

REGULAR MEETING – ATHENS TOWN BOARD – April 3, 2017

The regular meeting of the Athens Town Board was called to order by Supervisor Robert F. Butler, Jr. on April 3, 2017, at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The following people were present: Supervisor Butler; Councilwoman Mary H. Brandow; Councilman Michael Ragaini; Councilman Anthony Paluch Councilman Richard Surrano, Jr.; Highway Superintendent John J. Farrell and Town Clerk Linda M. Stacey.

These people were also present: Attorney Virginia Benedict; Bookkeeper/ Budget Officer Michael Strenka; Assessor Carol McBride; Rev. Renee' Meryman; Theresa Cardinale; Justice Constance Pazin; Justice James H. Robinson, Jr.; Marcia Puorro and Vee Carl.

The following bills were audited by the Board and ordered paid:

General Abstract #6, vouchers #237 through #259 inclusive for \$47,095.01.

Highway Abstract #6, vouchers #62 through #68 inclusive for \$2,157.33.

Assessor Carol J. McBride report that the conference for the Sleepy hollow Common Areas is scheduled for April 24<sup>th</sup>.

She informed the Board that the NYS Assembly has passed a total repeal of the Star Check Program. This same Bill has been introduced at the Senate.

There were 70 informal hearings held at the Firehouse.

The Board of Assessment Review training will be held on April 26<sup>th</sup> at 6:00-8:00 p.m. at Greene County Real Property Tax Services on the 4<sup>th</sup> floor.

Grievance Day is scheduled for the 4<sup>th</sup> Tuesday in May, (May 23, 2017). Hearings will be held in the Town Clerk's Office from 1:00- 5:00 p.m. and 6:00-8:00 p.m.

John Farrell Highway Superintendent reported on the Leeds Athens Road issue. Mr. Farrell stated that the dump trucks are leaving wet muddy dirt all over the road making it a hazard for drivers. The person doing the dumping still does not have a permit. He started this project in February of 2017. He plans on going to the sheriff in the morning.

He also reported that they have started their summer hours.

Bookkeeper/Budget Officer Michael Strenka reported that he has a couple of resolutions coming up that he will looking to our attorney for legal advice, when writing them up.

Assessor McBride reached out to North Greenbush to get information on their IDA and Mr. Strenka volunteered to reach out to Jim Chewins, of Catskill to get information on their IDA. Mr. Strenka reviewed the Supervisor's Report with the Board.

Councilman Richard M. Surrano, Jr. made a motion seconded by Councilwoman Mary H. Brandow to approve the Supervisor's March Report as presented. Ayes-5(Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

The Honorable Town Justices Constance Pazin and James H. Robinson, Jr. and Court Clerks Marcia R. Puorro and Vee Carl, came before the Board for the annual auditing of the Court Books.

Court Clerk Marcia Puorro handed out copies of the report to Board members so they could follow along.

The following is a short summary of what she reported:

Mail received in Court Office for 2016	5,080
Tickets Received in Court Office for 2016	1,970
Number of Faxes Sent & Received	4,004

Court Summary continued.

Small Claims & Evictions	Total 36	(Pazin 23 Robinson 13)
Criminal Cases Received	Total 113	(Pazin 70 Robinson 43)
DWI Cases Received	Total 23	(Pazin 10 Robinson 13)
Unlicensed Operator Cases	Total 29	(Pazin 29 Robinson 11)

Total amount of money collected for 2016 was \$421,113.00.

Amount sent to NYS \$235,911.00.

Total amount to Town \$168,930.00.

Amount collected on Village ordinances \$95.00

Discussion followed on the short-term residential rentals law.

**On the motion of Councilman Richard M. Surrano, Jr.**, seconded by Councilman Michael Ragaini the following **RESOLUTION # 2017-18** to adopt the **Short-Term Residential Law** as written, was adopted:

**WHEREAS**, short-term residential rental activities constitute a business which impacts the public health, safety, and general welfare of the residents of the Town; and

**WHEREAS**, short-term residential rentals provides a community benefit by expanding the number and type of Lodging facilities available, which attracts visitors and contributes to the local economy; and

**WHEREAS**, citizens have experienced disturbances and public expense resulting from carelessly granted and inadequately supervised short-term residential units;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Athens adopts the “Local Law Creating Chapter 147 the Code of the Town of Athens to Regulate Short-Term Residential Rentals” as provided in the annexed Local Law.

**Ayes-3** (Butler; Ragaini; Surrano) **Noes-2**(Brandow; Paluch) **Absent-0** **Abstentions-0**

LOCAL LAW NO. 1 of the Year 2017  
A LOCAL LAW CREATING CHAPTER 147 OF  
THE CODE OF THE TOWN OF ATHENS  
TO REGULATE SHORT-TERM RESIDENTIAL RENTALS

BE IT ENACTED by the Town Board of the Town of Athens as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: “Short-Term Residential Rentals Law of the Town of Athens.”

SECTION 2. AUTHORITY.

This Local Law is authorized by the municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

SECTION . PURPOSE AND INTENT.

The Town Board of the Town of Athens finds that short-term residential rental activities constitute a business which impacts the public health, safety, and general welfare of the residents of the Town. Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available, which attracts visitors and contributes to the local economy. However citizens, citizens have experienced disturbances and public expense resulting from carelessly granted and inadequately supervised short-term residential rentals. The purpose of this chapter is to establish specific requirements and standards governing short-term residential rental activities designed to:

- a) Preserve the peace and tranquility of the community for its permanent residents and curb and discourage the disturbances arising from the irresponsible short-term residential rentals;
- b) Protect the character and stability of residential areas;
- c) Correct and prevent housing conditions that are likely to adversely affect the health, safety, and general welfare of persons occupying such short-term residential rentals and other residents of the Town ; and
- d) Preserve property values.

This chapter is not intended to regulate appropriately licensed hotels, motels, resorts, bed-and-breakfast inns, or residential units rented on a month-to-month or annual basis, pursuant to a valid lease agreement.

SECTION 4. AMENDMENTS TO CODE OF THE TOWN OF ATHENS, CHAPTER 147.

The Code of the Town of Athens is hereby amended by inserting a new Chapter 147, entitled “Short-Term Residential Rentals Law.” To read as follows:

CHAPTER 147. SHORT-TERM RESIDENTIAL RENTALS LAW OF THE TOWN OF ATHENS.

§147-1. Definitions,

As used in this Chapter, the following terms shall have the meanings indicated:

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### AGENT

A person eighteen (18) years of age or older or entity designated by owner on the registry form who, by such owner designation, shall have the authority to make decisions regarding the management and maintenance of any and all rental units owned by the owner and located within the Town.

### BEDROOM

Shall be subject to the requirements of and be defined in accordance with the Uniform Code or the Town Code, whichever is more restrictive.

### CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of Athens or such other person appointed by the Town Board to enforce the provisions of this chapter.

### COUNTY

Greene County, New York.

### LOCAL CONTACT PERSON

A person eighteen (18) years of age or older designated by the owner on the registry form who, by such owner designation, shall have the authority to make decisions regarding the management and maintenance of any and all rental units owned by the owner and located within the Town. The local contact person must reside in the county and be available to respond to questions and concerns from neighbors and occupants of the rental unit and/or their guests.

### OCCUPANT

Shall be defined as set forth in the Uniform Code or the Town Code, whichever is more restrictive.

### OWNER

Person(s) or entity(ies) that holds legal and/or equitable title to the rental unit.

### PROPERTY

A residential legal lot of record on which a rental unit is located.

### RENTAL REGISTRATION CERTIFICATE

The annual certificate issued by the Town Clerk on receipt of an owner's completed registration form and payment of fee, pursuant to this chapter.

### RENTAL UNIT

A building (as described in Town Code §180-3). Including but not limited to a cottage, cabin, camp, single-family dwelling, two-family dwelling, multi-family dwelling or dwelling unit, or any portion of such building, used for the purpose of a short-term residential rental. Appropriately licensed hotels, motels, resorts, and bed-and-breakfast inns are explicitly excluded from this definition.

### RESPONSIBLE PERSON

An occupant of a rental unit required to be at least eighteen (18) years of age and who shall be legally responsible for compliance by all occupants of the rental unit and/or their guests with all provisions of this chapter and/or the Town Code.

### SHORT-TERM RESIDENTIAL RENTAL

Use of a rental unit by fee-paying guests for the purpose of overnight lodging for a period of eight (8) consecutive days or less, other than ongoing month-to-month or annual tenancy pursuant to a valid lease agreement.

### TOWN CLERK

The Clerk of the Town of Athens.

### TOWN CODE

Code of the Town of Athens.

### UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, as amended.

### §147-2. Rental Unit Registration

- A. No owner of a rental unit shall allow to be occupied, or rent to another for occupancy, any rental unit unless the owner has first registered such unit with the Town Clerk in accordance with this chapter and received a rental registration certificate.
- B. Within sixty (60) days after the effective date of this chapter, the owner of each rental unit existing on such effective date shall file with the Town Clerk a registry form. The owner of each rental unit constructed after the effective date of this chapter shall file with the Town Clerk a registry form as herein provided prior to any initial occupancy.
- C. The following information must be provided to the Town Clerk in order to register a rental unit and receive a rental registration certificate:
  1. The name, principal residence address, telephone number, and e-mail address of each owner of record of the rental unit;
    - i. If the owner's principal residence is not located within the county, the owner must delegate an agent who resides in the county or local contact person whom the owner authorizes to make decisions regarding the management and maintenance of the rental unit and upon whom service of legal process and all notices may be served or delivered.
  2. If applicable, the name, principal residence address, telephone Number, and e-mail address of the local contact person for the owner of the rental unit.

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3. If applicable, the name principal residence address, telephone Number, and e-mail address of the agent for the owner of the rental unit.
4. The Street number of the rental unit.
5. The number of bedrooms of the rental unit:
6. The maximum number of overnight occupants and maximum number of daytime occupants;
7. Acknowledgement that all designated bedrooms meet the requirements of the Town Code; and
8. Acknowledgement that the local contact person and agent, if any, and owner have read all regulations pertaining to the operation of a short-term residential rental.

§147-3. Term

A rental registration certificate issued pursuant to this chapter shall expire one (1) year after the date of issuance, unless sooner revoked. Renewal of the rental registration certificate is due thirty (30) days prior to its expiration and requires payment of the annual fee. If applicable, any change of address, local contact person, agent, or any other registration information shall be submitted at the time of renewal.

§147-4. Fee

An annual registration fee, in an amount to be established by resolution of the Town Board shall be no greater than necessary to defer the cost incurred by the Town in administering the provisions of this chapter, shall be paid by the owner at the time of filing a rental registration certificate for each rental unit being registered.

§147-5. Operational Requirements and Standard Conditions.

- A. Each owner is required to maintain rental units in a manner so as to not violate the provisions of the town Code or the Uniform Code, and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such rental unit.
- B. The owner shall use reasonably prudent business practices to ensure that the rental unit complies all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
- C. The owner shall limit overnight occupancy of the rental unit and property to a specific number of occupants, with the maximum number of overnight occupants as two (2) persons within each rental unit plus an amount not to exceed two (2) persons per bedroom within each rental unit. The owner shall also limit the total daytime occupancy of the rental unit and property to a specific number of occupants. There shall be no more than one (1) vehicle per two occupants. The following chart is provided as an example of how this section would be applied to specific situations.

Number of bedrooms	Total overnight Occupants	Additional Daytime Occupants	Total Daytime Occupants
0-Studio	2	2	4
1	4	4	8
2	6	6	12
3	8	8	16
4	10	10	20
5	12	12	24
6	14	14	28
7	16	16	32

- D. During the short-term residential rental, the owner, his or her agent. And/or the local contact person designated by the owner shall be available at all times for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the rental units and must respond in a timely manner when notified that occupants are violating laws regarding their occupancy in order to prevent reoccurrence. Failure of the owner, his or her agent, and/or the local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants of the rental unit in a timely and appropriate manner is grounds for imposition of penalties as set forth in this chapter. It is not intended that the owner, his or her agent, and/or the local contact person act as a peace officer or place himself or herself in a dangerous situation.
- E. The owner shall use reasonably prudent business practices to ensure that the occupants and/or guests of the rentals unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provision of the Town Code or any state law.
- F. For each short-term residential rental, prior to occupancy of a rental unit, the owner or owner’s agent shall obtain the name and address of the responsible person. The owner or owner’s agent shall maintain this information for one (1) year and have it readily available on request of any officer of the Town responsible for the enforcement of this chapter.
- G. The owner of the rental unit shall post a copy of the rental registration certificate and a copy of this chapter of the Town Code in a conspicuous place within the rental unit and shall provide each responsible person with the following information prior to occupancy of the unit:
  1. The name of the agent and local contact person, is any, and owner of the unit with a telephone number at which that party can be reached on a twenty-four (24) hour basis.

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2. The Maximum number of overnight occupants permitted to stay in each rental unit, and maximum number of daytime occupants allowed in the rental unit and on the property;
3. Notification that failure to conform to then occupancy requirements of the rental unit is a violation of this chapter;
4. The trash pickup day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property;
5. Applicable rules and regulations pertaining to parking;
6. Applicable rules and regulations pertaining to dogs; and
7. Notification that the responsible person may be cited or fined by the Town and/or immediately evicted by the owner pursuant to state law, in addition to any other remedies available at law, for creating a disturbance or for violating any provision of this chapter.

11. The Code Enforcement Officer shall have the authority to impose additional standard conditions applicable to all rental units, as necessary, to achieve the objectives of this law. A list of all such additional standard conditions shall be maintained and on file in the Office of the Town Clerk.

### §147-6. Advertising.

All advertising, including advertising on reservation websites, for a short-term residential rental shall include the following:

- A. The Maximum number of overnight occupants permitted to stay in each rental unit, and maximum number of daytime occupants allowed in the rental unit and on the property;
- B. Notification that occupants and/or their guests are required to comply with the Town Code; and
- C. Summary of the general rules of conduct, including statement that the Town of Athens is a residential community and any unreasonable noise or disturbances, disorderly conduct, or violations of the Town Code will not be tolerated and may result in citation, fines, and/or eviction from the rental unit.

### §147-7 Violations and Penalties.

- A. **Criminal Prosecution.** Any person who uses, or allows the use of, property in violation of the provisions of this chapter may be issued an appearance ticket pursuant to chapter 4 of the Town Code. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six (6) months or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (1,000.00) or imprisonment for a period not to exceed six (6) months, or both. Each week's continued violation shall constitute a separate and additional violation.
- B. **Suspension or Revocation of Rental Registration Certificate.** Upon three (3) violations in any twenty-four (24) month period, the Code Enforcement Officer may suspend or revoke the rental registration certificate for a rental unit. Suspension or revocation may, in the Code Enforcement Officer's discretion, result in an owner being ineligible to apply for a rental registration certificate for up to twelve (12) months.
- C. **Operating without Valid Rental Registration Certificate.** Operating a rental unit without a valid rental registration certificate is prohibited. Evidence of operation may include guest testimony, either oral, written, or on rental websites; rental agreements; receipts; advertising; or any other evidence deemed relevant by the Code Enforcement Officer. Operating without a valid rental registration certificate may, in the Code Enforcement Officer's discretion, result in an owner being ineligible to apply for such certificate for up to twelve (12) months.
- D. **Civil Remedies.** In the event an owner fails or refuses to correct a violation under this chapter, the Town may commence a civil action, request injunctive relief against the violation, and seek money damages to compensate the Town for the Costs it has and will incur because of the violation including reasonable attorney's fees expended by the Town.
- E. **Other Remedies.** The remedies provided for in this section are in addition to, and no in lieu of, all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation of the Town Code or other public nuisance.

### **SECTION 4. SEVERABILITY.**

If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to said clause, sentence, paragraph, section or part of the Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such order or judgment shall be rendered.

### **SECTION 5. EFFECTIVE DATE.**

This Local Law shall take effect immediately upon its filing with the New York State Secretary of State.

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The Board held a discussion on the Solar Law. Looking to use mixed use, commercial light industrial I, and light industrial II. They will be moving ahead as it is written. This has to go to the County first, before public hearing.

Conditional Permits for Planning Board: Attorney Benedict drew up additional paperwork for the planning Board whereby they can issue someone a conditional permit if they have some of their paperwork, or their DOT permit.

This way they don't have to keep coming back month after month to get everything together.

Councilman Anthony Paluch made a motion seconded by Councilman Richard M. Surrano, Jr. to approve the Town Clerk's Report as presented. Ayes-5(Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Councilman Michael Ragaini made a motion seconded by Councilman Anthony Paluch to approve the minutes of March 20, 2017 as corrected. Ayes-5(Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

The Board discussed business development. They talked about establishing and helping businesses get started up.

They want to see what other Towns do, and to reach out to companies.

Supervisor Butler reported that he and John Farrell met with the engineers the other day, and changed a few things.

They should have a new set of plans and net set of bids, with cost attached, as a couple of things were added.

The Highway Department is doing most all of the site work.

We will be putting the foundation out to bid soon.

Clean Up day is scheduled for April 22, 2017 behind the Village firehouse, from 8:30am to 12:30 pm. This is a joint venture between the Village and the Town.

Other correspondence: Greene County SPROUTS: ST. Festival: and Food Pantry all asks for donations.

Discussion followed on Building Committee and new Town Building.

As there was no further business to come before the meeting, a motion to adjourn was made by Councilman Anthony Paluch seconded by Richard M. Surrano, Jr. Ayes-5(Butler; Brandow; Ragaini; Paluch; Surrano) Noes-0 Absent-0 Abstentions-0

Meeting adjourned at 8:45 p.m.