

**SPECIAL TOWN BOARD MEETING**  
**MARCH 21, 2016**  
**VACATION RENTAL HOUSES**

Minutes of a Special Town Board meeting on the above date beginning at 3:00 pm in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

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

**Members Absent:** Councilman Favro

**Others Present:** Dean Dietrich, James Morganson, Bob Maswick, Sean Ayers

Supervisor Politi read the following Public Notices which he stated were properly published and posted.

**NOTICE OF TOWN BOARD MEETING**

Please take notice, that the North Elba Town Board will hold a Special Board Meeting on March 21, 2016 at 3:00 pm for the purpose of discussing vacation rental housing and any Land Use Code changes.

Said meeting shall be held at the Town Hall, 2693 Main Street, Lake Placid, NY 12946

Supervisor Politi stated this a Board meeting and not a Public Hearing. The public is invited to listen but not participate.

Supervisor Politi opened the Regular Town Board by asking everyone to stand for the Pledge of Allegiance.

Dean Dietrich – A quick review of how we got here. In August 2015 you created the Community Development Commission. Our annual report showed the thing we did. We were asked to look at vacation rental permits. We formed a committee which included Jim Morganson, Bob Maswick, Britt Isham, Kelly Kennedy, Joe Carnell and Emily Kilburn Politi. We met on a weekly basis until October. We came before you and were asked a series of questions. The handout includes answers to those particular questions. We did make some changes to the overall proposal based on what we were asked.

**What are the Tax Cap Implications?**

Dean Dietrich – Our rates do not affect the tax cap because it is a fee. This is an opinion by Wade Beltrano, the Head Council for New York Council of Mayors.

Supervisor Politi – It wasn't that the fee affected the tax cap but the broad discussion as to if we had to hire an additional employee to oversee something then that salary and benefits would affect the tax cap.

Dean Dietrich – It doesn't as long as we pay for that with the fees which figured into our rate. You want to be on the top side of that. If you don't get enough money then it is a problem.

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**Can we rely on insurance liability as a force for compliance?**

Dean Dietrich – We talked about relying on insurance’s liability as a force for compliance. Aspen did not have an enforcement provision. They require a person to get a business license and are then subject to their city sales tax. If they don’t pay then they are enforced through their municipal code for failure to pay taxes. Bob Maswick did the research on this. He talked to a number of insurance agents. They don’t know if the houses are being rented and a lot of them don’t really care. Our written policy states that you can rent up to 12 weeks before we consider asking you to go to commercial insurance rates rather than residential rates. Other insurance companies could say their payments are not authorized because it is not a commercial policy but none have ever done that. Insurance agencies put it in their risk pool and figure rates based on that.

Bob Maswick – Sites like Airbnb are now offering liability insurance to their clients. I am not completely sure how that works.

Dean Dietrich – We placed a provision that we would let the insurance company know that the place is being rented. Part of the application process is providing adequate insurance including a notice from the insurance company stating they are aware that the house is being rented.

Councilman Miller – Why would we get involved in that?

Dean Dietrich – To make sure the renter has the correct liabilities.

Supervisor Politi – If Jack Favro were here, he would say, “What difference does insurance make?” I don’t go and ask Bob Maswick, Jim Morganson or Dean Dietrich to provide me with adequate insurance. They have friends that stay and visit them. There is a responsibility on the part of the landlord to cover their liability. Unfortunately, you have two different municipalities with different agendas. I heard at the last meeting that it may be an issue.

Dean Dietrich – That is why we are not having a joint session. We are meeting with the Village in an hour. If you are looking for insurance companies to put pressure on people to keep their facilities safe, we would want to make sure we have liability insurance statements. If you don’t think that is necessary then it doesn’t make sense.

Supervisor Politi – So many of these are great points of discussion and I may have started in one direction and after hearing every side I may have changed. I needed to hear it and get the concept in my mind. In that regard, it has proven beneficial to discuss these items. I read most of the Aspen and Truckee permits and they are basic business permits within the community. A lot of communities tried legislation or talked about it. It only came to a permit system.

Dean Dietrich – The proposal is not “take it or leave it”.

**Do municipalities have the authority to regulate short-term rentals?**

Dean – We found in Rochester they use presumptive evidence. If we see you on Airbnb, we have presumptive evidence that we can do it. Others had presumptive evidence that included two

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electric meters or two weeks with different license plates on your property. There are lists of presumptive evidence and if these things occur then we are going to move forward and you have to prove you are not renting. This struck me as a little weird but those are different ways to do that. We would probably use advertizing that it is available for rent; Airbnb, VRBO or a sign out front.

Supervisor Politi – They better not have a sign out front. It’s against the law!

**What are the projected revenues and expenses?**

Dean Dietrich – Britt Isham did an exhausted search and found 174 Rental units in the Town and 223 Rental Units in the Village.

Councilman Doty – Did she use presumptive evidence to figure that out?

Dean Dietrich – She went on the internet and found as many listings as she could. These are probably conservative estimates and match what Jim McKenna came through with. You have to consider the rate of payment. We are suggesting \$200 per bedroom because at the last meeting you thought someone with 8 bedrooms should pay more than someone with 2 bedrooms.

Councilman Miller – Why would we want to charge them so much money?

Dean Dietrich – The idea is to fill the “Safety Gap” and cover the cost of administration that is going to exist.

Councilman Miller – This is way beyond the cost of administration.

Dean Dietrich – I’m not too sure. You are looking at \$108,000 to be 60% compliant. We suggest that you hire a rental permit administrator. This is someone who would call people and say we saw your home listed on the internet and you have to submit a permit. It would be someone who would administer and enforces the permit system. You are looking at another position. You also have enforcement fees. Every time you go to court, you pay a lawyer which is \$5,000 per time. At salary.com a Rental Permit Administrator who is a Code Enforcement Officer makes \$35,000 - \$72,000 per year. The person has to be a Code Enforcement Officer because without it is a liability to the Town and Village. \$50,000 salary with 50% for benefits is \$90,000.

Councilman Miller – You are saying we have to charge \$200 per bedroom just to break even.

Dean Dietrich – If you figure very conservatively. That is how we got our number. Maybe you can do this with the existing personnel. We extended the no-fee-permit for someone renting for 15 days to the ironman or the horseshow.

Councilman Miller – If someone has a 4 bedroom house and they pay us \$800 per year, what do we get for that? What problems does that solve?

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Dean Dietrich – You just built the infrastructure of your Code Enforcement Office. I will let Jim speak about safety but you cannot complete all the inspections now that have to be done on Main Street.

Councilman Miller – We have created the need for that employee.

Dean Dietrich – The need to inspect Main Street is legislatively placed upon you. You just alleviate from yourself a lot of liability. One thing we are focusing on is the “safety gap”. Hotels pay \$300 - \$400 per year for their safety inspection. A 2 bedroom house will pay the same, \$400 per year. People that are renting an 8 bedroom house is a quasi-business. Right now, Hotels and B&B’s are regulated at one level and the houses are regulated at a low level and we call the difference a “safety gap”.

Councilman Miller – For that \$200 per bedroom per year, we will have an employee go to these houses and provide inspections?

Dean Dietrich – We went to an affidavit application. However even with a new employee you will not be able to inspect all of them. You can do periodic inspections.

Councilman Miller – If I am on Airbnb because I am gone 10 weeks out of the year, I would have to allow a Town Employee to come into my house to provide an inspection? If the person rents for the Ironman, you don’t have to inspect their house? Is it a personal business at 16 days renting or is it a commercial business?

Dean Dietrich – It is never a commercial business which is the problem.

Councilman Miller – What right does somebody have to go inside someone’s house?

Dean Dietrich – Public Safety. The same right with any public safety legislation; Mr. Morganson could inspect right now if he thought there was a safety hazard.

Supervisor Politi – I don’t think we can without court order.

Jim Morgan – Safety is usually not in your own home but something you are renting. Worse case, I would have to go to court to get the door open. But it could be done.

Supervisor Politi – I wish it were that easy but you should know that.

Dean Dietrich – The bottom line is the “safety gap”. It does mitigate some of the issues.

**How can parking requirements be included?**

Dean Dietrich – We feel the best way to handle parking & noise requirements is with the existing ordinance. We were told in October to come up with something else. We recommend one onsite parking spot for each bedroom.

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Councilman Miller – I see the biggest problem we have with vacation rentals is the noise and parking. I don't see this as a solution to the problem. A four bedroom house with a two car garage and two spots in the driveway can't put a car on the lawn?

Dean Dietrich – I would assume that if you can get three cars in a driveway then that is three bedrooms. However, there are no regulations against parking on your lawn right now.

Councilman Miller and Supervisor Politi discussed parking on your lawn to wash the car or get the car off the street in the winter. Dean Dietrich stated they agreed with this initially but were asked to come back with a parking regulation.

Councilman Miller – I agree with Roby in that I have come full circle in that I started off in one place and have been educated through this process and have come to a different conclusion. The noise is also a problem.

Supervisor Politi talked to a lot of people who live next door to vacation rentals and asked what the real issue is. It is usually two things, cars parked everywhere which they admitted does not create a problem and noise which happened occasionally however they have knocked on the door or called the police. Neither issue is a real problem for neighbors.

Supervisor Politi – I don't know if it is any different than if going away for the weekend and my 18 year old has a party with 20 cars in the yard and a lot of noise and neighbors call the police.

Dean Dietrich – You were the ones who asked us to come back with a plan for those issues. We found that different communities do different things about parking. Mayor Randall solves parking issues by painting a stripe down the street. People know they are not supposed to park there.

Supervisor Politi – That was an issue on Hill Crest and disallowing parking on one side of the street took care of that.

Councilman Dietrich – Saratoga Springs has alternate side of street parking which makes it easier for cleaning. Rentals are not going to get up and move their car so they park on the lawn.

Supervisor Politi called Saratoga Springs and they did not put a law or permit into effect due to the response of the public. Noise and parking is their problems as well.

**Can a Rental Officer be a Peace Officer and write appearance tickets?**

Dean Dietrich - Getting back to the "Safety Gap"; if we get a Safety Officer, what can we do? You have built your infrastructure so that you now have safety of the residential units and improve the safety of Main Street.

Councilman Miller – If a property is classified as a commercial building, and the house on the corner of Hill Crest and Elm is a commercial business, who has the authority to say this is commercial and this is residential? I don't have a problem with inspections of a hotel and a motel. I do have a problem when it is a private residence and government is knocking on your door.

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Dean Dietrich – The problem is that the classifications are not exclusive in that you could be a man and dark haired. Hill Crest is a residence at the same time they operate as commercial.

Councilman Miller – If it is not called a Commercial Business, I have a problem with Government knocking on my door saying they are coming in to inspect my house.

Bob Maswick – Roby, you said you go away for the weekend and an 18 year old has a party. We have all been there. It is not just the weekend. I have two guys down at the end of my street, great guys who are real estate investors and are renting 210 days a year. It is a business for them. These are not private residences. They operate as businesses and strive for the maximum rating from Airbnb. I asked them what they thought if a program like this came into play. They commented that they would be happy to pay because they get a seal of approval and they pass the cost to the guests.

Councilman Miller asked who has authority to designate something as commercial and Supervisor Politi stated that it is a code change in the Land Use Code, however defining “residence” as a 4 bedroom or an 8 bedroom being rented is not something you will find.

Supervisor Politi asked Bob Maswick if he had a problem with his neighbors and Bob replied that he does not have a problem with them or any of their tenants except that it is a constant revolving door.

Supervisor Politi – What is the difference between that and someone who donates their house away every weekend to a foundation? It would be the same traffic.

Bob Maswick – There really is no difference except this guy is treating this house as a legitimate business.

Dean Dietrich – The word “donation” makes a difference. You would not be renting it to anyone because it is a donation. To get to your point, we can put any requirements on a permit we want. If you are going to have a permit then you need to allow inspections.

Bob Maswick - I ultimately see the neighborhood and community disappearing.

Supervisor Politi – I don’t think Lake Placid is any different than Stowe, Sugarbush, Aspen or Vail. Aspen has a permit system and Vail doesn’t. I am concerned about over government. I don’t want to be hiring people and paying benefits. We are on a different page than the Village for a number of reasons. We have a Code Enforcement Office and they don’t. They want to charge commercial water/sewer and electric rates. We can’t. That is the agenda difference that I was telling you about.

Dean Dietrich – The density is different. The Village population density is 1800 people per sq. mile. The Town of North Elba population density is 96 people per sq. mile. With 400 residential units the Village has a bigger impact on 1800 people per sq, mile than it does on 96 people per sq. mile. We are looking at this issue with the Dissolution Committee. There are fundamental

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different visions because of that. You say, Government is too big, but Government needs to be as big as it needs to be to do the job. The beauty is that no one is doing the job in terms of the “safety gap”. The question is, who pays for it? Should it be the people of North Elba or the people who are visiting here? If you want to build the infrastructure of your Code Enforcement Office and fill the “Safety Gap” who should pay for that?

Councilman Miller – I was looking at roughly 400 units from the handout and they are paying almost \$1 million a year in school tax and are not sending their kids to our school. Then the Town asks for another \$1,000 year to create a program that is not going to solve the two problems that we have; parking and noise. I wonder when is enough, enough? I think it is well meaning, but I am very afraid of an expensive program that is creating more government and I’m not sure what problem we are solving.

Dean Dietrich – I would say that the person who is paying the school taxes is not the person who is paying the fee. The person from somewhere else who is renting is paying the fee.

Councilman Miller – Most people who are renting aren’t making a lot of money. They are offsetting some of their carry costs so they can own a home in our Town to spend money and bring other people here to spend money. There are outliers.

Dean Dietrich – We don’t believe this would impact the market. I was just in NYC and paid \$25 per night for a resort fee. We rented an Airbnb in Bellingham, WA and there was \$110 per night with a cleaning fee and City fee. That is the way it is if you rent a place.

Supervisor Politi – Do they have a permit fee in place in Bellingham and what was the City fee?

Dean Dietrich – I don’t know if they have a permit in place and the City fee was about 2½ %. NYC had a permit fee and a resort fee on top of it. My point being that it is a cost shifted to the visitor. Talking to Jim McKenna, they don’t see it as affecting the market.

Supervisor Politi –Do you know how much Occupancy Tax has been collected by the County to date? They have collected \$650. You are talking about making more money here than the entire County. Wayne Taylor, the person who is charge of collecting the money, came into my office and asked for a list of all the owners. I told him I had a fiduciary interest to those people. I cannot give him names without their permission. Realtors will not give names. I asked him about the Airbnb, the VRBO and everybody out on space and how he is going to get them?

Dean Dietrich – We were conservative and estimated 60% compliance. If you are going to do this, you are going to have to build the infrastructure. Somebody has to look into all of that.

Councilman Miller – Bob, if it is a volunteer program, I would be interested to see if your neighbor writes a check. This won’t solve the two problems, parking and noise.

James Morganson – I am doing my best to stay quiet. Parking and noise is not the issue. It is a public safety issue that I am more concerned about. Bedrooms without carbon monoxide detectors.

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Supervisor Politi- How many houses do you think that are out there right now that don't comply. We aren't inspecting them.

Councilman Miller – We are only looking at the houses that are for rent? What about the houses that don't meet the public safety requirements? You are now discriminating who we want to be safe and who we don't? We are going to check houses of people who are from out of town and not the other?

Supervisor Politi – At the last meeting, we discussed the concept of a permit. The form would ask if they have a fire extinguisher, Carbon monoxide detector, smoke detector, and they warrant that the information provided is true and accurate. If you don't and there is a fire, you are subject to a huge liability.

Dean Dietrich – We have a rough Transient Rental Permit Application.

Supervisor Politi asked if the hotels and motels would pay \$200 per room and Dean Dietrich responded by saying they are paying \$300-\$400 and an extra \$50 per month if they have an elevator. When questioned if it was a fee per room the answer was \$300 - \$400 total per year which Supervisor Politi responded by saying that fee is nothing.

Dean Dietrich – If you are saying that it does not warrant another person in the office then you don't have to charge \$200 per room.

Supervisor Politi – I do not want to be discriminatory. I want to treat people the same if at all possible. You might say a hotel is different than a residence. Is it? You are renting a room and you are paying for it.

Dean Dietrich - There is a big difference between a place that has 18 people staying in it and when the owner isn't there and hasn't checked the batteries. I live in my house and have a vested interest.

Supervisor Politi – I live on the 2<sup>nd</sup> floor of mine and I rent the 1<sup>st</sup> floor. I am different because I have an interest in it. Bob's situation and whether they are nice guys don't have as much interest because when there is a problem you can't find the owner.

Dean Dietrich – You can get no-fee permit when you live in the house because you have vested interest in safety. It is the person who is an absentee. The other thing you are missing is your contact information. Who do you call if there is garbage on the street?

Councilman Miller – What do you do to the summer residents that don't rent their home. Do you want their contact info also?

Dean Dietrich – Basically, it is about renting your house.

Councilman Miller – That is discriminatory because if there is a problem in the house and the owner is not there. We might want to contact them. Why is it only if he rents?

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Bob Maswick – That is a totally separate issue. Those guys have their own caretakers and have the horsepower to do that.

Dean Dietrich – Discrimination on the basis of race, creed or sexual orientation is bad. Discrimination on the basis of different situation is good. The difference between somebody who has a bigger building is going to pay a higher fee than someone who builds a smaller building. We make discriminatory decisions to the person who is renting their house to the public. We think we have a responsibility to make sure that the people are renting into a safe situation.

Supervisor Politi –I started out thinking of this as a health and safety issues this is the way it should be. Then I started to talk to people that opposed the situation. I left scratching my head. The best thing is to let the police handle the noise. If you want to get a permit to post on your house in the window that shows the Fire Department who the contact is then it would be there just like a building permit. Maybe that suffices. Towns across this country have been trying but haven't been able to come up with a solution that works because I don't think there is one that works. We need these homes because we cannot host any major event without vacation rentals. McKenna will be the first to say without them we aren't going to get anything anymore.

Dean Dietrich – If I am hearing you, an affidavit system that we could somewhat enforce for less than \$200 is that something you are looking for?

Supervisor Politi – We all want the same thing. We want people to enjoy themselves. If I have a neighbor who is renting his place all the time, I might not be used to having all those people nearby. I don't think this is the proper response. I can see the health and safety issue but I do not want to charge someone \$800 for their 4 bedrooms and the hotels pay the same. Hotels pay sales tax because they provide other services whereas vacation rental, under the State Residential Bungalow Law as to what you have to pay sales tax for and what you don't. Vacation rentals do not fall under that umbrella. They are different. The County has passed a law that requires them to pay an occupancy tax. Hotels pay occupancy tax and sales tax.

Dean Dietrich – Still, the piece we are missing is the “Safety Gap”.

Supervisor Politi – This has opened my mind. I am in the business and I have problems with the business too. The worst people I have to deal with it are not the tenants but the landlords.

Councilman Doty – For me, the affidavit makes a lot of sense to prove that there are fire extinguishers and contact info as data. We are going to need data. I don't believe that we are in a point in the first year to move as far as you are proposing. The day might come where we have to. As Roby said, this fee structure will take in more than the County Occupancy Tax. A modest fee to help Britt track all this makes sense for me under the fire safety need. I can understand where the Village will need to recover some kind of fees for their infrastructure costs of water/sewer. I am a caretaker by trade and if I told you how many responses I have had to go to with the fire department for someone who burned pizza boxes in a propane fire place or those who don't know how to open the damper for the fireplace even with it written, frozen waterlines and a host of other things. Roby is right when he says the Village is looking at a host of problems that are different

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than what we tackle. You talked about the fee structure and how it would be associated to hiring one person to try to do these inspections. We are kidding ourselves. You can't do them. You said it ourselves that there is too many. Jim fights the same battle with the commercial inspections that the state mandates. We are going to double our workload which we cannot get done now. And we are still taking in \$108,000?

Dean Dietrich – That is the idea. You take in \$108,000 and build the infrastructure and maybe you can do the workload.

Supervisor Politi asked if Dean Dietrich believes the Village is different than the Town and he replied, yes definitely, the complicated factor is that the two go in different directions. I don't know how we will handle the complication factor that the building office is the Town's.

Supervisor Politi – I think there are more problems in the Village. The only major noise issues in the Town are the weddings, Larry Straight has noise complaints on Sweatwood Farms and some at Fawn Ridge. Noise is the complaint.

Dean Dietrich – Our proposal is not for noise. It is a safety issue. At South Hampton, three people died in a fire and they were in a bedroom that shouldn't have been a bedroom.

Councilman Miller – The same thing can happen in a fire at a residence.

Supervisor Politi – People sold a house with a crack in the furnace and when they sold the house they did not disclose it. The people died. That is why you have structural inspections. We need to make sure when people come to Lake Placid they are save.

Dean Dietrich – That is why we need the Affidavit and build the infrastructure to get that in place.

James Morganson stated it bothers him that you can rent a house in the Village and put 20 people in it and they don't have water meter when a resident can't possibly use as much water as they use. It is not a negative if the Village wants to collect those fees. Dean Dietrich added the permit requires that a meter be hooked up.

Councilman Miller – I thought we left the last meeting saying that we were going to have the affidavit and a \$20 filing fee.

Supervisor Politi – We did talk about the filing fee. I don't know how we got to \$200? Jack is not here but I will tell you he is animatedly against it.

The Board discussed with James Morganson the desire of Jack Favro to get the owner information to the Fire Department and Supervisor Politi suggested that the form be sent to the Fire Department. Councilman Miller suggested that they should have it for every resident that is not always here and ask if they want to provide their contact information.

Supervisor Politi – Contact information is a huge problem. It is inevitable that when there is a problem in a vacation rental, the owner is long gone on vacation spending that money.

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Dean Dietrich – It sounds as if you are not interested in the “Cadillac Program”. What do you want; we serve at your pleasure.

Supervisor Politi – The Town is not in favor of the “Cadillac Program”

Bob Maswick – The issue is the fee. This is clearly what you asked of us last time. I step away from this as a committee member as a tax payer. I don’t want to be footing the bill through my taxes for those two guys down the street who are running businesses. They should pay.

Supervisor Politi – What is the expense for those two guys? What is it costing you?

Bob Maswick – Their fee would be \$800 each per year.

Supervisor Politi – Right now, no program, what is that guy costing you?

Bob Maswick stated it is costing me water/sewer and Supervisor Politi responded that the Village doesn’t treat anyone any differently from them or me or Bob or Jay. Bob Maswick responded by saying that the water and sewer plants are sized based on peak usage and the people in those houses are running those two systems at peak.

Supervisor Politi – They may be using more water but they are paying more because it is running through a meter.

Dean Dietrich – From our prospective, Are those guys regularly cleaning their chimney? Are they regularly checking their safety features? If you want those guys to do that, then you have to put a program in place. There is more than just filing a piece of paper. You need a follow-up program because it is going to be a rolling system.

Councilman Miller – We should mail a letter out to year round residents because Roby doesn’t clean his chimney. Remind everybody. Why are we only picking people who rent their houses?

Dean Dietrich – We hook on them because they are a quasi business.

Councilman Miller – I think you answered it. We are doing this because we can.

Dean Dietrich – We would like to do it for everybody but we can only do it to businesses because we have a hook on them.

Councilman Miller – We have a philosophical difference.

James Morganson – Once you introduce a home to the public it is no longer a residence.

Dean Dietrich – We can call it a commercial business but it is not defined as a commercial business. When we created accessory dwellings in the Code we said it could not be used for Transient Rentals.

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Supervisor Politi – Is it a mistake to modify the Code to say that people who rent their houses are classified as vacation rental?

Dean Dietrich – You are basically doing that by legislation if you pass the permit system for the Transient Rental.

Transient Rentals – Any pattern of rental (including vacation rentals) or leasing under which a residential building or structure, single or two family dwelling, condominium, townhouse, guest house, cottage, cabin, attached or detached apartment, fractured ownership unit, timeshare unit or accessory dwelling is renting as a living quarters for any period of less than 30 days.

Jim Morganson – The original description that I wrote talked about the definition of vacation rentals and Dean morphed it into Transient Rentals.

Dean Dietrich explains the Fee Permit and No-Fee Permit stating if you rent your house out to the ironman or if you are renting your place fulltime to a single person would be a no-fee permit. They are trying to catch the people who are using a residence as a business. He believes that the people who live there a long time are responsible for their own safety.

No-Fee Permit – Any transient rental where the lease period and/or the cumulative rental or lease period is less than 15 days per calendar year.

Fee Permit – Any transient rental where the lease period and/or the cumulative rental or lease period is more than 14 days per calendar year.

Councilman Miller – We have a different situation because they have an insurance company and they can always change insurance companies. I rent my place 4 months out of the year to friends and family and I don't make money. Once in a while we get a complaint and that person is not invited back to stay. I have a problem with the Government taxing people who are already paying \$1 million in school tax. The water/sewer cannot compare to the money they are paying and bringing to this town in which I make a living. Those who rent their houses contribute and we all are the beneficiaries of that.

Dean Dietrich – Again, they are not the people who are paying this. I guess we are going back to our original premise in that if the owner is not living there then there is no incentive to check safety and overcrowding.

Supervisor Politi – You can't check how many people are sleeping there anyway. The Department of Health says that if there are more than 10 occupants in your house you have to get a permit. Jim, have you ever seen a permit? Does NYS care?

Jim Morganson – It is considered a Bed and Breakfast or Boarding House. The skaters' house on Hill Crest has a permit. Tony Carleno keeps below that threshold so he doesn't have to get a permit.

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Supervisor Politi – The house on Pine St and Hill Crest had probably eight cars this weekend. There were more than 10 people.

Councilman Doty – The owners were there this weekend and there are eight of them.

Jim Morganson – That is different because the Health Department wants Bed and Breakfast or a Boarding Lodge. They don't have anything other than a house. That house is the poster child for what is wrong with renting a house. The Russian was in Monday morning complaining.

Supervisor Politi – Other than cars, I have never heard noise from that house.

Dean Dietrich – Although we are not doing anything about noise, the affidavit says you have to provide the noise ordinance to the renters and also the parking regulations so they can't say they didn't know.

Supervisor Politi told the story of the noise at Sweetwood Farm and Janet Smith sent Tim down to ask them to be quiet and he ended up staying and having a beer with the people.

Councilman Miller – I don't think I want any of this quite honestly.

Jim Morganson – Something that got overlooked in the presentation is that there is an educational benefit with the affidavit to allow people to know that there is a noise ordinance.

Councilman Miller – Perhaps it is worth mailing the notice law to everyone that owns a home.

Dean Dietrich – My position would be, if you are going to mail the letter out, it should be paid for by the people.

Supervisor Politi – How do we get them? This is no different that Wayne Taylor and what he is facing right now.

Dean Dietrich – The administrative cost allows you to get Airbnb ownership. You contact that person by sending them an email.

Supervisor Politi – What will happen is that they won't send it back. They live in Connecticut and say they advertise on the internet and haven't had luck renting it. The ten cars over the weekend were all friends of ours.

Jim Morganson – You made the example and Laurie made a face, but just last weekend the house behind us had three cars with Canadian license plates parked the wrong way up on the grass. I know, Laurie you made a face at that.

Laurie Dudley – I was thinking at Bob Maswick's situation and wanted to note that the owners clearly have a caretaker because somebody plows, mows the lawn and removes the trash. Many of the absent owners have the contact information of the caretaker if there is something wrong. Half

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of them have alarm systems that go to the police, the fire and the caretaker. My husband goes to houses all the time as a caretaker. The houses are well cared for even if the owner is not there.

Supervisor Politi – If you have to fill the form out and ask for a contact number they are going to find someone local as a contact.

Dean Dietrich – We suggested the contact has to live within half hour drive.

Councilman Doty – The local police beat me to an alarm and left their card and said call me when you fix it.

Supervisor Politi – Derek, you and John are the people that are out there. I get a call if someone locked themselves out of a unit. You get a call when the sprinkler is going off.

Dean Dietrich – Are you looking for something like this with less fee? I figured out a matrix and with a \$50 flat fee you get \$6,750.

Councilman Miller – How difficult is it to mail out a letter to all the residence with the taxes asking them if they would like to provide this info to the Town. I would like to have the contact info for the summer resident whose place is empty for 10 months.

Dean Dietrich – I don't want to bother private residents. When a person is renting his place to the public, I feel it is different.

Supervisor Politi - I feel that landlords will be more willing to pay a permit fee for health and safety reasons rather than \$200 per room a year. This room would be full of angry people.

Councilman Miller – Are you talking about sending the mailer or asking them to pay?

Supervisor Politi- You have to get a permit and the permit costs \$25 or \$50 and these are the questions that have to be answered. It goes to a building permit form that Jim has and has to be placed in view at the residence or does the burglar walk up and say this guy lives in Connecticut and Doty is his caretaker and I know he lives in Ray Brook so I'm going to rob the house.

Laurie Dudley mentioned that the information can be foiled and Councilman Miller stated than now I can get everybody contact information including the cell phone number and who the caretaker is. Dean Dietrich stated you can get that info now from the tax roll and Councilman Miller pointed out that they can only get mailing information. Dean Dietrich believes that it is just one Google search away.

Councilman Miller – I just want to stay out of it.

Supervisor Politi – You feel it is too much government. I can understand that argument. I can see both sides.

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Councilman Doty – I like an Affidavit but no organized permit. I think that is imposing a regulation, and I side with Bob, that it is too much government. Voluntarily giving information that is usable to us for Health and Safety is what we agreed to.

Councilman Miller – If we can't get the Airbnb and we can't enforce it then why are we doing this?

Supervisor Politi – This is the problem that the County has right now and the problem that we are going to have.

Bob Maswick stated Lake George amended a Local Law that includes short term residential rentals. Supervisor Politi read his example which states that they have a \$75 permit fee a year and noted that the vote was 3 to 2. Lake George had controversy too.

Bob Maswick – The point is getting something in place and fine tuning it later.

Councilman Miller – Again, let's deal with the problems of parking and noise.

Dean Dietrich and James Morganson both stated they believe the problem is safety.

Dean Dietrich discussed further about how the locals take care of their home by checking the fire extinguishers and smoke detectors but those that don't live here don't have a vested interest in making sure those things are checked. Councilman Miller believes that is why they pay more for insurance. Bob Maswick believes there are many people renting one house that could not get out if there were a fire.

Supervisor Politi – Robert Blais says Lake George charges \$75 for a permit which many people don't respond. He says, it's not a perfect world. It is the same with the County Occupancy Tax. We don't expect people will pay it for at least a year. Some will know about it and some will know about it but aren't going to pay attention to it.

Supervisor Politi continued to discuss the problem with sharing the information because someone might want to look at the address and cell phone for a particular reason. As soon as they file a form with the Municipality, this could be an issue.

Dean Dietrich asked if they wanted the committee to go back and look at the model of Lake George and Supervisor Politi said yes. Dean Dietrich noted that a \$75 flat fee at 100% is \$19,950 and at 60% is \$11,970. This then becomes a voluntary program without enforcement.

James Morganson – I had nine complaints in Fawn Ridge and we knew they were renting the house. You could bring them to the Judge for a decision other than mine or the office as like any other zoning provision.

Dean Dietrich – That is the expense we talked about.

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Supervisor Politi – You would have to say that the license will be provoked if you don't reply. If it is revoked, you cannot rent your house. I just don't know how you're going to do it. Every investor needs a local guy to look after their place.

**ADJOURNMENT**

Councilman Rand moved and Councilman Miller seconded the motion to adjourn the Special Board meeting at 4:10 pm.

Respectfully submitted,

Laurie Dudley, Town Clerk