

April 5, 2016

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 Todd Horton, Tom Fox, Kathy Russo and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Attorney for the Town Stephen Ricci, Planning Board members, Linda Mastellar and Thomas Bjorkman, Code Enforcement Officer, Richard L. McCulloch. Absent was Highway Superintendent, Richard McCulloch.

A motion by Kathy Russo, seconded by Tom Fox and so carried unanimously to open the public hearing pertaining to amending the Varick Zoning Code Local; Law No. 2 of 2016.

Thomas Bjorkman requested the board to act on the recommended zoning code revisions. Mrs. Russo thanked the planning board for the work they did in providing these recommendations.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to close the public hearing at 7:05.

**Highway:** Supervisor Hayssen suggested selling the Ford F350 highway truck at fair market value to Seneca Lake Water District and selling the water truck through GovDeals. Highway Superintendent Richard McCulloch is to determine the fair market values of both trucks and present these figures at the May board meeting.

A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously to authorize Richard McCulloch to determine the fair market value of both the highway and water truck to report to the board at the May meeting and to contact GovDeals with the town's intent.

**Zoning Code:** A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to adopt Local Law No. 2, 2016 to amend the Zoning Code for the Town of Varick, Seneca County, New York.

**Varick Water:** Mr. Hayssen reminded the board of the motion presented and passed at the March 1<sup>st</sup> meeting as follows: A motion by Todd Horton, seconded by Thomas Fox and so carried unanimously to consider reducing the water rate 80 cents /1000 gallons of water sold to Seneca County Water District 1 users in the Romulus Water, Varick Water 1, Varick Water 3 and Fayette 5 water districts contingent on the Village of Waterloo reducing their water rate by 40 cents /1000 gallons to Seneca Lake Water District.

Mr. Hayssen reported that the Village of Waterloo was not willing to reduce their rate of water to Seneca Lake Water District which would have resulted in a reduction to Seneca County Water District No 1. Based on the above resolution, Mr. Hayssen clarified that no reduction in water rates would take place.

The board recognized their original intent of good will by reducing the water rates and their intent to help those residents in the districts who would realize a substantial increase in water cost from Seneca County Water District No. 1 as the result of poor management was a good one, it, however, may not be in the best interest of Seneca Lake Water District. The board also noted that the Town's of Romulus and Fayette in their quest to get Seneca Lake Water District to reduce their rates, did not offer any suggestions as to what cuts they were willing to make in order to help their own residents, and was reminded that Mr. Kaiser stated that it might even be necessary for them to increase their O/M cost to their Romulus district, resulting in an even larger increase to their distinct users.

Mrs. Testa and Mrs. Karlsen reviewed with the board a breakdown of figures for Seneca Lake Water District from closing of the original project to current. They reviewed the annual cost of running the district and broke down the average annual income since 1999. The board then reviewed the aging districts future maintenance requirements and necessary purchases to better understand this districts financial stability.

Mr. Hayssen suggested Seneca Lake Water District could reduce their water rate .10/1000 gallons of water to Seneca County Water District No. 1 and noted that by reducing the rate to the county district as a whole, rather than to just specific districts, will make billing much simpler. The board considered this option, but realized the savings to the residents was minimal and chose to research other options.

Mr. Hayssen reported that at a recent county board meeting, he again recommended that the billing from the county be based on consumer meters versus the county master meter. This would permit the outside districts to assess an accurate water rate. Basing the county bill off the master meter will force the outside districts to charge an estimated percentage of increase in water cost to cover water loss expense. Mr. Hayssen noted when he made this suggestion, neither supervisors from Romulus or Fayette supported this billing practice. As a result, Mr. Hayssen suggested a 15% increase above the \$6.30/1000 cost from the county and hopes this will cover the cost of water loss as well as additional costs incurred from the town's water district. Further discussion was held and it was determined to raise the rate per thousand to both Varick Water District No. 1 and Varick Water District No. 3 to \$7.00/1000 gallons of water.

**Varick Water District No. 1:** A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to raise the water rate to Varick Water District No. 1 to \$7.00/1000 gallons of water with a \$35 minimum fee based on the first 5,000 gallons of water.

**Seneca Lake Water District:** No new business.

**Varick Water District No. 3:** A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to raise the water rate to Varick Water District No. 3 to \$7.00/1000 gallons of water, with no minimum rate.

Mr. Hayssen reported that he was contacted by Bill Trout from the Town of Fayette informing him that a hydrant on Route 96, on John Saeli's property was damaged. Mrs. Karlsen reported that the hydrant was hit by a motor vehicle on Sunday, April 3 during a snow storm and the water maintainer, Ben Karlsen was notified and pulled the hydrant back to its original position as it had been pushed out into the field and shut off the water flow to the hydrant. He will repair this once the permits and the necessary replacement parts are available. Mr. Hayssen reported that the hydrant was no longer there and suggested he contact either the Town of Fayette or the Village of Waterloo to determine who took it.

Mr. Hayssen also reported that a water meter in a meter pit located in Fayette 5 water district on Route 336 froze, resulting in a large loss of water. Mr. Hayssen inspected this meter pit and spoke to the town of Fayette water maintainer, Bill Trout, as the pit was not installed according to specification which resulted in the meter freezing. Mr. Trout indicated that he did the inspection of this installation and they hit shale when installing the pit and couldn't get it any deeper. Mr. Hayssen suggested to Mr. Trout that some type of barrier needs to be put around the pit to prevent future freezing.

The board received a letter from Fayette Supervisor Cindy Lorenzetti which included a report compiled by Jason McCormick of his findings pertaining to water purchased by Willy's Water from Varick Water District No. 3. In Supervisor Lorenzetti's letter she states that Jason McCormick's findings determine that Water District No. 3, for an extended period of time, failed to document or meter any sales from the hydrant Willy's Water was drawing water from. Mrs. Karlsen reported that she spoke to the billing clerk, Amie DeCicca at Seneca County Water District No. 1 who reported that she did not speak to Jason McCormick regarding this matter, nor was the Town of Varick contacted by Jason McCormick to provide water usage reports. Ms. DeCicca confirmed that Fayette and Varick districts have only paid for water loss in the fourth quarter of 2014 since Willy's Water began purchasing water from Varick Water District No. 3. All other payments from both districts have been based on residents meter reads. The board reviewed the bookkeeping and payments to Seneca County Water District No. 1 for Willy's Water water usage from 2014, when he began purchasing water, to current and determined Jason McCormick's report is not accurate. Response to the Town of Fayette's concerns has been discussed numerous times with the involved parties and letters written. Their lack of comprehension is still apparent with the most recent correspondence dated March 16, 2016. The board determined that all efforts on their part to provide information relevant to this topic has been provided to the Fayette board as of this date and any questions or further requests from them will be referred to the town of Varick's attorney.

**Varick Water District No. 4:** A comparison of the residents first quarter billing and billing from the Town of Fayette master meter will be completed.

**Supervisor's Report:** A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve the Supervisor's report.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to Town of Varick, General Fund, SLF & SLR, Resolution No. 1.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to the Town of Varick Highway Fund, Resolutions No. 2.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to the Town of Varick Water District No. 1, Resolution No. 3.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to the Seneca Lake Water District, Resolution No. 4.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to the Seneca Lake Water District, Resolution No. 5.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to the Varick Water District No. 3, Resolution No. 6.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to Varick Water District No. 4, Resolution No. 7.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to Sewer District No. 1, Resolution No. 8.

A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Amendment to the Varick Sewer District No. 2, Resolution No. 9.

**Code Enforcement Officer:** Ricky McCulloch presented his building permit report for the board's review. He reported that he has met with both the Varick Zoning Board and Planning Board.

**Town Clerk's Report:** A motion by Richard Peterson, seconded by Tom Fox and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$175, NYS Ag. & Markets: \$12, Total Disbursements: \$187.00.

**Planning Board:** It was reported that the County Clerk's office has not responded to a letter dated November 19, 2015 by the town board and planning board regarding the Planning Board's request that no filing of plats regarding the subdivision of land in the Town of Varick be allowed unless said plats have been sealed by a duly designated officer of the Varick Planning board. This request is consistent with the Town of Varick's Subdivision regulations. Mrs. Mastellar, chairman of the Planning Board stated there are laws the County Clerk are required to follow pertaining to this issue as follows:

Town Law §279, Village Law §7-732 and General City Law §34 prohibit the filing of plats in the office of the county clerk without local planning board approval.<sup>261</sup> Real Property Law §333 prohibits the filing of individual deeds for subdivided lands without indicating on the Real Property Transfer Report Form, RP-5217, whether the lot is part of a subdivision, and, if so, whether the subdivision has been approved by the local planning board. 261. These statutes also require the county clerk to notify the planning board each time a plat has been filed within three days of filing.

Mr. Ricci, town attorney, has discussed this issue with the county clerk and feels it may require a directive from the County Attorney to the County Clerk. Mr. Ricci and Mr. Hayssen will follow up on this matter.

**Abstract:** A motion by Todd Horton, seconded by Richard Peterson and so carried unanimously to approve Abstract No. 4, General, Vouchers A0016-059 to A0016-69 in the amount of \$7,125.24, Highway, Vouchers DA016-023 to DA016-30 in the amount of \$41,973.96, Varick Water District No. 1, Voucher VW116-006 in the amount of \$25, Seneca Lake Water District, Vouchers SWS16-12 to SWS16-014 in the amount of \$75,619.40, VW316-007 to VW316-008 in the amount of \$1,398.50, Varick Water District No. 4, Vouchers VW416-010 to VW416-012 in the amount of \$1,847.68, Varick Sewer District No. 1, VS116-011 to VS116-012 in the amount of \$56.92, Varick Sewer District No. 2, SSS16-007 in the amount of \$400.00.

A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to approve payment to Jay Dutcher for legal services in the amounts of \$4,500 and \$150 for the consultant fee, with a \$2,250 bill sent to the White Deer Organization for their reimbursement of their portion of the application fee.

**Purchase of Depot Property:** Mr. Hayssen reported that Jay Dutcher is continuing to work with the town and the white deer organization pertaining to this property. Mr. Fox noted that he has had conversations with John Saeli and Phil Knapp who have expressed some reservations regarding the town obtaining ownership.

#### **Old Business, New Business & Correspondence:**

Mr. Ricci stated that he has been working with John and William Mulvey, Jr. pertaining to an easement for the sewer and water district along their property, (Once owned by the Smiths) parcel number 01-1-24.1 and the town may need to hire a surveyor.

A motion by Kathy Russo, seconded by Richard Peterson and so carried unanimously to enter into executive session pertaining to a legal issue at 8:35 p.m.

A motion by Kathy Russo, seconded by Todd Horton and so carried unanimously to come out of executive session at 8:50. A motion by Todd Horton, seconded by Kathy Russo and so carried unanimously to adjourn the meeting at 8:50.

Respectfully Submitted, Donna Karlsen