

A PUBLIC WORKSHOP CONCERNING STR (Short Term Rental) properties was held on March 9, 2023 at 7:00 p.m. The location was the Town Hall, Pelon Road, Town of Indian Lake, State of New York, County of Hamilton.

Present at meeting was the Town Board of the Town of Indian Lake, the Planning Board of the Town of Indian Lake, and the Zoning Board of the Town of Indian Lake as well as members of the Short Term Rental Committee and numerous interested citizens.

Town Board Members: Supervisor Wells, Councilman Mahoney and Councilman Rathbun. (Councilwoman Eldridge and Councilman Curry were absent).

Planning Board/Zoning Board Members: John Hutchins, Richard Bahlmann, George Virgil, Michael Walrath, Darrin Harr, Neil Johnson, Licinio Marques, Mary Benton Frasier, Justin Moore, and Aaron Gadway was absent. Also present: Deborah Maher, Lisa Karam, Sally Stanton, Al and Christine Pouch, Autumn Blanchard, Jon Vorhees, and Jim Zumpano.

All said the Pledge of Allegiance.

Supervisor Wells thanked everyone for coming. He stated that this is a workshop only and the issue at hand is a State - Wide problem. He stated there is no formal agenda.

Supervisor Wells began by explaining that NYS State Senator Michelle Hinchey, down around Saugerties, has introduced a bill concerning Short Term Rentals. He also explained there is a sister bill in the NYS Assembly that is being sponsored by Assemblywoman Patricia Fahy, out of the Albany area. He stated that as of now they are in committee and have not gone into the full respective senate or assembly for voting. He stated that something will be done concerning the STR, however, what is in the bills now could change and this would not be voted on until after the Budget is passed. He stated this is supposed to help Municipalities, track, regulate and collect taxes on vacation rentals. Supervisor Wells stated that his take is, the State does the work collecting the registry and information from STR owners and then we can make a formal request for the information, or, if we take the initiative and put a program in place ourselves all the information that we collect will be sent to the State. Discussion held on what the State is proposing.

Supervisor Wells reiterated that he did not have any kind of an agenda where this is concerned and if anyone had any questions, he would try to answer them. He told all that the STR Committee has been working very hard and has done an amazing amount of work and has given the Town Board Draft Recommendations. He told all that this was sent to the Town Attorney and got their take on it and their corrections on it for a Local Law. He also stated the differences within Towns as to the size and degree of regulations, Warrensburg having a simple one page policy and North Alba having about eighteen pages. Supervisor Wells stated what he is hoping to come out of this workshop from the committees and Boards involved, is this something we want to wait on, until the State makes a decision on what their regulations are going to be, or, is the consensus to go ahead and make our own regulations? He stated this could be a duplication of work, we will do the work, and then send to the State or vice versa.

John Hutchins, Chairmen of the Zoning Board, stated that it is important that we do things within our own communities, leaving the State out of it as much as possible. He feels it is aggressive and invasive. He stated it makes him uneasy with a law that demands this kind of detail from establishments. He feels this is pushing quite hard on the 4th Amendment. John feels these questions are too much and that we have the right to remain private given to us by our constitutional rights and the State always complicates things and they paint everything with a real wide brush, and it does not serve this community at all.

Supervisor Wells stated he agreed with John and the Town regulations would not be as invasive as the States and if the Town is going to do this, we need to do it before the State passes their regulations.

George Virgil asked, if the Town goes ahead and does our own regulations will the State still get a cut? Supervisor Wells stated that yes, the State would get their cut. George stated that he agreed with John and we should this in our own Town and leave the State out of it.

Supervisor Wells stated that there would be work involved with this such as Registration and Enforcement. He also stated that the Building Codes Enforcement Officer would not be able to do this. Supervisor Wells also stated that there would be a cost associated with this and how do we pay this extra cost. Discussion held on the amounts and how to distinguish how much to charge the owner. He asked how should the money be collected, by permits or by the overall tax base? Councilman Rathbun asked why are we wanting to do this?? Supervisor Wells stated it was either they register here or the homeowners will have to deal and register with the State. He stated that there will be cost on the Town's end and told all the State will not enforce a noise complaint or anything along those lines, this will still fall back on the Town. Discussion held on noise complaints and owners of these properties not being around to handle the problem.

Councilman Mahoney spoke concerning the many problems finding a solution for this. He stated that the reason we are in this situation is that STR's falls through every single crack there is concerning rentals in the current existing laws. He stated that now that everyone rents on line there is no one to

oversee the guests. He stated that for the most part people behave themselves but occasionally there is a situation which brings us to where we are now. This just falls through the cracks with no regulations. Councilman Mahoney stated that the Department of Health regulates certain properties, but they have to sleep over 11 guests to fall under this regulation and as far as building codes, there is nothing pertaining to this.

Supervisor Wells stated that the State is not doing this to solve the problem they are doing this to get money.

Councilman Rathbun questioned what will happen if the State passes their regulations will we have to amend our regulations or adhere to their regulation? Supervisor Wells stated he did not know.

Tyler Monthony stated this is a good question because if we go through all the leg work and put something out will we have to re-do everything we already did?

Supervisor Wells stated he did not think so, he is thinking it will be grandfathered and once the homeowner has registered it is going to change their taxes to a commercial property and that is the big thing the State is looking into.

A question was asked as to how many STR or Air B & B's are out there? Supervisor Wells stated he had check on Verbo and Air B & B websites and Verbo had around 300 + STR and on Air B & B there were around 270+. He stated that some of those could be listed on both sites.

Tyler Monthony, Building Codes Enforcement Officer, stated that the State is mostly done electronically. He also stated that the Town will need to put something in front of the Attorney General before we can put the regulations in place, there fore before we can act, we need to get their permission to enforce it. Discussion held on fees, paperwork, cap on how many people is allowed in the home, making sure the owner is readily available for problems, and violation fees. Tyler stated he agreed that anything we can do on our own would be beneficial.

Discussion was also held on how to get the information out to the homeowners that they must register, and to let them know that the Town has rules and regulations that the guests need to follow.

Discussion held on who was going to enforce this. Who handles the complaints when someone has fireworks, to many cars parked on the lawn, and noise. Who do we call?? Supervisor Wells stated that if the Town does something, we need to be prepared. He told all that the cost for a full time employee is around \$55,000.00, including Health Insurance. A part time is around \$35,000.00. Supervisor Wells reiterated that Tyler does not have the time to handle these permits, enforcement etc....

Jon Vorhees stated that most people will be coming in immediately to register and after that it will probably trickle in, therefore the Town may only need a part time person for about a year. Discussion held on absolutely needing a contact number or person close by to call if there is a problem with a rental.

Councilman Mahoney stated that he agreed with everyone else that it would be better to work through the Town rather than the State, therefore giving us more control on the process.

Tyler stated he thinks that if we already have something in place it would be grandfathered in. Tyler also suggested giving out a long-term registration.

Supervisor Wells stated that it seems the consensus seems to be for the Town to do our own STR regulations and we need to do it sooner rather than later. Supervisor Wells stated this was going to be a learning curve and a lot of work at first, but we need to keep the costs as low as we can. Supervisor Wells also told all that the Town will be doing a re-assessment with a part time individual to gather the information. Maybe we could work this person into the registration process.

Supervisor Wells stated the State Bill states that if a Municipality already has a registration policy in place the property owners do not have to file separately with the State. However the Municipality would have to send the registry to the State. The registry data would be shared with booking platforms to verify the properties are properly registered. Tyler questioned if this changes the tax code how is this going to effect the Department of State Buildings Standards and Codes if they change from a residential occupancy (which is what is built for) to a commercial property. Is the State going to make him retro act commercial codes to the property? Such as exit signs, egress, fire codes, etc.... He asked what the distinction is, for example, someone only rents out there house a few times in the winter months, compared to someone who is running it like a business and renting it out year round, will there be a fee differential? Discussion held on Short Term or Temporary Residence. Tyler stated the State Bill has so many holes and unanswered questions within the Bill.

George Virgili stated he is whole heartedly in favor of the Town doing their own registry but stated that we look at the people, look at our own community, this is Indian Lake a tight fit community, and we shouldn't do what the State wants in retrospect as to everyone is a number and where is your check. It should be written to coincide with how the property owner is using their property, are they renting all year long, renting a couple weeks a year, or renting it out in the winter, etc... the registry should co-inside with the use of the property. Not one size fits all.

Sally Stanton questioned occupancy. Tyler reported that occupancy is part of the building process, but who is going to enforce occupancy if the owner is allowing more people to stay in the home than should be allowed. Sally asked who is responsible or liable if someone does not follow the rules and since the Town has made a local Law, if we are not enforcing it, who is liable. John Hutchins stated he would think

it's the responsibility of the owner of the property. It is not feasible to have someone within the Town going and counting the amount of people going into someone's house. Sally reiterated again that if the Town is taking responsibility of the registry how can the Town not be held liable? Supervisor Wells read part of the Local Law (provided the Town acts reasonably and does not treat people differently there should be no liability). Therefore, if we enact a Law and treat all the same, there would be no liability for the Town. Discussion held on different scenarios. Discussion held on the different sites you can go too to rent a STR and those sites also have insurance.

Mary Fraiser questioned if we can put a cap on the amount of STR's the Town can have. Councilman Mahoney stated that this is good for the area, look at how many people are coming in. He stated he did not know the numbers, but it must be good. George Virgil stated this is good for the Town, we need to expand our population. Supervisor Wells agreed, we need this and don't want to push anyone out! He stated the STR Committee has done a great job.

Discussion was held on a Local Law, registering, cost, registering and paying annually, once registered it would change the owners' taxes and they would pay accordingly, health and safety regulations, over 11 people it becomes a motel and is regulated by the Department of Health, how to Enforce the regulations, what kind of penalty fees will be incorporated and how to collect the fees.

Supervisor Wells told all he appreciated everyone coming tonight and working together. He stated we should start preparing a registration form and working towards maybe beginning this by next year and if the State beats us to it, go from there. He also said we could also adopt something now and modify it as we move along. Autumn Blanchard volunteered to help with Data Base.

Supervisor Wells stated we would hold another Workshop soon. Neil Johnson questioned when we would start planning and what our goals are. Supervisor Wells stated we already have a Law that the Town Lawyers put together and we could modify it and vote on that now. 1. Was to put it in the Zoning Law 2. Or the draft stand-alone Short-Term Rental Law. The second one is not as complicated as re-doing the Zoning Law. He reiterated we could start that process and adopt the Law and modify it later if everyone wanted too. Jon Vorhees stated that we could start it now and get ahead of the State.

Supervisor Wells stated this will be done before next year, we would start the process for registering but would not start the fees until next year. He stated it would take effect in January of 2024, but it would be in place as far as the State is concerned.

Neil asked about creating a forum or timeline. Supervisor Wells said by the next meeting? Tyler Monthony stated he understood what Neil was saying, such as, setting a timeline, setting a goal, so that by next month we would have x,y,z, done to review.

Supervisor Wells stated we could start the process at the next meeting to announce a Public Hearing to accept the Law and that this could be done in April. He reiterated we could lock it in that way, however, then we would have to go through it again to amend it.

Sally Stanton asked once the Board adopts the Law, how fluid could that process be or would it be better to go with the final draft. Supervisor Wells stated that personally he would rather go with the final draft rather than doing one now and then having to amend it and hold numerous public hearings every time there is a change. Supervisor Wells stated he would rather have something in place, registration forms complete, not penalize anyone this year, start the process of gathering all the information, set a dead line and begin it January of 2024.

Sally also asked if we could start the communication this year to the people in Indian Lake explaining that this is something the Town is going to undertake and this is what will be required, this is what is being looked at and to let people know what is coming down the road and that we would like to have this in place by the rental season of 2024. Then once everything has been decided on letting everyone know the final regulations. She feels it would be a good idea to start communicating with people and letting them know that this is what we are thinking about. George Virgil stated that information does away with rumors and miss communications and miss understandings. The more information we can give the people the better off we will be. Supervisor Wells cautioned that we need to give them the right information. Sally stated that they should know what is being considered and we should allow input as someone may have something new to add to it.

Supervisor Wells asked if we would exclude anyone who is already being governed by the Department of Health. Discussion held on how those properties would prove that they are under the direction of the Department of Health. Tyler Monthony suggested not having them register with us as long as they can prove they are registered with NYS Department of Health.

Supervisor Wells asked if anyone wanted to tackle tentative registration forms for everyone to look over in a month. Supervisor Wells stated we would send out an email to everyone with the next date and hopefully will have a registration form to look over. Discussion held as to whether it would be a lifetime permit or annually? Discussion held stating that it would be a one-time fee for the current property owner, the permit would not roll over if the property is sold. The workshop ended with the understanding that everyone would meet in about a month.

Respectfully Submitted by:

Julie A. Clawson/Town Clerk