

# Varick Town Board Minutes

August 6, 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, and Kathy Russo, Town Clerk, Donna Karlsen, Highway Superintendent, Richard McCulloch, Attorney representing the Town, Steve Ricci, Planning Board Chairman, Todd Horton, Zoning Board Chairman, Jeff Hogue, South Seneca Ambulance, Jason Henderson, Reporter, Aneta Glover, and property owner, Carl Stuck. Absent: Councilman Robert Bauman and Bookkeeper Angela Testa.

**Residents To Address The Board:** Carl Stuck reported that his property located at 4524, Route 96A has always been used for commercial use and reviewed the properties history since the early 80's when the land was developed. He has currently leased the property to be used as a used car dealership and was originally told that it wasn't zoned commercial, but agricultural and he wouldn't be able to have a dealership there. After further review it was determined that a law in the Zoning Code states that vehicle sales are expressly "not permitted" in any zone other than the BPI (small business part and Institutional) zone, and they are a "conditional use" in that zone. Steve Ricci indicated that the property has always been used for commercial use prior to the new zoning code and would be grandfathered. The law prohibiting vehicle sales on the property would require a special use permit submitted to the Planning Board and then presented to the Zoning Board for final approval. There is a criteria that needs to be met, and a process to be followed which the board was in favor of and asked that both the planning and zoning boards move the process along for Mr. Stuck. Both planning board and zoning board chairmen's were present at this meeting and were willing to work together to expedite this process.

Mr. Stuck also expressed his concern on how the Code Enforcement Officer handled this situation and how he approached the man leasing the property and felt that any correspondence and conversations should have been directed to him. The board agreed that Mr. Colton is diligent when it comes to enforcing the code and Mr. Hogue indicated that he is respectful of the zoning board's decisions.

**South Seneca Ambulance:** Jason Henderson reported that their board has produced three different budgets and all three are over a 2% increase. One of the three budgets include the Town of Covert in sharing the costs, but they are still unsure if Covert will be part of the agreement at this time. He reported that they received \$174,000 from the sale of their original building. They have purchased ambulances and have the cost of the newly constructed building resulting in capital loan payments as well as increasing general costs. The proposed increased dollar amounts per unit for all three proposals are substantially higher than last year's unit amount. He is requesting that all four towns sit down with South Seneca Ambulance and decide on one budget. He also reported that they have a professional auditing firm completing 2012 audit. Mr. McDonald has agreed to represent the Town of Varick at this joint meeting, but requested that he receive a copy of the completed 2012 audit prior to this meeting for his review.

**Varick Water District No. 1:** Review of the water loss for this district was discussed and Mr. Hayssen will contact Butch Carroll and Peter will contact Jim Bromka and David Kaiser regarding this matter.

**Seneca Lake Water District:** None.

**Varick Water District No. 3:** Mr. Hayssen reported that Willy's Water used and submitted payment for 52,000 gallons of purchased water. This amount of unmetered water was deducted from the total figured amount of water loss and the new water loss amount was given to the Town of Fayette.

Steve Ricci reported that proceedings with regards to the law suit is ongoing and will continue until a viable settlement is on the table.

**Varick Water District No. 4:** Mr. Hayssen received the approved contract from DE Tarolli, Inc for his signature.

A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve DE Tarolli contract for construction of the Varick Water District No. 4 water main.

The pre-construction meeting is the next step to be taken and a date has not been set as of this meeting.

**Highway:** Mr. McCulloch reported that he is waiting for the final cost to do sealing of McGrane Road, top of Yale Farm Road to 96A, Diltz Road, North Kings Corner Road and Ogden Road, approximately 21 miles of road. It was also decided to keep his 2011 pick up for another year.

He also reported that a state police officer contact him regarding the fatality that occurred on Ogden Road during the Musselman contest. Steve Ricci asked that Mr. McCulloch get a copy of the accident report for him for his review, and reported that any claim needs to be made within 90 days.

**Code Enforcement Officer:** Mr. Colton provided a written report for June.

**Town Clerk's Report:** A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously to approve the Town Clerk's Report: Supervisor, \$406.94, NYS Ag & Markets: \$6.00, NYS Environmental Conservation: \$33.06, Total Disbursements: \$446.00.

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

**Summer Recreation Program:** Mrs. Russo reported that the program has received donations to help offset cost of bussing for field trips and equipment. She indicated that

the program has run smoothly at the Romulus Fire Department facility along with the lunch program provided through the school. It was noted that the town could not make a donation for the use of the fire hall, but a bill could be submitted by them for the use of the facility if they wish.

**Assessor:** Mrs. Karlsen received appointment paper work that needs to be submitted to the Office of Real Property Tax Services for the Assessor’s position. The appointed assessor has a six-year term of office in most cases and the next term will begin October 1, 2013 and end September 30, 2019. Mr. Haysen reported that Anne Morgan will be retiring the end of September 2013 and he has been designated by the four towns as point person to fill her vacancy. An advertisement for her position will be made across the state.

**Zoning Board:** Steve Ricci will send a copy of a “Use Variance” form to Jeff Hogue.

**Minutes:** A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve the minutes of July 2, 2013.

**Abstract:** A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to approve Abstract 8, General, Vouchers A0013-103 to A0013-108 in the amount of \$365.64, Highway, Vouchers DA013-050 to DA013-49 in the amount of \$3470.79, Varick Water 1, Vouchers VW113-011 o VW113-12 in the amount of \$5866.44, Seneca Lake Water District, SWS13-037 to SWS13-039 in the amount of \$83,415.96, Varick Water District No. 3, Vouchers VW313-015 to VW313-017 in the amount of \$4670.68, Varick Sewer District No. 1, VS113-021 to VS113-22 in the amount of \$2077.88, Varick Sewer District No. 2, SSS13-014 to SSS13-015 in the amount of \$6220.00.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to approve payment of the following bills for Varick Water District No. 4 Capital Project:

Municipal Solutions:	\$ 5,575.74
Timothy Buhl	\$12,782.40
Orrick, Herrington & Sutcliffe	\$ 4,550.00

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

Mr. Saeli presented the following directive and a motion was made:

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously for the protection of the Town of Varick against liability, any work required on either a Water Main or Sewer Main should be done by the Village of Waterloo or equivalent construction company. They have the ability to “wall up” an open pit if needed, and have the manpower to flag traffic from both directions when blocking off one lane of traffic.

For any other jobs, off the road jobs, using independent contractors, in service rates not to exceed:

Dump Truck with driver	\$80/hr.
Mini Excavator	\$80/hr.
Back-Hoe	\$80/hr.
Skid Steer	\$70/hr.
Laborer	\$25/hr.

Trucking rates will be those as set by Seneca Stone Corp for single axle or tandem axle delivery.

Stone pricing will be billed at Seneca Stone posted pricing

Price of machine per hour includes operator. Clock starts @ arrival on job-site. A work order with times of arrival & departure, machines billed and materials must be signed by representative of the Town of Varick.

Certificate of Insurance must be provided.

The board tabled discussion of the 2011 audit till the next meeting.

A motion by John Saeli, seconded by Kathy Russo and unanimously carried to adjourn the meeting at 9:45 p.m.

Respectfully Submitted,

Donna Karlsen  
Town Clerk