

May 6, 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, and Kathy Russo, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Water Operator, Jim Bromka, Attorney for the Town, Steve Ricci, Town of Fayette Supervisor, Cindy Lorenzetti, Town of Fayette Councilman, Don Mayberry, and Reporter Anita Glover. Absent were Councilman, Robert Bauman and Highway Supervisor, Richard McCulloch.

Privilege of the Floor: Fayette Supervisor Cindy Lorenzetti addressed the board regarding the placement of a Town of Fayette backhoe over the engineered connection of Varick Water District No. 4 water line to Fayette Water District No. 3 water line. She stated that her intent of the placement of this backhoe was in no way meant to hold up Varick Water District 4's project. She indicated that she had no prior information regarding this connection and although she had received a phone call from Tim Buhl, town of Varick's engineer on Tuesday to set a time on Thursday to meet prior to connection, she felt that wasn't a sufficient time frame to be part of a discussion regarding this connection, which resulted in her direction to place the Backhoe at that location.

Supervisor Hayssen addressed Mr. Bromka, who acknowledged that he works for the Town of Fayette as their Water Operator, and acting as Water Operator had requested and received information pertaining to this connection through conversations and emails with the town's engineer, Tim Buhl and Mr. Hayssen beginning in December of 2013. Mr. Hayssen also reminded Supervisor Lorenzetti that in response to her request back in the summer of 2013 he provided her with a signed copy of the agreement between the two towns for this connection at a Board of Supervisor's meeting, and she reviewed this agreement with Steve Ricci, who also represents their town. Supervisor Lorenzetti had no recollection of receiving that information at that time, but did not dispute having it. Supervisor Hayssen also reminded Jim Bromka of a conversation that was held regarding purchasing a master meter from the Town of Fayette that they were at that time not using, and waited for confirmation from Mr. Bromka which he never received resulting in another delay in the project. There were also conversations with Mr. Bromka regarding location of valves. Mr. Hayssen stated that as an employee of the Town of Fayette and working on their behalf, he thought Mr. Bromka was sharing the discussions being held and information provided to the Fayette board and was not aware of the lack of communication amongst them.

Supervisor Lorenzetti acknowledged that the placement of the Backhoe was "politically" done. She also acknowledged that as the result of the placement of the backhoe, Attorney Louis DiLorenzo a Town of Varick resident within Varick Water District No. 4 district challenged their actions, resulting in Fayette hiring an attorney to defend them at their tax payers' expense. No legal cost to the Town of Varick as the result of Mr. DiLorenzo's action was incurred.

The town of Fayette's placement of the backhoe did delay the project, but was eventually removed and as of this meeting, connection has been made and water is currently flowing through the new line.

Supervisor Lorenzetti also referenced Fayette Water District No. 5 and Varick Water District No. 3 litigation and hopes to come to an agreement regarding settlement. She reported that they are currently waiting for a number for water usage from Seneca County.

Supervisor Lorenzetti wanted to facilitate a meeting to be held with both board's council members to address open subjects. She recognized the personal conflict that she has with Supervisor Hayssen and stated that she would not attend the joint meeting and hoped that Supervisor Hayssen would do the same. Supervisor Hayssen did not agree with her, and felt that they both need to attend as they both are best informed with the history of the topics that need to be resolved. She felt her board members and Jeff Trout were equally as informed as she is. She also reported that she doesn't have a problem with anyone in Varick or this board.

Supervisor Hayssen questioned Supervisor Lorenzetti when they were going to send the \$21,000 plus owed to Seneca Lake Water District that was to be paid by February 1 that they were holding. She said this could be discussed at the joint meeting and made reference to the \$8,000 that Water District No. 3 Capital Project owes to Fayette Water District No. 5 Capital project, which was agreed to be paid when litigation had been settled.

Peter McDonald stated that each issue should be dealt with one at a time separately. To withhold payment in an unrelated issue to address another issue is counterproductive and results in a hornets nest. He also reminded Supervisor Lorenzetti that the Varick Board has been trying to set up a joint meeting with the Fayette board since January and has had no response to Varick's requests.

Different thoughts were expressed as to how to best address the outstanding issues and it was determined that Steve Ricci could facilitate the meeting and issues that wish to be discussed would be suggested by the board members and three will be chosen and an agenda with date, time and location would be set. Peter McDonald and Don Mayberry will be the contact persons for each town. It was determined that if the supervisors do not attend, and final decisions are made at this meeting by the respective town board members, the supervisors agreed to be bound by those decisions.

Highway: No report.

Varick Sewer District No. 1: Supervisor Hayssen reported that he spoke to Mary Anne Kowalski who is representing Seneca County Water And Sewer regarding the paving of Seneca Street this summer which will result in the need for risers to be installed on the man hole covers. The cost of these risers will be split with the Town of Romulus according to the percentage amount established.

Varick Sewer District No. 2: No report.

Water District No. 1: It was reported that Butch Carroll, Seneca County, installed a new meter pit, to replace an old concrete one, at the trailer park. This pit will need to be cut down as it is currently protruding above the ground. The cost of the meter pit will be the responsibility of the owner of the park and a bill should be sent once one is received from the county. A discussion was held regarding another concrete meter pit that should be replaced and billed to the owners. Mr. Bromka reported that the Town of Romulus' meter pits are in good shape.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to replace the concrete meter pits with the cost being assessed to the owner of the property.

Mr. Bromka reported that the district is currently experiencing approximately 6,000 gallons of unaccountable water loss a day.

Seneca Lake Water District: Mr. Saeli reported that he and Jim Bromka met with the director of the LDS Mormon camp regarding the installation of a water meter at their connection to the water main. The camp currently has a meter on each of their three buildings at the top of the hill, but due to an aging system it was recommended by Mr. Bromka that a meter be installed at the road. The board reviewed the history of the decision regarding the placement of the three meters and the agreement with LDS at the time of the original connection. Mr. Saeli reported that the director didn't seem to show much resistance to this request, but asked that a formal letter specifying what the town's requirements are be sent.

A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to direct Steve Ricci to draft a letter to LDS requesting they install a meter at the connection to the Seneca Lake Water District main line with engineering services provided by LDS.

Supervisor Hayssen will try to obtain a written quote from D. E. Tarolli Construction for replacement of bolts. Peter Keefer and Bob Helstrom are also interested in completing this work. Supervisor Hayssen reiterated that we want someone to come in that has experience and can complete the job in a timely manner. Discussion was held regarding specification for this job, and Supervisor Hayssen will speak to D. E. Taroli for direction on writing the specs.

Mr. Bromka reported that the meter on Kennedy Road reads higher than Jacks meter in the depot. He noted that both meters should be calibrated. It was suggested that he contact Mary Anne Kowalski, who represents Seneca County Water, to schedule a time to calibrate the meters. It was noted that although the town owns the line that runs into the depot, the county purchased the new meter located on Kennedy Road and should be responsible for its calibration. The town will take responsibility for maintaining the line, to include exercising the valves and replacing of the bolts.

Mr. Hayssen reported that an installation of a new water line was completed at the Westcott property. He reported that new connections in this district provide 3/4" meters and meter pits but because of the length of this line, this installation required a 1" meter and larger meter pit to be purchased. These items were purchased from Blair Supply and the difference in cost will be the responsibility of Mr. Westcott.

Water District No. 3: It was noted that we had received the county first quarter water and sewer billing for Varick Water and Sewer District No. 1, but did not receive billing for Water District No. 3 from them. Mr. Hayssen will contact Mary Anne Kowalski regarding this.

Water District No. 4: Supervisor Hayssen reported that there is metered water flowing through the new line paid by D. E. Tarolli and they have a majority of the lines flushed and have tested the majority of fire hydrants. Substantial Completion will not be issued until the Health Department completes their required tests which should be within the next couple weeks. Once this occurs, people will be able to connect to the system.

A discussion was held regarding operation and maintenance cost and water rates. It was suggested that the price per 1,000 gallons of water be \$1 above the \$3.10 current cost to the district. This would result in a cost of \$4.10/1,000 gallons of water as of this date. The board reviewed the operation and maintenance fees for the town's other three districts and felt that \$30 per quarter to begin with would be sufficient. A minimum water charge of \$32 for 8,000 gallons would also be assessed.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to set the following costs for Water District No. 4: \$30 quarterly operation and maintenance fee, \$1.00 mark-up on cost of water to the district, minimum water charge of \$32 based on water usage of 8,000 gallons or less.

The board reviewed the Rules & Regulations used by Seneca Lake Water District for connection to that main, and with some minor revisions found those to be acceptable to use for connections to Varick Water District No. 4.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to set the application fee for water connections to Water District No. 4 at \$75 per application.

Inspection of these newly installed lines will be done by Water Maintainer Ben Karlsen and Sewer Maintainer, Bill Kolbeck. As both of these part time employees for the town have other job commitments, it was suggested that another person be hired to fill in when these two are not available. It was suggested that James Johnson be approached to seek his interest in performing inspections as well as he is qualified to do so.

A motion by Peter McDonald, seconded by John Saeli and so carried to seek James Johnson's interest in performing inspections for Water District No. 4.

Roll Call:

Peter McDonald	Yes
John Saeli	Yes
Kathy Russo	Yes
Robert Hayssen	Abstained

So Carried

Supervisor Hayssen reported that Tim Buhl is working with John Helgren from Rural Development to obtain grant funds for the purchase of meter pits, meters and transponders that were not provided for under the original funding of this project. The board determined that these items would need to be provided by the district and funds will need to be obtained to fund the purchase of these.

Town Clerk's Report: A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to approve the Town Clerk's report: Supervisor: \$425, NYS Ag & Markets: \$31, Total Disbursements: \$456.

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

The bookkeeper presented an amendment to the 2014 budget identifying unanticipated income and expense lines.

A motion by Kathy Russo, seconded by John Saeli and so carried unanimously to approve to amend the 2014 Budget line items as follows:

Add a Revenue line to the General Fund Budget A00.2705.000 Gifts/Donations Youth Program.

Move Revenue Budget \$700 from General Fund A00.3820.000 (this code is for State Grant Revenue) to General Fund A00.275.000 – Gifts/Donations Youth Program.

Add a Revenue line to the General Fund Budget A00.2350.010 Golf Grant Youth Programs Seneca County.

Add an Expense line to the General Fund Budget A00.7310.400 Golf Grant Youth Programs Seneca County.

Add \$2,500.00 to Revenue and Expense General Fund Budget lines A00 2350.010 and A00.7310.000 Golf Grant Youth Programs Seneca County.

Add a Revenue line to the General Budget A00.3021.000 State Aid Court

Add a Expense line to the General Budget A00.1110.420 Court State Aid Expense

Add \$2,300.00 to Revenue and Expense General Fund Budget lines A00.3021.000 and A00.1110.420 State Aid Court

Add Revenue line to Seneca Lake Water District: SWS.2590.000 Permits.

Add Revenue line to General Budget A00.2350.020 Toy Supplies Youth Program Seneca County.

Add Expense line to General Budget A00.7145.410 Toy Supplies Youth Program Seneca County

Add \$525.26 to Revenue and Expense General Fund Budget lines A00.235.020 and A00.7145.410 Toy Supplies Youth Program Seneca County.

Personnel: Kathy Russo reported that information has been given to the schools regarding the Summer Recreation Program and application forms for councilors have been distributed. Michelle Andrews will continue as the director of the program.

The program received \$2,500 in grant funds from Seneca County Youth Bureau/Youth Board for the Cayuga Wellness Program and provided a Grant Recipient Agreement for the Supervisor to sign.

A motion by Kathy Russo, seconded by Peter McDonald and so carried unanimously directing Supervisor Hayssen to sign the Grant Recipient Agreement received from Seneca County Youth Bureau/Youth Board.

Assessment Board of Review: The board acknowledged Al Withers resignation from the Assessment Board of Review with regret and thanked him for his many years of service.

The board reviewed the current members of the board which represent the middle of the town and East Lake Road residents and hoped to find someone again on Route 89 to represent that side of the town. It was suggested that Bill Kaminski would be a good representative and Kathy Russo will contact him.

Code Enforcement Report: The board reviewed the February and March building report and would like an additional column be added to include the Army Core of Engineers for docks.

Edith Colton supplied a new Zoning Compliance Permit Application instruction sheet and Zoning Compliance Permit Application to put on file in the clerk's office. Anne Morgan the assessor objected to adding the line "if for agriculture, submit Proof of Exemption Form obtained from Tax Assessor". Mrs. Morgan had explained that an exemption would not be given until the structure had been built and proof of its use established.

Further discussion was also held as to the proper procedure that needs to be followed to make changes to a previously town board approved form. Mrs. Karlsen will provide Steve Ricci with copies of the previous board approved forms and the new forms currently being used by the Code Enforcement Officer for his review and recommendation.

Minutes: A motion by John Saeli, seconded by Kathy Russo and so carried unanimously to approve the minutes of April 1, 2014.

Abstract: A motion by John Saeli, seconded by Peter McDonald and so carried unanimously to approve Abstract No 5, General, Vouchers A0014-071 to A0014-80 in

the amount of \$2,777.92, Highway, Vouchers DA014-25 to DA014-30 in the amount of \$2,468.49, Varick Water District No. 1, Vouchers VW114-005 to VW114-006 in the amount of \$6,535.93, Seneca Lake Water District, Vouchers SWS14-019 to SWS14-022 in the amount of \$86,204.16, Varick Water District No. 3, Vouchers VW314-008 to VW314-0010 in the amount of \$1,053.80, Varick Sewer District No. 1, Vouchers VS114-014 to VS114-015 in the amount of \$2,077.88, Varick Sewer District No. 2, Vouchers SSS14-10 to SSS14-12 in the amount of \$7,276.49.

A motion by John Saeli, seconded by Kathy Russo and so carried to approve payment of bills for Varick Sewer District No. 4 Capital Project as follows:

Tim Buhl -1403	Invoice Number VWD-1403	\$13,757.88
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Building: A discussion was held regarding the smell of the tap water in the building. It was thought that the smell is originating from the hot water tank and that it should be replaced. Mr. Saeli will contact Bill Kolbeck to look at the system and install the new tank if necessary.

A motion by Peter McDonald, seconded by Kathy Russo and so carried unanimously to purchase a new hot water tank if necessary.

E & V Energy provided a quote to repair the oil boiler in the amount of \$2,884.90 and a cost to replace the boiler with a new oil Burderus G215 Thermostream in the total amount for equipment and labor of \$7,619.12. Mr. Saeli received permission to obtain pricing from Griffith Energy prior to any decisions being made.

Old Business, New Business and Correspondence:

Mr. Hayssen received correspondence from the Board of Elections notifying him of their intent to move the polling place to the Varick Volunteer Fire House as the election inspectors had complaints with the condition of the building. Mr. Hayssen contacted them and assured them that we were in the process replacing the furnace and a hard wired phone line would be put in place for them if necessary.

Mrs. Karlsen reported that she received an email from Margaret Li, Board of Supervisors clerk a request she had received from VP of Administration of the Western Regional OTB, Bill White asking that their sample resolution opposing Seneca Nation Owned Casinos for Western Regional OTB be presented to the town boards in Seneca County for their consideration.

**TOWN OF VARICK OPPOSE A SENECA INDIAN NATION CASINO IN THE
WESTERN NEW YORK ZONE (MONROE COUNTY)**

WHEREAS, in September 1973, eleven western New York counties and 2 cities established the Western Regional Off-Track Betting Corporation, they being Cattaraugus, Chautauqua, Erie (and the City of Buffalo), Genesee, Livingston, Monroe (and the City of Rochester), Niagara, Orleans, Seneca, Steuben, and Wayne, as enabled by state law; and

WHEREAS, these municipal "stockholders" chose to exercise that local option to form such a corporation that dictated local control by those municipalities over such gaming activities in their respective communities; and

WHEREAS, the start-up costs of this enterprise were funded solely by these initiating counties from their own treasuries of taxpayer money and represented no state money nor allowed for any state sharing of this purely local venture; and

WHEREAS, since those eleven counties voted to form Western Regional Off-Track Betting Corporation, an additional four western New York counties have joined them (Wyoming, Schuyler, Oswego, and Cayuga) in the local control of such gaming activities that has since generated over \$215 Million in operating and surcharge revenues to the taxpayers of those participating municipalities; and

WHEREAS, now, the Seneca Nation has initiated a process to locate a full gaming Casino in the Town of Henrietta located in Monroe County; and

WHEREAS, the participating municipalities of Western OTB as its shareholders have a pro-rata financial interest in the \$69 million of net equity re-invested in its 30-plus corporately-owned branch facilities and the track and casino at Batavia Downs; and

WHEREAS, with the addition of another casino located in Seneca Nation Zone in Western New York owned and operated by the Seneca Nation in the area will cause financial distress to Western Regional Off-Track Betting and to the 17 municipal stakeholders; and

WHEREAS, Western Regional Off-Track Betting has proven to be a successful Public Benefit Corporation to Seneca County; now therefore be it

RESOLVED, that the Varick Town Board opposes a fourth Seneca Indian Nation Casino in Rochester; and be it further

RESOLVED, a certified copy of this resolution be sent to the New York State Legislature, the Governor of New York, the Seneca County Federal Delegation, City of Rochester Mayor Warren, Monroe County Executive Brooks, and the Town Board of Henrietta, NY and be urged to join this Board in the opposition of any new proposed native American casino in Western New York west of Route 14.

Motion: John Saeli
Seconded: Kathy Russo
So Carried Unanimously

Mrs. Karlsen presented an updated Standard Work Day and Reporting Resolution for the board's review.

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Varick hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York state and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/End	Participates in Employer's Time Keeping System	Days/Month
Supervisor	Robert Hayssen	3	1/1/11-12/31/15	N	20
Town Clerk	Donna Karlsen	4	1/1/11-12/31/15	N	20
Dog Control	John Vincent	3	Retired	N	12
Superintendent	Richard McCulloch	4	1/1/11-12/31/15	N	20
Attorney	David Ettman	4	1/1/13-12/31/15	N	20

On this 6 day of May 2014

I Donna Karlsen, clerk of the governing board of the Town of Varick of the State of New York, do here by certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 6 day of July, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consist of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Varick.

Motion: Peter McDonald
Seconded: Kathy Russo
So Carried Unanimously

Mrs. Russo reported that Charmion Dinsmore passed away. Mrs. Dinsmore had served as the Democratic Chairman as well as the Town of Varick's Historian for many years. A sympathy card and flowers will be sent.

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

Respectfully Submitted

Donna Karlsen
Town Clerk