

TOWN BOARD MEETING

TUESDAY, OCTOBER 11, 2016

Minutes of the Regular Board meeting held on the above date beginning at 7:00 in the Meeting Room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Members Present: Supervisor Politi, Councilman Favro, Councilman Miller, Councilman Doty, Councilman Rand, and Laurie Dudley

Others Present: Attorney Ron Briggs, Larry Straight, Antonio Olivera, Dean Dietrich

Supervisor Politi opened the Regular Town Board meeting at 7:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Politi asked for a motion for the minutes of the Board meeting September 13, 2016

Councilman Favro moved and Councilman Rand seconded the motion to approve the minutes as written and presented. There being no further discussion, the motion was unanimously carried.

DEAN DIETRICH – RENTAL HOMES

Dean Dietrich – I Would like to start by thanking Emily Politi, Bob Maswick, Kelly Conway, Jill Cardinale, Lisa Belmonte, Britt Ishim and Jim Morganson. You and the Village have also been a part of this process. I presented the same to the Village Board. The Press did a great job of explaining different points. Our #1 priority is safety. We have a number of common sense requirements which include the 911 number posted, fire extinguishers and smoke detectors. We can help mitigate some of the problems of quality of life by communicating community concerns through the renter including telling them where they can park their car, be presented with the Noise Ordinance, providing a local contact person within 25 miles which gives them a person to for trash, fire or electrical problems. Administratively, we agreed on an affidavit system. We would want to make that process as easy as possible and less onerous as possible for any renter. You can rent your house for 2 weeks with no fee because a lot of people that rent for Ironman to help pay taxes. You then you have a lot of people that rent as a business. We have to have a permit system for everybody for safety purposes. The people that rent more than 14 days will have to pay a permit fee. The question we raised is at what cost and is it feasible. You are obviously creating another level of Government. The question is whether you want to do that. We suggested generating enough revenue to build the infrastructure in the Building Office. You could then have inspections and a more rigorous kind of administration. In the separate meetings that we had with the Town and Village, you both agreed to start with smaller steps. The report you have explains that. Perhaps a \$100 permit would pay for the software, overtime and printing costs. You get a minimum level of administration and a minimum level of enforcement. The next level is one we talked about, bill more money and build more revenue and you can have a more rigorous enforcement and administration. Somebody will call those who they see advertizing on the internet and tell them they need a permit.

Supervisor Politi- How do you know the guy is renting his property for 14 days or less? I fill it out and say I won't rent for more than 14 days.

Dean Dietrich – If a person lists their property on the internet then you can assume they are renting it more than 14 days. You need a permit either way. When you get a permit you would list the 14 days you are renting it. If it is rented outside that 14 day period then they are renting the property without a permit.

Supervisor Politi – How do you know that?

Dean Dietrich – By presumptive evidence which is advertising your property is available certain dates.

Supervisor Politi –This is like the enforcement issue we face at the county. I don't have an answer.

Dean Dietrich – There is no way you are going to catch everybody. We don't catch every person who speeds or everybody who smokes marijuana. You set up an enforcement system that closes

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as many loopholes as possible. I imagine realtors experience a person who rents to the same person two years in a row and then does business with them directly without the realtor in the future. I'm sure happens all the time. We can close that loophole as Skaneateles and the Hamptons do.

Councilman Miller – Who do you decide who to send this letter out to?

Dean Dietrich – You would send it to the people the owner. If you are renting on Airbnb there is a person who is listed as the renter. You would send it to the real estate agents in the area who I think would be very much in favor of complying.

Councilman Miller – We are sending the letter to various rental agents throughout town and ask them for a list of all their clients?

Supervisor Politi – The realtors are not complying with the County.

Councilman Miller – We are going to have a Town employee searching websites and then contact people?

Dean Dietrich – Yes. That is what I did to get the numbers.

Attorney Briggs – What are the problems that have risen which caused this step?

Dean Dietrich – The big thing we are interested in is safety. There are different safety regulations for a single family residence then a boarding house. If you rent portions of your house, to different people then it is a boarding house. A hotel rents a different room numbers. If there is one contract with one person in a single family residence then there is a rental pattern. NYC took a number of listings off because the same property was leased with two renters. The State District Attorney General said you cannot do that.

Supervisor Politi – Airbnb is in favor of as many restrictions as possible. The reason is because it makes their job easier. Everybody is renting online and they want to know their rental meets code. They don't care about anything else. They are always in favor of strict oversight.

Attorney Briggs – Back to my question, what are the problems in safety that we have experienced which has caused this action?

Dean Dietrich – We have a number of pizza box fires in gas fireplaces.

Councilman Miller – How does this solve that problem?

Dean Dietrich – You want to make sure they have a fire extinguisher and a fire alarm.

Councilman Miller – How do you know? How does this solve that problem?

Dean Dietrich – I makes sure that everyone who is renting is given an affidavit and swearing under oath that they have a fire extinguisher and smoke detectors.

Councilman Miller – What if you send him a letter, and he doesn't respond to you?

Dean Dietrich – It becomes an enforcement issue. Our philosophy is to keep the fee low. The burdens are not very onerous. We would then use the same stick as the Land Use Code.

Councilman Miller – I believe the people who are a problem are likely not to be the ones responding.

Dean Dietrich – A large issue is trash. People rent for the week and the trash stays in the garbage can sitting outside and animals get into it and spread it all over the yard. You need to list a contact person within 25 miles to pick up your garbage.

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Supervisor Politi – Garbage is a problem on Main Street. I like the permit because it has great information. I think Bob is right in that a majority of these people are never going to respond.

Dean Dietrich – I would say we look at Skaneateles and the Hamptons who think it is working. People do the right thing.

Supervisor Politi – I don't think you can compare the Hamptons to Lake Placid. It is an entirely different demographics. Aspen is the same.

Councilman Miller – Renters will continue to be a problem unless you have a hammer.

Dean Dietrich – The hammer is a criminal offense. Airbnb wrote a letter and said they are responsible for the safety. They suggested it should be a civil offence. Civil Penalties are easier to enforce because it is easier to do a hearing of abstention and if there is a fine you can put a lean up against the property. You can achieve that when the property is sold. We discussed using the biggest hammer but we would reconsider that.

Councilman Doty – I am concerned how the Village and the Town come together with an even policy on both sides. Personally, I have a feeling that the Village looks at this as an opportunity for revenue.

Dean Dietrich – It is also for you.

Councilman Doty – The opportunity for revenue is not how the Town Board thinks about it. They think about it as too much government. I am behind the importance of a safety plan with a modest fee to make sure the fire extinguishers and parking is taken care of.

Supervisor Politi – Derek, This form has nothing to do with that. If I sign this, I am certifying that those things exist. Nobody is going to inspect it. There is no fee other than somebody filing it.

Dean Dietrich – It depends how far you want to go with administration. The fees have to cover the cost.

Councilman Miller – I don't have a problem with asking them to file a form but it is invasive.

Dean Dietrich – The impact on the Village is different than the Town; the Village is 1.5 sq. miles with about 1,000 people per sq. mile. The town is 90 sq. miles with a density is about 90 people per sq. mile. I am not surprised you have different viewpoints.

Supervisor Politi – According to Jim Morganson we cannot keep up with commercial property inspections on an annual basis. To include 300 – 400 rental properties, it would never happen.

Dean Dietrich – That is the reason to go to the affidavit system with \$200 per bedroom which is an opportunity to build the building office. The dream is to get a SYCERA program.

Supervisor Politi – There is so much business going on in the Village now that the Town is considering splitting from the Village in terms of Code Enforcement. It does not make sense for the Town to pay for everything.

Dean Dietrich – I can't speak to that because I would like to see consolidation. Britt and I found 400 units in the Town.

Supervisor Politi – There are thousands in the Village because of the timeshare units.

Dean Dietrich - The legislation cuts those out because they should already have the inspection and safety requirements by the building office.

Supervisor Politi – They are not inspected.

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Attorney Briggs – I have been here for 40 years and the enforcement of the Land Use Code today is just like it is was 40 years ago with little to no enforcement. My concern is actual enforcement.

Dean Dietrich – The ones you have enforced have worked. The process is there. You cannot say enforcement cannot take place.

Council Miller – I would rather see the insurance companies doing this.

Dean Dietrich – We talked to them and they basically said, we don't care. They run the numbers if the house burns down.

Councilman Miller – I find that hard to believe. They do inspections and note that you don't have a railing going down the stairs or that you have to take a tree down. At the Cape, they do annual inspections when it is your second home.

Dean Dietrich – We could make sign off that you meet the home property loss part of the permit system. The reason we wanted more administration is to have inspections. We cannot do that now on single residence because once you get your Certificate of Occupancy you are done.

Supervisor Politi – The fee structure says the rental study group suggests a flat fee of \$100 per application. Say I fill out the application and I list my caretaker is Jay Rand. Then there is a problem, we call up and Jay Rand but he is no longer the caretaker. Derek Doty is but you don't know that. It is one thing to get the information and file it but what is your concept in terms of maintaining the information.

Dean Dietrich – That is a verbal issue which is my fault. We are talking about a yearly fee with a new permit. The Administration needs to keep track of when things expire and when the renewal notice goes out. Britt thinks she can handle that during her time but it may require overtime. We found software programs for about \$600. At the very least we would need an administrator to keep track of the permit fees and to send out renewals. Given there are about 300 that will respond there should be enough revenue for administration.

Supervisor Politi – How did the Village respond to this?

Dean Dietrich – The Village would probably like to go forward with a low permit fee as you would. They suggested getting together with the Supervisor, Mayor and myself to figure out what direction to take. It may be that the Village wants to move forward and the Town doesn't.

Supervisor Politi – The letters I have received are consistent. They all want us to do the safety inspection. Some think that the occupancy tax are going to fund an annual filing system which is not going to ever happen. The occupancy tax goes to the Visitor's Bureau. These people do not understand the system. As for the Realtors, they are not collecting the money. The system was put into place and many are turning their backs on it.

Dean Dietrich – Somebody has to stand up and try something.

Councilman Favro – You are closer and it is workable.

Councilman Miller – The biggest complaint I get on vacation rentals is noise. I don't know if this solves the problem.

Dean Dietrich – It adds an extra level. We feel that noise should be handled with the noise ordinance. This requires the renter to give the rentee the copy of the noise ordinance.

Councilman Miller – I received calls from Michelle Kulina who called the State Police three times and they will not respond.

Supervisor Politi – The problem with vacation rentals is that you have a few landlords who don't pay attention because they are only in it for the money. They ruin it for everybody to the point where we are considering regulations for everyone.

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Councilman Miller – Passing this law doesn't solve the original problem which is noise.

Supervisor Politi asked about what Stowe, VT does and Dean Dietrich stated they have a lengthy inspection process and an expensive permit. It is impossible to get an office to inspect 400 places. The committee discussed the fire department doing the inspections however there were legal liability problems because they are not certified inspectors.

Councilman Favro – The paid Fire Department in Massena are certified inspectors and they are the same size as Lake Placid. There are ways to make it happen.

Councilman Miller – Why can't we get the State Police to issue a disturbing the peace violations?

Dean Dietrich – Resources. There are not enough officers available between here and Ausable Valley.

Attorney Briggs - Criminal cases will trump a noise ordinance every time.

Supervisor Politi reads the following letter; our current rentals provide the Town and Village with many benefits. Our real estate taxes are significant. We pay school taxes and we don't have any school children. We don't live here. Our guests pay 3% occupancy tax. Our guests eat and shop in the town providing merchants and restaurants income. If the town's desire is to make owning rental properties less attractive there will be overtime gradual reduction of all those township benefits. Is that what a tourist based economy really wants?

Dean Dietrich – I don't think \$100 is going to do that. Those on the lake are getting \$1,500 per week when they rent their house.

Supervisor Politi – There is nothing to stop the Village charging commercial electric and water/sewer rates to anyone renting their home for more than 14 days. It is not our opinion that they are a commercial operation. Once you ignite the fire it goes bigger and bigger because everybody sees it as a potential income.

Dean Dietrich – I have concerns about the slippery slope argument but you can always stop yourself.

Attorney Briggs – Once you open the door, government never gets smaller.

Dean Dietrich - I will set a date to get together with the Supervisor and the Mayor to either accept the report or not.

Supervisor Politi – Of course we accept your report. We banter back and forth on these things but it doesn't mean more than asking questions to see what your answer would be.

Dean Dietrich – You kept me on my toes. We understand that the Town and Village are coming from different places.

Court Efficiencies

Supervisor Politi – I would love to stop the Village from eliminating paying the town for parking tickets on Main Street. They get that revenue not the Town court. If they are going to eliminate their court system and Main Street is a State highway, they get to keep the income? They don't have to pay toward the judges? How is that efficient? They probably put it in General funds.

Dean Dietrich – I cannot speak for the Village but the Parking tickets should go into a revenue that benefits the parking garage. The general use principal of taxation would justify it.

Supervisor Politi – The Governor is all for governments becoming more efficient. I do not call that more efficient. You are handling 55 cases on any given day and I don't find that efficient. Many people are waiting five hours outside.

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Dean Dietrich – I don't think anybody has waited five hours for my court. The combination of courts from my view would be less. Right now, I cannot handle the cases unless the DA is present. You cannot even do a traffic reduction unless the DA is present. By combining the court I get 50% more case load but 100% more DA time. In essence my load per minute is reduced by 1/3rd. That is why combining the courts make so much sense. I am doing more cases but I have more time in front of the DA. That is the efficiency argument.

Dog Cases

Supervisor Politi – If you get a dog case in your court, does the District Attorney's office prosecute a dog case? The new County Tethering Law requires us to pay \$10,000 to each Animal Control Officers who write a ticket for Dog Tethering. They are prosecuted in your court and the money goes to Essex County.

Dean Dietrich – The Dog Control Officers should write a ticket for the Local Law. I had my first trial for a barking dog in Saranac Lake. I called the dog owner to set a trial date and the DA said they don't do that. There is a section of the law that says the Town attorney is responsible for Town ordinance cases. I talked to Jan LaVigne and she is coming on October 13th for my first dog trial.

APPROVE ROAD NAME CHANGE- CONNERY POND WAY

Supervisor Politi- We have a request to change a road name to Connery Pond Way. It has been reviewed by the Fire Department and Larry Straight.

Superintendent Straight – I don't know anything about it. This has been approved by the County too?

Supervisor Politi – I was told that everyone was aware of it. Evidently, you are not.

Superintendent Straight – I will order signs.

Councilman Doty moved and Councilman Miller seconded the motion to approve the Road name Connery Pond Way. There being no further discussion, the motion was unanimously carried.

APPROVE WEDDING OFFICIANT- CRAIG DUMOND- OCTOBER 14TH- 25TH, 2016

Supervisor Politi – We have a request by Craig DuMond to be a wedding officiant between October 15th and 25th for Peter Roland.

Councilman Doty – I thought they can only be approved for one day.

Supervisor Politi – Lets approve him for one day between October 15th and 25th to be determined by him with the Town Clerk within the next 10 days.

Councilman Doty moved and Councilman Rand seconded the motion to approve the Craig DuMond an officiant for one day between October 15th and 25th. There being no further discussion, the motion was unanimously carried.

APPROVE WEDDING OFFICIANT- GAIL ALLEN- MAY 19, 2017

Supervisor Politi – We have another approval of a wedding officiant requested by Gail Allen for May 19th 2017 at the Whiteface Club & Resort.

Councilman Favro moved and Councilman Doty seconded the motion to approve Gail Allen an officiant for May 19, 2016. There being no further discussion, the motion was unanimously carried

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BUDGET ADJUSTMENTS

Supervisor Politi – The budget adjustments includes fence repair at the airport which is covered by insurance as well as housekeeping adjustments.

OCT 2016 BUDGET AMENDM **10/11/2016**

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
INCREASE EXPENDITURE	A.1910.0431	UNALLOCATED INSURANCE	5.50	VCHR 162219	ADD CEMETERY WORKMAN
INCREASE EXPENDITURE	A.3310.0417	TRAFFIC CONTROL EQUIPMENT REPAIRS	33.51	VCHR 162264	ESSEX CO. AHMEK DRIVE
DECREASE EXPENDITURE	A.4068.0102	BLACK FLY CONTROL PERSONAL SERVICE	(39.01)		
INCREASE EXPENDITURE	A.9055.0800	DISABILITY INSURANCE	310.00	VCHR 162243	3RD QTR DISABILITY EXCESS
DECREASE EXPENDITURE	A.9060.0800	HEALTH INSURANCE	(310.00)		
			<u>-</u>		
INCREASE EXPENDITURE	SP.1357.0416	AIRPORT GROUNDS REPAIR	10,364.00	VCHR 162081	FENCE REPAIR OFFSET
INCREASE REVENUE	SP.0000.2680	INSURANCE RECOVERIES	10,364.00		
			<u>-</u>		

Councilman Doty moved and Councilman Favro seconded the motion to approve the budget adjustment as written and presented. There being no further discussion, the motion was unanimously carried.

WATER DISTRICT #1 EXTENSION – PINE

Supervisor Politi – We need to approve the extension of water district #1 to include the Pine Brook Subdivision. We had a public hearing at 6:45 and no one came from the public to object. Attorney Briggs stated the paperwork was in order.

Councilman Favro moved and Councilman Doty seconded the motion to approve extend the Town of North Elba Water District #1 to include the properties within the Pine Brook Subdivision, Phase II. There being no further discussion, the motion was unanimously carried.

COMMITTEE REPORTS – PERSONNEL MANUEL

Supervisor Politi asked Attorney Briggs if he reviewed the suggested modification to the draft of the personnel manual and Attorney Briggs confessed that he did not.

COMMITTEE REPORTS – TOBOGGAN CHUTE

Councilman Doty stated there is nothing new report other than it is on schedule and the pylons in two weeks. The steel is scheduled for the first week in November.

COMMITTEE REPORTS - BIODIGESTER

Councilman Miller – Derek and I met today with Stephan Lindbergh and Brendan Lenox. Stephan is a professor at Clarkson in Environmental Science and Brendan has a Master’s Degree who ran their Biodigester for two years. They are starting their own company and are hoping to run biodigesters throughout the North Country. This will be their first. They ran their financials with us. They do not have all the numbers that we need but it leads me to believe we are headed in the right direction. There is a big possibility that we may be able to pull this thing off.

Councilman Doty – They are already involved with four biodigesters on farms in St. Lawrence County. This would be the first food related waste that would generate a higher quality of affluent.

Councilman Miller – They know the business well.

Councilman Doty – Their involvement would include monitoring and to help with maintenance issues which are the two most important parts. They will help with logistics. Initially, the responsibilities of the Town will most likely be a 24 hrs per week person who helps with the feed stock and watch the system.

Supervisor Politi asked if they will make a commitment for four years and councilman Doty confirmed that they would commit to four years. They still have to confirm the financial projections including the tipping fees. We have figures for 900 tons but we are trying to come up with a proportionate way to determine if 400 tons come in. What would the Town have to pay for their service? There is still a lot of math going on.

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Supervisor Politi – We want to make it beneficial for restaurants to move their food waste to the biodigester without going over the scales as they do trash.

Councilman Doty – Tammy noted that legislation is being written in NYS to require organic food waste to be handled in this manner. She hinted that NYC has that law now. Vermont is ahead of us.

Councilman Miller – Even though they are required to do it, it has to be beneficial. I think it will have to make sense for people to say they are doing the right thing and save money at the same time.

COMMITTEE REPORTS – SL RESCUE

Councilman Favro – The SL Rescue group is working on a strategic plan. It is very good and they are asking the right questions. They are acting like a business and come up with some good results. Their final plan should be out in a couple of weeks. Other ambulance services should be doing the same thing.

HOSPITAL GROUND BREAKING

The ground breaking is October 12th and Supervisor Politi cannot attend. He asked someone to go in his place.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

H17-TOBOGGAN SLIDE CONSTRUCTION	1533.52		1533.52
SP PARK DISTRICT	133393.53	71389.81	204783.34
SW3 RAY BROOK	270.19	73.8	343.99
T TRUST & AGENCY	28.5	0	28.5
Batch 1637-1640	\$237,369.29	\$162,253.34	\$399,622.63
161856; 162067;162069-162075; 162077-162093; 162119-162122; 162124-			
162139; 162141-162151; 162153-162162; 162187-162230; 162232-162266			
Batch 999 (Payroll & Health Reimbursement Arrangement)	\$ -	\$ 52,942.26	\$ 52,942.26
161996-162019; 162045; 162095-162118; 162140; 162152			
Batch - HELD	\$ -	\$ -	\$ -
DELETED VOUCHERS:			
161808; 162231; 162336			

Councilman Doty moved and Councilman Rand seconded the motion to approve the audits as written and presented. There being no further discussion, the motion was unanimously carried.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Favro moved and Councilman Rand seconded the motion to adjourn the meeting at 7:58 pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk