

January 2, 2019

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 Councilmen Ben Freier, Tom Fox, Eric Riegel and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa and attorney for the town, Joe Midiri. Absent: Highway Superintendent, Richard McCulloch.

**Abstract:** A motion by Ben Freier, seconded by Richard Peterson and so carried unanimously to approve Abstract No. 1, General, A0019-001 to A0019-007 in the amount of \$15,477.33, Highway, Voucher DAO19-001 in the amount of \$4,172.73, Varick Water District No. 1, Voucher VW119-001 in the amount of \$455.55, Seneca Lake Water District, Voucher SWS19-001 to SWS19-003 in the amount of \$926.27, Varick Water District No. 3, VW319-001 in the amount of \$247.12, Varick Water District No. 4, Voucher VW419-001 in the amount of \$243.98, Varick Sewer District No. 1, Voucher VS119-001 in the amount of \$191.89, Varick Sewer District No. 2, SSS19-001 in the amount of \$657.71.

**Highway:** No Report.

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

**Code:** No to report.

**Sewer District No. 1:** Nothing to report.

**Sewer District No. 2:** Nothing to report.

**Varick Water District No. 1:** Nothing to report.

**Seneca Lake Water District:** The board has requested that pricing be obtained for installation of a master meter where Seneca Lake Water District joins Seneca County Water District 1. They would also like pricing on a SKATA System to be placed on all master meters servicing the town water districts.

It was reported that the Village of Waterloo is not permitting their employees to provide water readings to any entities they service from the Village water plant. Mr. Hayssen will be meeting with the Village of Waterloo to discuss their proposed Agreement for Water Supply Services for and On the Behalf of The Town of Varick and has asked that Joe Midiri review this agreement and provide Mr. Hayssen with legal opinion prior to the meeting with the Village of Waterloo. A discussion will also be held pertaining to the access of the master meter and water reads.

Supervisor Hayssen reported that the Public Works Committee did not vote in support of paying the negotiated amount of \$122,000 for water used between of December 31, 2015 through June 30, 2017. Supervisor Hayssen has contacted Wendy Marsh at Hancock, Estabrook to seek legal direction regarding civil litigation against Seneca County. Supervisor Hayssen reported they would bill at an hourly rate of \$255. Mr. Fox questioned why the board did not use the town's

attorneys, Midey, Mirras and Ricci for said litigation. In response, Mr. Midiri indicated that their offices do not do extensive civil litigation cases. The board reviewed the history and documentation supporting the disputed amount owed to Seneca Lake Water District from Seneca County Water District No. 1 and discussed retaining the services of Hancock and Estabrook in filing a civil suit against them. Joe Midiri recommended that the board discuss the course of action recommended by this firm prior to entering into an agreement with them for legal services. It was also recommended that if the board did enter into an agreement with them that all legal fees incurred would be reimbursed by the County as part of the settlement. It was suggested that the Board of Supervisors be provided with a copy of the December 4<sup>th</sup>, 2018 Varick minutes which detailed Supervisor Cindy Lorenzetti's address to the Varick Town Board regarding her request for the reduction in water rate to Seneca County Water District No. 1 and the position she would take at the time of the vote as a member of the public works committee regarding the payment of the owed \$122,000. Supervisor Hayssen welcomed the support of the Varick Town Board through their attendance at a Seneca County Board of Supervisor's meeting to address this matter.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF VARICK, NEW YORK  
TO RETAIN THE SERVICES OF THE LAW FIRM OF HANCOCK ESTABROOK, LP**

**WHEREAS**, the Town Board of the Town of Varick, located at the Varick Town Hall, 4782 State Route 96, Romulus, New York 14541, desires to retain the services of the law firm of Hancock Estabrook, LP to represent the Town of Varick in a civil suit against the County of Seneca; and

**WHEREAS**, upon the motion of Eric Riegel and Ben Freier, who propose the Town Board retain the services of the law firm of Hancock Estabrook, LP to represent the Town of Varick in a civil suit against the County of Seneca for unpaid water bills owed by the County of Seneca to the Town of Varick, covering the period of December 31, 2015 through June 15, 2017; and

**WHEREAS**, the Town Board is also seeking reasonable attorney's fees from the County of Seneca due to the filing of a civil suit;

**NOW, THEREFORE, BE IT RESOLVED**, that the Varick Town Board of the County of Seneca, State of New York, hereby approves to retain the services of the law firm of Hancock Estabrook, LP to represent the Town of Varick in a civil suit against the County of Seneca for unpaid water bills owed by the County of Seneca to the Town of Varick, covering the period of December 31, 2015 through June 15, 2017, plus reasonable attorney's fees.

Roll Call:

Robert Hayssen: Yes  
Ben Freier: Yes  
Tom Fox: Yes  
Eric Riegel: Yes  
Richard Peterson: Yes  
So Carried Unanimously

**Varick Water District No. 3:** Nothing to report.

**Varick Water District No. 4:** Nothing to report.

**Town Clerk's Report:** A motion by Richard Peterson, seconded by Ben Freier and so carried unanimously to approve the Town Clerk's Report: Supervisor: \$350, NYS Ag & Markets; \$14, Total Disbursements; \$364.

**Personnel:** Michele Andrews submitted a written report on the 2018 Romulus/Varick Summer Recreation Program which will be filed with these minutes.

**Assessor Report:** A motion by Eric Riegel, seconded by Tom Fox and so carried unanimously to appoint Diane Colvin to the Assessment Board of Appeal with a term to expire December 31, 2023.

**Planning Board:** A motion by Eric Riegel, seconded by Ben Freier and so carried to appoint Michele Herman and Thomas Bjorkman to the Varick Town Planning Board with a term to expire December 31, 2023.

**Dog Control Officer Report:** Brian McCann submitted a written report for the period of October, November and December 2018. A copy will be filed with the official minutes.

**Minutes:** A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to approve the minutes of December 4<sup>th</sup> and December 27, 2018.

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

A motion by Richard Peterson, seconded by Eric Riegel and so carried unanimously to designate the Community Bank NA, Lyons National Bank and Five Star Bank as the approved depositories for the town.

Supervisor Hayssen appointed Ben Freier and Eric Riegel to the 2019 Auditing Committee and Tom Fox and Richard Peterson as alternates.

Attorney Joe Midiri presented a copy of the Cease and Desist letter he sent at the request of the board to the individual who was observed using high-powered rifles for target practice at the former landfill on Route 96A.

New York State Department of Environmental Conservation (DEC) and New York State Environmental Facilities Corporation (EFC) informed the town by letter that the Town of Varick's Infiltration and Inflow Study, Planning Grant: #84159 had been selected to receive up to \$30,000 from the Wastewater Infrastructure Engineering Planning and Grant (EFG) Program through the New York Clean Water State Revolving Fund. The actual amount for funding that will be received will be reflected in the grant agreement. Mr. Hayssen thought Hunt Engineering applied for this grant on the town's behalf and will follow up with them on this matter.

A motion by Ben Freier, seconded by Eric Riegel and so carried unanimously to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Donna Karlsen  
Varick Town Clerk