

December 6, 2022

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 Richard McCulloch, Eric Riegel, Town Clerk, Donna Karlsen, Bookkeeper, Angela Testa, Highway Superintendent, Ben Freier, Attorney for the Town, Frank Fisher, Assessor, Anne Morgan, Planning Board members, Linda Mastellar, Thomas Bjorkman, and Cindy Lont. Absent: Councilmen Tom Fox and Richard Peterson

**Privilege of the Floor:** None.

**Abstract:** A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to approve Abstract 12, Vouchers 352 to 380 in the amount of \$40,487.77.

**Highway:** Ben Freier explained that the highway department employees work four ten-hour days, Monday through Thursday, equaling a 40-hour work week. Mrs. Testa reported that her understanding of the town's policy is based on 8 hours of holiday pay, which requires full time highway employees to use 2 hours of vacation time to receive their full day's pay of 10 hours per day. Mr. Freier reported that Seneca County Highway Department also works ten-hour days, and this issue was discussed and resolved by the Seneca County Board of Supervisors agreeing to pay their employees for the ten hours for holiday pay. Mrs. Testa indicated that the highway department employees were previously paid ten hours, but when changing bookkeeping programs, instead of entering a number of "days" it required a number of "hours" be entered which resulted in her putting 8-hour days to represent both the highway and water/sewer departments. The board recognized the water and sewer department work five days a week, eight hours a day which results in their employees losing approximately 24 hours of paid holiday time over the year. After some discussion the board acknowledged that the county has adopted the payment of ten-hour holiday pay and the water/sewer department employees can choose to work ten-hour days, making them eligible for the extra hours of pay as well.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to amend the Holiday policy to read Full Time employees who work four ten-hour days totaling a 40-hour work week would be paid for ten hours/per day of holiday pay. Full-time employees that work five eight-hour days totaling a 40-hour work week will be paid for eight hours/per day of holiday pay.

**Judge's Report:** Eric Riegel will schedule a time with the court clerk to audit the court books. The board approved and directed Supervisor Hassen to sign the Independent Contractor Service Proposal Agreement between Champion Security Services Inc., and Varick Town Court.

**Supervisor/Bookkeeper Report:** A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the bookkeeper's written October 2022 report.

Mr. Hayssen recognized the STR committee's efforts and hours they have spent developing the code and application forms to expedite regulations pertaining to Short Term Rentals. He sought approval to compensate these members with a stipend of \$500 each. This stipend will be paid in January of 2023, funded by the STR application fees.

Amotion by Eric Rigel, seconded by Richard McCulloch and so carried unanimously to approve payment of \$500 each to Linda Mastellar, Cindy Lont, Susan Ottenweller, and Lauren Burling for their time spent developing zoning code regulations and forms pertaining to short term rentals in the Town of Varick to be distributed in January 2023.

**Water Operator's Report: November 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
- Fixed broken curb stops in Var 1
- Ordered parts as needed for upcoming jobs
- Serviced Town Truck
- Connected inlet and outlet in sewer Vault at pump station
- Found hydrant that has been leaking due to broken stem on Teall beach
- Exercised all mainline valves on East Lake Rd
- Serviced hydrants in Seneca Lake Water and Var Water District No. 3
- Shut water services off as needed
- Painted and repaired all stakes for each mainline valve in Seneca Lake Water
- Noticed water usage up in Varick 1 located and isolated main leak

Attorney Frank Fisher stated that town of Varick residents outside of the established water and sewer districts can legally be assessed a unit fee representing the debt service on their town and county tax bills and can be billed directly for these services if they provide a copy of the easement permitting them to run their access lines through adjoining properties to receive these services. It was noted that currently Patsy Cool and Knapp Winery fall under this category and will be billed accordingly. It was also noted that Mike Crowe had requested permission to connect his outside of district residence and it was noted that this can be done if he has an easement from the property owner his service line will be running through.

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

**Seneca Lake Water District:** Nothing further to report

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

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

**Varick Sewer District No. 1:** The sewer department added additional risers to sewer manholes on the Varick side of Seneca Street after the county paved it. The Town of Romulus sewer department chose not to add additional risers to their side of the street.

**Varick Sewer District No. 2:** It was reported that a sewer pipe was installed to bypass the temporary holding tank that was installed when the main tank was getting repaired. The temporary tank was connected to the main tank, but due to the hardening of grease and other chemicals being put through the sewer system, it was causing the disruption of flow into the main tank.

**Varick Town Clerk:** A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to approve the Town Clerk's report: Supervisor: \$3,657.50, NYS Ag & Markets: \$7.00, State Health Department: \$22.50, Total Disbursements: \$3,687.

**Personnel:** No report.

**Code Enforcement:** No report.

**Assessor:** Mrs. Morgan reported that their office is catching up on deeds and field work. She has also been working on Industrial Development Agency pertaining to the Hillside property now owned by Deer Haven regarding the expired PILOT programs and the ones due to expire in 2023. She also reported that there will be seats add to the IDA board to address this issue.

**Zoning Board:** Nothing to report.

**Planning Board:** Mr. Bjorkman presented to the board further suggested revisions to the Varick Zoning Regulations to Article VIII-Violations to 801. Enforcements and 802 Penalties. Attorney Frank Fisher reviewed the proposed revisions submitted at the November board meeting and recommend the following:

1. In Sec. 107, under "Agricultural Business", delete "currently that requires". Currency is whatever the law says at the time.
2. As discussed, terms such as "single family" are defined and accepted in New York State Law, see for example Sec. 4(6) New York State Multiple Dwellings Law and the Appellate Division decision in Sticks and Stones, LLC v. Zoning Board of Appeals, 207 AD3d 855 (2022). I suggest not departing from the established term and definition.
3. Under the definition of Salvage Yard, if the term "second hand" is to be removed, the preceding reference to being "as defined in Sec. 136 GML" must be removed. Again, would suggest staying with the State definition.
4. I believe that under the definition of Short-Term Rental, the word "if" may have been omitted in the second to last line.
5. There appear to be redundant verbiage in the definition of Structure.
6. Under Sec. 203.1, not necessary to add the word "other"
7. In Sec. 309.4, change "is those" to "is that" (singular)
8. In Sec. 315.2, "cannot be issued" should be "shall not be issued".

9. I believe that replacements of “his” and “he” in Sec. 402 and after should either be singular or can simply be replaced with “the Officer” if the term Code Officer has preceded it.

He emphasized the need for the town board to fully understand the policy changes represented by this proposal and advised that if there are questions as to the effects of any the these changes the board will vote on, this would be the time to resolve them.

The Planning Board will review and make the suggested revisions as presented by Attorney Fisher. The Planning Board will prepare a short form SEQR and negative declaration with the assistance of Seneca County Planning Board Chair, Harriette Hanes and Frank Fisher if necessary. A copy of proposed revised Varick Zoning Code will be presented to Harriette Hanes for her comment and scheduling for the County Planning Board’s review in January.

Mr. Fisher reported that an introductory resolution will be presented to the Town Board for approval on the revised Zoning Code at the January meeting for the board’s consideration.

Mrs. Mastellar reported that she and Mr. Bjorkman will be discussing major subdivisions with Attorney Wendy Marsh.

The planning board will be holding their first set of public hearing on STR applications December 15<sup>th</sup> at 7:00 p.m.

The town board received a letter of resignation from April Freier from the Planning Board effective the first of the year. Mrs. Mastellar contacted Seth Brandow to fill the vacancy created by April Freier’s resignation and stated he would be a great asset to the board, and he is considering the appointment.

A motion by Richard McCulloch, seconded by Eric Riegel and so carried unanimously to offer Seth Brandow a position on the Planning Board to start a new term of five years beginning January 1, 2023.

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

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

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to hold a year end meeting on December 28<sup>th</sup>, 2022, at 10:00 a.m. to pay year end bills and address any other business that comes before the board.

A motion by Eric Riegel, seconded by Richard McCulloch and so carried unanimously to adjourn the meeting at 8:00 p.m.

Respectfully Submitted:

Donna Karlsen, Town Clerk