

April 5, 2022

The regular meeting of the Varick Town Board was opened at 7:00 p.m. by Supervisor Robert Hayssen with a moment of silence being held in memory of former Town Clerk Helen Garlick. Present at this meeting were Councilmen Richard McCulloch, Eric Riegel, and Richard Peterson, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Justice, Jeff Hogue, Highway Superintendent, Ben Freier, Attorney for the Town, Frank Fisher, Planning Board members, Linda Mastellar, Thomas Bjorkman, Cindy Lont and Zoning Board member, Susan Ottenweller. Also present were Michael Karlsen and Finger Lakes Premier Properties, Lindsay Bolton. Councilman, Tom Fox and Planning Board member, April Freier attended remotely.

Supervisor Hayssen called for a motion to open the public hearing on Local Law No. 1, A local Law to Amend the Zoning Code of the Town of Varick.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to open the Public Hearing on Local Law No. 1, A Local Law to Amend the Zoning Code of the Town of Varick.

Attorney Frank Fisher clarified that this public hearing will be held on information presented to the town board at their March 2 board meeting.

Planning Board Chair, Linda Mastellar reported that the proposed code revision was sent to Seneca County Planning Board for their review at their March meeting and they had some concerns about the specifics of the code. Most of their concerns related to ambiguity or vagueness in the language used. More specifically, they requested that we define the term Short Term Rental, give more specifics on “sufficient” parking, and clarify words such as obnoxious, offensive, and minimal (as it pertains to dog barking). In addition, they had a concern with the limit of two rental properties per family unit. The Planning board took into consideration the County Planning Board’s concerns and presented the following in response to those concerns for the town board’s consideration:

311.23 Short Term Vacation Rentals

Definition: Short-term vacation rental (STR). The rental of a house or portion thereof for a period of less than 30 nights, for which the guest compensates an owner or lessee of the dwelling, and does not meet the definition of a Bed and Breakfast or other hospitality use.

Additional conditions for the Special Use Permit that are specific to Short Term Rental (STR):
Property owners and managers are responsible for meeting the following conditions:

(A) Sufficient parking for the number of guests on the rental property must be available on site. Parking by renters and guests on the street, private roads, neighboring driveways and yards is strictly prohibited.

(B) Certification of a working septic system, if applicable, shall be provided by the applicant.

(C) Seneca County safety requirements must be met.

(D) Short-term rental owners must provide their neighbors, in writing, with contact information so that the owner or manager can be notified of, and remedy,

problems with the property or renters. Property owners are responsible for renter compliance.

(E) Any use that is obnoxious or offensive behavior (i.e. excessive noise [see Varick

Noise Ordinance] or smoke [see open fires regulations]) or creates a nuisance to the occupants and visitors of adjacent buildings or premises by reason of noise, odor, or smoke is prohibited.

(F) Noise at the property line needs to comply with the Varick Noise Ordinance.

(G) Pet owners must comply with the Varick Dog Ordinance as well as the following:

a. Dogs must not leave the property of the STR; they should be leashed if being walked in the community.

b. Dogs should not be left alone for extended periods of time especially if they bark more than 15 minutes continuously or are destructive.

(H) There shall be no open fires between 11 pm and 7 am. All fires must be attended and should not be smoky or smoldering.

(I) Renters may not use the property for any commercial uses, monetary gain, or for any large event.

(J) These renter expectations must be posted in each short-term rental property.

A property owner or entity may not have more than two officially permitted short-term rentals, directly or indirectly, within the Varick Township.

Note: All Special Uses require General Site Plan Review.

The following bullets were also introduced by Attorney Frank Fisher and Lindsay Bolton from Finger Lakes Premier Properties:

- add a grace period for existing STR owners. Perhaps using a timeframe such as application completed for a special use permit by July 1 and issued by December 31, 2022.
- Display Use Permit at the STR.
- add to item D to say that the notice must be presented as part of the permit application to the planning board and must be signed by the property owner.
- better define neighbors / adjacent properties
- define large event in item I,
- add exact name of the laws for the noise ordinance and the dog ordinance
- update the Seneca County safety requirements so that they reference the Seneca County Fire Code, Seneca County Building Code, and Seneca County Septic Code.
- Define direct or indirect ownership. Mrs. Mastellar noted that the intent of that statement was to clarify that we would not allow multiple permits to be granted to husband, wife, adult children, LLC, trust, corporation, etc. that have a common interest and asked Mr. Fisher to help with the wording on that so that it meets legal standards. The Planning Board does not want to allow corporate ownership of any of the STR's. In our opinion, that makes them a commercial operation and that is not a permitted use.

Thomas Bjorkman reported that short term rentals could currently be considered a commercial use and they are not a permitted use in the current code and could therefore be shut down. He reiterated the urgency in developing a code to address short term rentals.

Mrs. Mastellar stated that short term rentals is a major concern for the town and requires prompt attention. It is the Planning Board's objective to manage the proliferation of short-term rental in the Town of Varick while maintain the community and supporting tourism. It is their intent that this is an interim code with a final code to be developed as quickly as possible.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to close the public hearing on Local Law No. 1; A Local Law to Amend the Zoning Code of the Town of Varick at 7:20 p.m.

It was recommended that Frank Fisher redraft the proposed local law, to include items that were discussed, and it be provided to the Planning Board for their review at their next meeting to be held April 9th. Once the Planning Board reviews Mr. Fisher's draft, making changes if recommended by the Planning Board, it then be presented to the Town Board for their review. It was suggested that an emergency meeting of the Town Board could be held to review the Planning Boards redraft of this local law. Once the board is satisfied with the revised draft of Local Law No. 1 of 2022, another public hearing can be held in May on this draft.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to hold an emergency town board meeting on April 13, 2022 at 7:00 p.m. to review the redrafted copy of Local Law No. 1 of 2022; A Local Law to Amend the Zoning Code of the Town of Varick and any other business that comes before the board.

Privilege of the Floor: None.

Abstract: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve Abstract No. 4, Vouchers 86 to 114 in the amount of \$117,072.34

Highway: Ben Freier presented to the board and town attorney Frank Fisher for their review a Sale and Security Agreement from Stephenson Equipment, Inc for a Falcon 4-ton hotbox/recycler with dual diesel burner recycling package with accessories in the amount of \$53,613 and a sample of an Intermunicipal Agreement Relative To Ownership, Operation, and Maintenance of (Describe Shared Equipment). Mr. Freier reported that 5 towns and 2 villages are interested in purchasing this piece of equipment under an intermunicipal agreement. Mr. Freier feels that this piece of equipment should be able to be scheduled equitably by all the involved municipalities.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve purchase of the Falcon 4-ton hotbox/recycler with dual diesel burner recycling package with parts as listed on the Sale and Security Agreement from Stephenson Equipment, Inc, with a cost to the Town of Varick not to exceed \$10,000 contingent on Attorney Frank Fisher's approval of the Intermunicipal Agreement and signed agreements by all purchasing municipalities.

2022 Clean-Up: Mr. Freier reported that he made arrangements for dumpsters at a cost of \$225 per dumpster and will be working with Seneca Meadows to waive dumping fees as they did last year. He intends on hiring Skip Bennett to assist as needed and to set the dates and times of clean up for Wednesday and Thursday June 22nd and 23rd from 6:00 a.m. to 4:30 p.m., Friday, June 24th from 6:00 a.m. to 1:00 p.m. and Saturday, June 25 from 6:00 a.m. to 12:00 Noon.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the 2022 Clean-Up for Wednesday and Thursday June 22 and 23rd from 6:00 a.m. to 4:30 p.m., Friday, June 24th from 6:00 a.m. to 1:00 p.m. and Saturday, June 25 from 6:00 a.m. to 12:00 Noon.

Supervisor Report: Mrs. Testa reported that she is submitting the Monthly Report of Supervisor for both January and February 2022. She reviewed the different Williamson Law programming format the report is being generated under.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve the January and February 2022 Supervisor's Report.

Mrs. Testa reported that she received a 90-day cancellation fee from Harris Computer Systems for the prior Microfund and Payforce program in the total amount of \$1,640.40. It was noted that under the purchase agreement there was no mention of a 90-day cancellation requirement, but there is in small print at the bottom of their billing a note that they do require a 90-day written notice in order to cancel modules without a penalty fee and directs you to the Annual Support Guidelines. In accordance with Harris Computer Systems' corporate policy an invoice, which is 120 days after invoice due date, the License, Support & Maintenance Contracts are subject to cancellation at the sole discretion of Harris Computers. Written Notice of Termination may be sent to the town should the account not be brought to good standing. As the town is no longer using the program, the question was posed to the town attorney and board as to whether the town wait for a Written Notice of Termination and not pay the cancellation fee of \$1,640.40.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to withhold payment and direct further correspondence to the town attorney.

NYS Retirement System: Mrs. Testa and Mrs. Karlsen received training from NYSLRS pertaining to required records that need to be kept for the New York State Retirement System and presented to the board two resolutions for the board to consider:

The first resolution pertains to establishing the standard workdays for its employees and will report days worked to the New York State and Local Employees' Retirement System. The second resolution is updating the Standard Workday and Reporting Resolution for Elected and Appointed Officials which needs to be done whenever there are changes made.

Resolution 22-10

A resolution to establish the standard work day for its employees

BE IT RESOLVED, that the Town of Varick, Location Code 30022, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body and/or bookkeeper.

Title	Standard Work Day (Hrs/Day)
Account Clerk	6
Account Clerk	6
Account Clerk	6
Court Clerk	6
Court Security Officer	6
Highway Laborer	8
Cleaner	6
Water Maintainer	6
Sewer Maintainer	6
Laborer	8
Laborer	8

Moved: Eric Riegel
 Seconded: Richard McCulloch
 So Carried Unanimously

Resolution No. 22-11

Standard Workday and Reporting Resolution for Elected and Appointed Officials

Name	Title	Current Term Begins & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
<i>Elected Officials</i>							
C. Benjamin Freier	Highway Superintendent	1/1/19- 12/31/23	6	26.81		Bi- Weekly	
Richard McCulloch	Council	11/1/22- 12/31/25	6	1		Monthly	
Donna Karlsen	Town Clerk	1/1/19- 12/31/23	6	8		Monthly	
<i>Appointed Officials</i>							
Angela Testa	Bookkeeper	1/1/19- 12/31/23	6	11.6		Monthly	
Donna Brandow	Deputy Clerk	1/1/19- 12/31/23	6	4		Monthly	
Donna Karlsen	Tax Collector	1/1/22- 12/31/23	6	6.5		Monthly	

Motion: Richard McCulloch
 Seconded by: Eric Riegel
 So carried Unanimously

Maintainer Water/Sewer Report: March 2022

- Marked out Dig Safety's
- Got weekly meter reads
- Did weekly water tests for each district
- Took bac t samples in all 4 districts
- Filled out and submitted monthly water report to health department
- Data logged water usage in each district
- Answered questions dealing with each water district and sewer system
- Called in Dig Tickets for upcoming projects
- Changed meters out on Seneca Lake Water District
- Cleaned shop
- Changed Grinder Pumps out
- Retrieved Final reads as needed for closing on properties
- Rebuilt Grinder pumps
- Quoted out sewer and water taps
- Met with Burrow Brothers boring for upcoming project
- Fixed broken curb stops
- Talked with contractor about possible 2-inch connection for church in Romulus
- Tested water pressure at hydrant in Romulus
- Unloaded big delivery of parts from FW Webb
- Serviced Town truck
- Contacted Hach products confirming order of chlorine kit
- Started to list projects that need to be done this summer.

Town Clerk's Report: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the Town Clerk's Report: Supervisor; \$270, NYS Ag & Markets; \$8, Total Disbursement: \$278.

Minutes: A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the minutes of March 1, 2022.

Judge: Eric Riegel reported he examined the 2021 Varick Town Court records and based on the information provided to him, fines collected have been turned over to the proper officials of the Town as required by law and Appendix 10-Annual Checklist for Review of Justice Court Records completed. As requested by the State of New York Unified Court System a copy of said audit and board resolution acknowledging that the required examination was conducted be sent to them.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously acknowledging that the 2021 records of the Varick Town Court have been duly examined and that the fines therein collected have been turned over to the proper officials of the Town as required by law based on information provided by Court Clerk Courtney Andrew and Judge Jeffrey Hogue and Appendix 10-Annual Checklist for Review of Justice Court Records completed.

Roll Call:

Robert Hayssen: Yes

Richard McCulloch: Yes
Eric Riegel: Yes
Richard Peterson: Yes
Tom Fox: Yes
So Carried Unanimously

Planning Board: It was reported that a set of plans with a special use application for the Planning Board was found in the breezeway on this date for Mark Lin and was turned over to the Planning Board. It was noted that there was no application fee submitted and until one is, the application will not be accepted. Supervisor Hayssen stated that due to the complexity of this permit, Attorney Wendy Marsh could be retained, and suggested all costs related to her services be expensed to the applicant. Frank Fisher will research the necessary steps and provide the necessary paperwork for the board to act on.

Linda Mastellar also reported that Varick Winery is looking at doing a major subdivision and will provide information to the town clerk to publicize a public hearing.

Old Business, New Business, Correspondence:

Mrs. Karlsen read a note received from Attorney Joe Midiri in appreciation of the get-well card sent to him.

Supervisor Hayssen reported that Joe Midiri responded to an email he sent him regarding the poor condition of Victoria Hudson's property and asked him to continue to follow up on this as he had previously been in contact with her regarding this matter. Mr. Midiri responded that he received a call from Victoria Hudson on this date who stated she is a disabled US Veteran. Mr. Midiri stressed how important it is for her to clean up the property as soon as possible and suggested that the local fire department may use the property for a fire drill. She asked that photographs of the property be sent to her. Mr. Hayssen took pictures and provided them to Mr. Midiri to be forwarded.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to enter executive session at 8:25 p.m. to address pending litigation and employment history and requested the town clerk and judge to remain in attendance.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to come out of executive session at 9:50 p.m.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 9:50 p.m.

Respectively Submitted

Donna Karlsen
Varick Town Clerk