signs around the perimeter of the Varick Landfill located on Route 96A and to have this property patrolled by local law enforcement.

**Varick Water District No. 1:** Mr. McDonald reported that Jason McCormick needs to produce a work order for the work to be completed on Russell Street. The cost quoted did not include final resurfacing.

Mrs. Karlsen questioned the board as to the procedure to be followed regarding new water services in this district. It was determined that to keep continuity in the town, new water services would be addressed as follows:

1. A water application will be obtained from the Town Clerk and returned with application fee if applicable and a Certificate of Insurance from the contractor performing the

work: Varick Water District No. 1 has no fee, Seneca Lake Water District “In District Users” has no fee, “Out of District Users” fee is \$100, Varick Water District 3 fee is \$75. NOTE: The Homeowner will be responsible for contracting of all necessary work and all associated costs will be billed directly to that Homeowner.

2. It will be the responsibility of the Homeowner/Contractor to contact the Water District’s inspector at the time of installation.

A review of the water billing will be conducted to determine water loss in this district.

**Seneca Lake Water District:** Mr. Nicholson informed the town clerk that he hasn’t replaced the bolts on the hydrants as he is still waiting for Jim Bromka to inform him which hydrants he wants them replaced on. He will contact Mr. Bromka again for direction.

**Varick Water District No. 3:** Supervisor Hayssen reported that this district is scheduled to close with Rural Development in December and presented the following resolution to be passed:

**TOWN OF VARICK  
WATER DISTRICT NO. 3  
PROJECT COMPLETION**

**WHEREAS,** the Town of Varick has substantially completed construction of the Water District No. 3; and

**WHEREAS,** the Town Board of the Town of Varick has received notice of final completion for the Water District No. 3; NOW, therefore be it

**RESOLVED,** that the Town Board of the Town of Varick accepts the Water District No. 3 as complete and authorizes final payment, subject to Rural Development approval, to the contractors; and be it further

**RESOLVED,** that the Town Board of the Town of Varick hereby states an operator appropriately licensed by New York State will be retained to oversee operation of the Water District No. 3.

I, Donna Karlsen, Town Clerk of the Town of Varick, do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Varick on November 1, 2011, by the following vote:

Motion: Peter McDonald  
Seconded: Kathy Russo

	AYE	NAY
Robert Hayssen, Supervisor	X	_____
John Saeli, Councilmember	X	_____
Kathleen Russo, Councilmember	X	_____
Peter McDonald, Councilmember	X	_____

Richard Peterson, Councilmember –Absent  
So Carried

Mrs. Karlsen also presented a letter for Supervisor Hayssen’s signature requesting to use capital project funds in the amount of \$5,038.80 as part of the “wish list” for the purchase of remote transmitters for the water meters which was signed by Supervisor Hayssen and will be returned to USDA.

It was also reported that Rural Development has approved payment of Pay Estimate 9 after several revisions and corrections made by Jason McCormick. The funds to be received in this payment includes final payment to Syracuse Constructors. After review of this Pay Estimate’s figures, and in light of the major water main break along Route 336, the board determined that no payment would be made to Syracuse Constructors until Supervisor Hayssen discussed this payment with Jason McCormick.

Mr. Hayssen reported that the first water bills went out for this district and he has concerns as to whether the meters are reading correctly with the reader that was used. He also reviewed the water bill received from the county and this is not to be paid until he discusses it with Jason McCormick.

Municipal Solutions proposed amended contract was tabled until future costs could be better defined.

**Varick Sewer District No. 1:** Mr. McDonald spoke to Butch Carroll regarding the maintenance of the generators for this district. It was noted that he needs to contact Dan Duddleston of Yaws as they are contracted to maintain this district and its equipment. Mr. McDonald will contact them to set up an annual maintenance on these generators.

Mr. Bauman has not completed any work regarding the review of the manholes for this district.

**Varick Sewer District No. 2.** It was reported that Yaws does not charge for work completed during working hours, Monday through Friday. This work is paid through their contractual agreement of \$500/month.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to reduce the O/M quarterly unit cost to \$35 and notify the Village of Waterloo of this rate change effective for the fourth quarter billing.

**Town Clerk’s Report:** A motion by Peter McDonald, seconded by John Saeli and so carried unanimously to approve the Town Clerk’s report: Supervisor: \$244.44 NYS Ag & Markets: \$23.00, NYS Environmental Conservation: \$247.56, Total Disbursements: \$515.00

Mrs. Karlsen presented a Work Place Violence procedure to be adopted which is required by NYS Department of Labor.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to adopt a Workplace Violence Prevention Policy.

The policy is as follows:

### **Work Place Violence Policy**

It is the Town of Varick's policy to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive at our agency, no agency is immune. Disruptive behavior at one time or another will affect every agency.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

Individual who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

We need your cooperation to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on agency premises, whether he or she is an agency employee or not, report it immediately to their Department Head, the Town Supervisor or the Personnel Manager. Supervisor, Department Heads and/or Personnel Manager who receive such reports should advise the Town Board regarding investigating the incident and initiating appropriate action (Please note: Threats or assaults that require immediate attention should be reported to the Sheriff's Department or New York State Troopers.

We will support all efforts made by Department Heads, the Town Supervisor or the Personnel Manager in dealing with violent, threatening, harassing, intimidating or other disruptive behavior in our workplace and will monitor whether this policy is being implemented effectively.

**Code Enforcement Report:** A written report was provided to the board for their review.

**Supervisor's Report:** A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve the Supervisor's written report.

Mrs. Sipos reminded the board that Water District No. 3 still owes the General Fund \$5,039.18 and should be paid back once Rural Development approves the funding.

The board determined that Water District No. 3 budget will exceed the 2% cap imposed by Municipal Law Section 3C so the following resolution was presented and adopted.

**Town of Varick, County of Seneca, on behalf of Special Improvement District Varick Water District No. 3**

**Whereas**, in order to meet contractual obligations and to pay bond payments and

**Whereas**, this resolution is adopted pursuant to subdivision 5 of General Municipal Law Section 3-C, which expressly authorizes the Town Board to override the tax levy limit by adoption of a resolution approved by vote of sixty percent (60%) of the Town Board, now

**Therefore Be It Resolved**, that the Town Board of the Town of Varick County of Seneca, is hereby authorized to adopt a budget for the fiscal year 2012 on behalf of Varick Water District No. 3 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, Section 3-C.

Motion: Peter McDonald  
Seconded: Kathy Russo  
So Carried Unanimously

It was determined that the proposed Local Law No. 4 of 2011 is not needed as the overall budget falls within the General Municipal Law, Section 3-C.

**2012 Budget:**

Mr. Saeli questioned what the Economic Development salary paid to the supervisor, town clerk and bookkeeper covered. It was explained that this salary covers the cost of the work completed by these positions for districts that are in the process of being formed or not yet completed and the Route 89, Yale Farm Road and Water District 3 projects were listed as examples.

A motion by John Saeli, seconded by Kathy Russo to decrease the Economic Development expense lines by 50%.

Roll Call:

Robert Hayssen: No  
Peter McDonald: No  
John Saeli: Yes  
Kathy Russo: Yes  
Richard Peterson: Absent

Motion failed

Mr. Saeli clarified with the bookkeeper that the cleaning woman would get a 3% raise.

Mr. Saeli made the motion that 3 % raises would not be budgeted for elected official in the 2012 budget. This motion died for lack of a second.

Mr. Hayssen reported that the Town of Fayette will be doing the bookkeeping and their attorney is drawing up a municipal agreement between the two towns. The proposed system will mirror what is currently being done with the Town of Romulus and all bills will be presented to this board for approval. Once the bills are approved the required funds will be vouchered from

Water District No. 3 accounts and forwarded to the Town of Fayette who will then pay the bills. Necessary employees for this district will be on the Town of Fayette's payroll and the expense for these employees will be shared by Fayette and Varick districts. All Varick Water District No. 3 income will be deposited in a Town of Varick, Water District No. 3 account to be disbursed as needed to pay bills.

Mrs. Sipos reviewed Water District 3 budget line changes pertaining to expenses and revenues as the result of this meeting and reported that the budget for this district did not change from what was originally presented.

Mr. Hayssen reported that no budget was received from South Seneca Ambulance prior to the adoption of the Preliminary Budget so no money will be budgeted for payment to them in 2012.

Mr. McDonald clarified that this board supported the services South Seneca Ambulance provided, but that it has to be financially supported by the town in a proper and legal format.

A motion by Peter McDonald, seconded by Kathy Russo and so carried to move the 2012 Preliminary Budget to include Special District Fund Budgets and Fire Protection Units and adopt them as the 2012 Budget.

Roll Call:

Robert Hayssen:	Yes
Peter McDonald:	Yes
John Saeli:	No
Kathy Russo	Yes
Richard Peterson:	Absent
So Carried	

A motion by Peter McDonald, seconded by John Saeli and so carried unanimously to approve the minutes of October 4, 2011.

**Abstract:**

The bill submitted by NYS Unemployment for Paul Conroy was questioned. Mr. Hogue, an attorney who has represented cases regarding unemployment stated that this bill should be paid to avoid late fees and if the individual you were paying for is determined to be ineligible for unemployment, the funds should be refunded by the state. Mrs. Sipos reported that she did pay this bill to avoid the late fee assessments and reminded the board that this fee was discussed at a prior board meeting and the board agreed to pay any forthcoming fees. Mr. Hogue commented on the number of unemployment cases the Unemployment office is currently handling and the review of each case may take some time. Mrs. Russo obtained information regarding Paul Conroy's eligibility for unemployment and will contact the unemployment office to find out the status of his application and the payment the town has submitted. It was agreed to approve this payment with the abstract.

A motion by John Saeli, seconded by Peter McDonald and so carried to approve Abstract No. 11, General Fund Vouchers A0011140 to A0011153 in the amount of \$5,150.95, Highway,

Vouchers DA011077 to DA01182 in the amount of \$2,707.15, Varick Sewer District No. 2, Vouchers 11038 to SSS11040 in the amount of 7,757.68, Seneca Lake Water District, Vouchers SWS11069 to SWS11076 in the amount of \$31,455.38, Varick Sewer District No. 1, Vouchers, VS111023 to VS111024 in the amount of \$79.51, Varick Water District No. 3, Vouchers VW311022 to VW311026 in the amount of \$475.22.

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

Town of Fayette	\$8,188.31
Varick General Fund	\$5,039.18

Ray Wager's office submitted a bill of \$1,500 which they indicate is the remaining amount due after a payment of \$7,000 was made in June of 2010. The board reviewed their contractual agreement to provide audit services for 2008 at a cost of \$8,500. To date \$7,495 has been paid. This amount includes a \$495 charge to meet with Carol Sipos to review books prior to beginning the 2008 and 2009 audits. The board determined that they would pay \$1,005 which is less the \$495 payment.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to pay Ray Wager's office \$1,005 as payment in full for the 2008 audit and enclose an explanation letter.

**Planning Board:** Bill Squires discussed the Verizon application and that a public hearing will be held by the Planning Board November 17. Further discussion will be held between the town attorney, the zoning board of appeals and planning board on how this matter should proceed.

Mr. Hogue praised Larry Colton's diligence as Code Enforcement Officer. The Olson's indicated that Mr. Colton was helpful regarding the codes as well.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to enter into executive session regarding a personnel matter at 9:45 p.m.

A motion by Kathy Russo, seconded by John Saeli and so carried to come out of executive session at 10:15.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to recognize Larry Colton's probationary time has expired as Code Enforcement Officer and to appoint him Code Enforcement Officer fulfill the remainder of Paul Conroy's term of office.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to adjourn the meeting at 10:30 p.m.

Respectfully submitted,

Donna Karlsen, Town Clerk