

## December 5, 2023

### Town Board Meeting

In Attendance: Mark Smith – Town Supervisor                      Justin Gonyo – Councilman  
Arnold Stevens – Councilman    Jean Comstock – Town Clerk

1. Pledge of Allegiance led by Town Clerk
2. Call to Order the Public Hearing for Local Law #4-2023 at 7:02PM. There were a lot of comments – please refer to the Recording for specific questions and concerns.
  - Supervisor Smith – workshop done a few months ago, got a lawyer to stream-line it; STR will require a permit, valid for 3-years (\$300/3 years); in the agreement it's pretty straight forward, all need to sign and be notarized; non-refundable fee for application, copy of deed, County collecting occ tax, fire prevention and building codes within 90 days – all up to code; site plan with Town (not professionally done); all owners, local contact person; rules & regulations provided to renters; safe operating instructions (i.e. woodstoves, fire places, etc.); smoke detectors, Town's parking, quiet hours (if established by Town); 911 house number visible from street; basic outline of the local law; non-compliance, violations will be given to owner with 7 days; must be completed within 20 days; ZBA can moderate if owner doesn't agree; non-compliance, permit revoked; penalties, etc. Open to the public;
  - Paul Heid – 200.00 per violation from State is more reasonable than what the STR agreement is stating;
  - Jim Williams – looked at the purpose – through the eyes of a neighbor, through the eyes of an owner, through the eyes of an elected Board Member. How are we assuring that this agreement is adhered to? Parking is a concern; it's 12:00 on a Friday night, there are 25 people partying in a home designated for 10 people; by the time the ZEO gets the complaint, 20-30 days have come and gone, not preserving the ambiance of the community; what does the homeowner get from his investment after following all the rules, regulations, fees, etc.? As a Board Member – I understand the reason, I don't see this as complete; this can't be finished; the new Board will need to work on this and put things in place; do it right the first time, don't go back and fix it. If there's a need to pass this quickly then we pass it, we'll fix it; Supervisor Smith – if you had come to me sooner with concerns we could have made some changes; Mr. Williams – having a Public Hearing and a Vote in the same night doesn't seem right; Supervisor Smith – this could also be tabled until another night.
  - Bob Nettle – I look over the room here and I think I'm in a community in Yonkers; this is a ski town, people come here to ski; if you're going to make a bunch of rules, you better limit it to the business district; Warren County will not be coming to my house to tell me I can't rent my house and make all these rules and regulations; I've dealt with Warren County and I won't deal with them again; getting a bunch of bureaucrats up to check your house is ridiculous; we don't need rules and regulations up here; if we're going to make all these rules you might as well quit plowing the roads at the Glen Bridge and send them to Thurman; put the laws in place for the Business District here in North Creek; need to learn to live and thrive in a Ski Town;
  - Chris Ogden – Austin Pond Road homeowner; own an AirBnB; income rentals cover costs; I have a list of questions and concerns (attached to Minutes)
  - Erwin Morris – if the current numbers are correct; substantially larger amount of money – the dog is chasing their own tail; how will this be enforced? The County tried in 2018? Where are we today? I don't think it can be, but if you feel differently; have any of you met with Christine Norton, the new Treasurer; Supervisor Smith – yes I have about the sales tax portion; you're right there is a lot of money; I don't think this will accomplish the goal we're looking for.
  - Kelly Nettle – I haven't seen this law, I don't have any property to rent; it seems like it needs more study before it's voted in; let's move into a community workshop, however long it takes to mold something that works for us. Laurie – we did have workshops, it was well attended and had their

support and positive; we didn't follow other models, we did something more moderate; 40 people that own rentals attended the workshop and supported us; Kelly – that's great, it just needs more;

- Bruce Dunkley – I picked up a copy of the Law last week and I did not approach you with questions; I think this is a very interesting situation; exempting employee housing? Laurie – done in every Town Ordinance; it's very common in the 20 different ordinances; it's a 30 day or less rental; employee housing is typically more than 30 days; Amy – Elderwood would change out their employees every 30 days; Nancy – all the different Townships had that exemption; if you have seasonal employees you don't want to limit them to 30 days only; the employer would probably do a longer term rental; Bruce – out of the sense of fairness, LLC, Corporations, etc. can own properties, the Town should want to know who they are, but they're exempt as well; Laurie – this is not about emotion, it's about legality; we're not asking for any more information than what we could get from the County Clerk; just a matter of keeping track of who is signing the contract; 1 person can sign for a 50 person LLC; Nancy – the individual will need to present proper ID and documentation to the Notary; I'm not understanding the "fairness" part of the question – all information is available publicly; we're not asking for any more information or any additional burden; Bruce – thank you for your time explaining this; ZEO – read from STR Agreement; why are we depending on neighbors to turn in neighbors? That seems to be the process; is it my job to police my neighbor; then we wait for the ZEO to respond? Laurie – is it the property manager to be responsible for this or the police? The property manager is not able to handle that situation. The ZEO does not have the tools to handle this; police can't enforce what isn't a law; we want to protect people in the Town; Bruce – how does the ZEO handle a complaint? Does he tell the owner who filed the complaint? Nancy – if you're making a legitimate complaint, it's up to the Owner to reach out and make it right; their STR is at stake; if you are going to complain there is a chance the complainant name may come up; Chris Heidrich – if it's repeated several times in a row, then the neighbor and ZEO would have a chance to shut it down; you can't control it all the time, we're going to have issues, spoke to police, EMS, and Fire – there is an uptick in complaints and calls; we need to put something in place; how do we minimize the exposure to lawsuits here in our Town; we're open to any input to make it better; we're trying to get a handle on this, it's not perfect, but we need to move forward to it; Bruce – I'm not questioning your commitment; Bruce – what is "quiet hours"? Laurie – the STR group would dictate that; Bruce – the Town doesn't have an ordinance; Nancy – it was written that way so it wouldn't have to be amended when and if the Town ever makes an ordinance; thank you for listening to me;
- John Fallon – beg the Town Board not to go forward with this until we at least establish the "quiet hours"; let's start slowly, only one type of rental.
- Paul Heid – as far as complaints – the APA accepts anonymous complaints, why can't the Town; the 30 day limit only applies to STR.
- Geoff Konis – I have two rentals and do not have any concerns; why are we defining it at 30 days? Laurie – NYS law; we are not the State; if there is long term rental that needs to be looked at; leases are typically one year; people want to enjoy the area for the summer/winter, etc.; really should look at the fact of a 6 month or less rental agreement; some things will fall through the cracks; we've had STR in this Town for ever; there needs to be a sense of urgency to pass this law; let's take our time and make sure it's enforceable; let's not open up the Town to any liability;
- Erwin Morris – property manager expectations – property managers should be licensed; just wanted to clarify that.
- Supervisor Smith – can we close the Public Hearing; Nancy – we're probably the last Town in the area to implement a STR Agreement with the looming State's restrictions/rules; smaller towns would be grandfathered in if we get this in place before the State's rules; this was done with a time-frame in mind; our agreement is much more streamlined than others in the area.
- Public Hearing Closed at 8:22PM.

3. Call Regular Meeting to Order at 8:22PM.

4. Approval of November 20, 2023 Meeting Minutes.

**RESOLUTION # 23 -237**

Mr. Gonyo made a Motion to approve and accept the November 20, 2023 Meeting Minutes and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

5. Resolution for Local Law #4-2023 – STR Regulations. Supervisor Smith – the most important thing is the safety and security of the person staying there; move to floor – Mr. Stevens made a Motion to move this to the floor with a Second Motion by Mr. Gonyo. Supervisor Smith – thank you all for showing up – we didn't hear a lot of positive feedback tonight; it was announced at the last Board Meeting – those interested in talking about it came here today; I'm not sure about this; I'd like feedback from the Board; we are fighting time, I'm on the fence right now; Mr. Stevens – one word – table; Mr. Gonyo –this Committee has put in a lot of work; I've stayed in a couple of STR out of Town; safety is a concern; I have been in the fire department since I was 16, there is a component of safety; I would prefer that the Town pass their own law and not the State; but it needs to be worked on, language issues, quiet hours, etc.; we just passed a budget with a large tax increase, it is getting more and more expensive to be here and do business here, it is dollars and cents at the end of the day; we need to level the playing field just a little bit – what does it cost to operate a hotel/motel – have to jump through a lot of hoops that you don't have to with a STR; \$300 is that the right number; I would also vote to table this tonight, some things still need to be addressed; Supervisor Smith – my concern is this Board, do we want to chart that path? Kevin could I meet with you on this so we're not wasting 27 days until;

**RESOLUTION # 23 – 238**

Mr. Gonyo made a Motion to table the STR Local Law until it can be reviewed further and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

6. Clarification on wording of 23-228 – Supervisor Smith - setting aside the \$100,000 for engineering it should have been in a Capital Fund – we'll change the wording or do another Resolution; Mr. Gonyo– I don't want the money set aside anyway; a motion to do a Resolution to amend the wording of the original Resolution; Mr. Stevens yes; Mr. Gonyo – no; the Motion dies; amending the accounting code is what this Resolution would be for; so money will stay in the General Fund.
7. Authorization to Proceed – Supervisor Smith – these items are needed at the Highway Department and all appropriate paperwork has been completed. 9' Snowblower, snow plow and cutting edges. Mr. Gonyo – where would the snowblower go? Mr. Comstock – on the tractor; Mr. Gonyo – where would you need it? Mr. Comstock – the one house at the end of Crane Mountain Road and several other harder to reach locations with narrow roads.

**RESOLUTION # 23 – 239**

Mr. Gonyo made a Motion to approve the 9' snowblower, the snow plow and the cutting edges for the Highway Department and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

8. Resolution to Set 2024 Salary Schedule –Supervisor Smith - approving these today will allow me to get the MOUI’s finished up; Mr. Gonyo – do you have a side by side of old salaries; \$65,000 total for all salaries? Supervisor Smith – yes; Mr. Gonyo – I apologize if you handed out the information previously; what was PPP previously? Supervisor Smith - \$50,000; Item #5 – what was the previous pay? Supervisor Smith – mid - \$30,000’s.

**RESOLUTION # 23 – 240**

Mr. Gonyo made a Motion to approve the 2024 Salary Schedule and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

9. Resolution to sign the contract for the Salt Shed – Supervisor Smith – we have had previous conversations regarding this; unfortunately we would need Engineered specifications which would be more than doing a pre-fab building; Mr. Comstock – if we sign now, we would pay in the Spring, but signing now would save us 4-5%, it is on State Contract and we can use CHIPS money.

**RESOLUTION # 23 – 241**

Mr. Stevens made a Motion to approve signing the Contract for the Salt Shed at the Highway Department now, with no payment until Spring and moved its passage with a Second Motion from Mr. Gonyo. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

10. Supervisor Smith – this is a Floor Resolution to Pre-pay the Water Easement filing; the County doesn’t accept Credit Cards and we don’t want to wait until the next meeting to get this filed. It’s all been signed and needs to have a \$105 payment to file with the County.

**RESOLUTION # 23 – 242**

Mr. Gonyo made a Motion to approve pre-payment for the filing of the Water Easement and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

11. Historian’s Report – Supervisor Smith noted the Report is in the packet.

12. Committee Reports – Mr. Gonyo sewer committee met last Monday – large representation from the new board members; overall it seems like it’s in the hands of Cedarwood and monetary funding sources; the new board will have something very solid to consider; Supervisor Smith – bond? Mr. Gonyo – Chris Belden was not there to discuss this.

13. Warrants – Supervisor Smith – could I get a Motion to approve the Warrants. Mr. Gonyo - #886 – Supervisor Smith - incidentals that come out of my fund; Mr. Gonyo - 876 – Supervisor Smith – they don’t always bill us during our cycle, it was for the Elderwood situation.

**RESOLUTION # 23 – 243**

Mr. Gonyo made a Motion to approve the Warrants and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

General Fund:	\$ 80,293.46
Highway Fund:	\$ 110,816.83
Library Fund:	\$ 4,182.52
Water District:	\$ 11,906.64
Trust & Agency:	\$ 763.20
<b>TOTAL</b>	<b>\$ 207,962.65</b>

14. Privilege of the Floor –

- Amy Sabattis – regarding the Salary Schedule – I went on SeeThroughNY, some of these are more than 20%, I don't begrudge anyone a salary – a huge jump from \$27,000 to \$53,000; I wish the Board had looked into these more before approving the Budget.

15. Motion to Adjourn – Supervisor Smith, with no one else for Privilege of the Floor, could I get a Motion to Adjourn.

**RESOLUTION 23 – 244**

Mr. Gonyo made a Motion to Adjourn the Board Meeting at 8:51PM and moved its passage with a Second Motion from Mr. Stevens. With the following Members present voting in favor of the Resolution it is carried Ayes – 3 (Smith, Gonyo, Stevens); Nays – 0.

Prepared by:

*Jean M. Comstock*

Jean M. Comstock  
Town Clerk

**THE NEXT REGULAR TOWN BOARD MEETING WILL BE HELD ON TUESDAY,  
DECEMBER 19, 2023 AT 7:00PM AT TANNERY POND AND VIA ZOOM.**

Chris Ogden  
87 Austin Pond Road  
518-832-9231

1. Is there a limit on the number of permits that will be issued? My understanding is there are over 700 properties being used for STR.
2. The definition of an occupant is very restrictive, we commonly host pairs of families and counting every kid over the age of two quickly becomes restrictive when we already limit our groups to 8.
3. Additionally, is an occupant a registered guest or does it include those that may come over for a shared meal with their friends that are renting?
4. The application fee is defined as \$300, non-refundable. Can the amount change in the future? How is that decided? If the permit is denied is any of it returned?
5. If a permit is denied, what is the appeals process or next steps?
6. For the valid certificate of authority issued by Warren County, does the number suffice? A photocopy? Original in hand?
7. We have our own rules and regulations, but is there something the town is looking for in them? As it is a requirement it seems like an owner could be missing one rule and get denied
8. Similar goes with safe operating instructions for fireplace and similar amenities.
9. Does the fire prevention and building department inspect every renewal or just for initial evaluation?
10. Is there an appeals process with the county on occupancy? Based on some bedroom definitions I have 0 because there are no closets in my house.
11. If owners are required to abide by the occupancy determined by the inspection, I feel there should be a requirement that the occupancy be clearly stated/listed on any platform the property is listed. Whether that be Airbnb, VRBO, direct, or otherwise.
12. Maximum number of vehicles – how are friends of guests vehicles counted?
13. Quiet hours – Where in the town code for Johnsbury are these defined? The closest thing I have found is in the zoning code Article 9 Section 910 bullet L but that is pertaining to Site Plan Review and Approval, Special Use Permits
14. Fee – will receipts be provided? Warren County provides no receipts or accountability for the collection of occupancy tax, their transparency is lacking, and I hope the Town of Johnsbury can be better about that. Where does the money from the fees go? What method of payments are accepted?
15. How does a ZEO become aware of non-compliance? If a neighbor or guest is reporting an issue it should be documented with date of report, name of the person reporting and the time they observed the condition. If the town decides to accept anonymous complaints, which I strongly disagree with, the date of report and time of the observed condition is critical, otherwise it is open to false claims. I have dealt with false claims from neighbors and guests alike.
16. The ZEO will notify within 7 days, my last interaction with the ZEO was not within 7 days, the letter I was sent was not timely and had inaccurate information for something that

was considered “not a violation”. What are approved methods of notification since the application will have enough information for mail, email and phone.

17. Are there categories of non-compliance? Severities associated with violations? How does the town plan to track them and make this information available to the owners?
18. During the appeals process when an owner disagrees, is the timeline for correction paused? It may not be possible to get on the agenda of the Zoning Board of Appeals before the defined timelines are past.
19. What is the due process after the zoning board of appeals? Most STR regulations define the legal process arbitration or similar next steps.
20. If a permit is revoked, is it possible for the owner to apply again and get approved?
21. Local Point of Contact – It seems there is an expectation that local contact is the one to respond within 2 hours and be available at all hours. I am better served as someone who can respond in the desired timeframe and availability. Just this morning I received a text from a long-term tenant at 4:53 AM and a response was provided within the hour. Yes, I understand the need for a local contact for in person needs but an in-person response isn't always appropriate or necessary.
22. Touched upon before but what is the length of validity for the Warren County Fire Prevention and Building Codes Report?
23. Who verifies and how that the posting of rules and fireplace instructions exist? Must they be posted on a wall permanently or in the welcome book?