

SOUTH BRISTOL TOWN BOARD MEETING

March 9, 2020

REGULAR MEETING

The regular meeting of the South Bristol Town Board was called to order March 9, 2020 at 7:00pm at the South Bristol Town Hall, 6500 W Gannett Hill Road, Naples, NY 14512.

PRESENT

Daniel Marshall, Supervisor
Donna Goodwin, Councilwoman
Stephen Cowley, Councilman
Jim Strickland, Councilman
Scott Wohlschlegel, Councilman

RECORDING SECRETARY

Judy Voss, Town Clerk

OTHERS

Brian Perkins, Scott Sickmond, Bessie Tyrrell, Brooks Lyon, Fred McIntyre, Cathy Colby

I. ROLL CALL

Supr. Marshall opened the meeting with roll call.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

On a motion made by councilman Wohlschlegel and seconded by Councilman Strickland the minutes of the January 13, 2020 Public Hearing, the January 13, 2020 Regular Town Board minutes were ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

IV. PRIVILEGE OF THE FLOOR

V. COMMITTEE REPORTS:
HIGHWAY

Councilman Cowley read a summary he received from Supt. Wight.

“Not much to report on the barns, hauling stone for summer projects, cleaning up tree damage here and there and reconstructing the hoop barn. Hope to be cleared for work by Thursday.”

FINANCE REPORT – PROPOSED BONDING FOR HIGHWAY GARAGE

Supr. Marshall reported said the Board will know much more after tomorrow; tomorrow is the day the bids are opened for the proposed Highway Garage.

Supr. Marshall noted that last month the Board discussed the cost of purchasing 6 new computers for the Town Hall. We do have a cost for 5 of the computers that are coming in on Wednesday. These will all be Windows 10 to be up to date, compatible along with technical backup and support that we need.

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Supr. Marshall reported that the annual report, the 2019 AUD, has been sent to the State as required and on time. This is done by EFPR Solutions through a contract with the Town. Second year in a row we have been on time.

VI. OLD BUSINESS:

TAX CAP OVERRIDE – RESOLUTION OF FIRE DISTRICTS

Supr. Marshall explained that last month the Board approved a Local Law for the 2% tax cap override and now have a resolution for the Special Districts in the Town; the 4 Fire Districts.

On a motion made by Councilman Strickland and seconded by Councilwoman Goodwin, Resolution No. 30-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

RESOLUTION 30-2020

WHEREAS, the Town Board of the Town of South Bristol is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

WHEREAS, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of South Bristol, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of South Bristol, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2021 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 9, 2020 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>x</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____
James Strickland	<u>x</u>	_____

Dated: March 9, 2020

Judy Voss, Town Clerk

SEAL

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LOCAL LAW – SHORT TERM RENTAL LAW

Supr. Marshall said that he did speak with the Planning Board and talked about a few of the issues that were of concern to the Town Board. The amount of work this law is putting on the Planning Board and on the Code Enforcement Officer and was met with assurances from both that initially it will be a rush and keep them busy and after that it would be in control. There is one more possible alteration to the law that the Town Board has a copy of. This is the same law as before however, at the suggestion of CEO Sommer added language that states that no short-term rental property may be used for large group events. Supr. Marshall explained that if you are renting your property out as a short-term rental you cannot invite 150 people for a wedding, etc. What we would have to determine is what that number is. The Town Attorney suggested 2 times the allowable; if the rental allowed 12 anything over 24 would be considered a large-scale event. Supr. Marshall thought that might be something that could address the issues we've most recently been experiencing. If that change is included the Board would have to have another Public Hearing.

Councilwoman Goodwin asked if someone wanted to have a family reunion.

Supr. Marshall said this is short-term rental; you are not renting your own properties so if you want to have a family reunion on your property.

Councilman Strickland said that Ontario County Park has pavilions for that.

Fred McIntyre of Route 64 said that we experienced all that stuff last summer; it doesn't work. Even 25 people can be horrendous; they get a band and play til 11:00pm at night, you do not want that next door to your house.

Supr. Marshall said if a home is set up for 12 people, that is it.

Cathy Colby of Bristol Harbour said she just came back from Miami where they are getting rid of AirBNB's across the board. People were saying that if you rented a place for 5 people, that is how many people can be in that unit at any given time.

Councilman Strickland said this is a problem everywhere.

Councilwoman Goodwin said her family rented a house in Colorado, the owner came right over to verify, met us there, to make sure weren't bringing more than was allowed.

Ms. Colby said that is where you are going to run into problems with that language; doubling the amount of people.

Supr. Marshall said that language is just a suggestion from the Town Attorney and the law can stand as is; the number of people can rent that is allowed for the property.

Supr. Marshall asked if the Board wanted to add the language prohibiting large events as CEO Sommer suggested? This change would add one more month to the process. Supr. Marshall thought it was worth looking into.

Councilman Strickland agreed.

Councilman Cowley said as he reads this, the Noise Ordinance comes into effect with noise; with Fred's suggestion, two people can make a lot of noise.

Supr. Marshall said the difference is the Noise Ordinance applies to everybody; even private residences.

Someone from the audience asked about the weddings that have already been planned.

Supr. Marshall said that doesn't affect the decision. What they could do is almost treat it like a variance and request a one-time event for X number of people but would be hesitant to do even that.

Supr. Marshall asked the Board for their thoughts.

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Councilman Strickland said that it is obvious the number has to be limited; just don't know how much to limit it.

Supr. Marshall said he didn't want to wait much longer. Councilman Cowley agreed.

Clerk Voss noted that the permit process would say how many people are allowed to rent and stay in the home.

Supr. Marshall read to additional language: "No events, such as weddings, receptions, reunions and the like gatherings, parties or assembly of people in number equal to twice the maximum occupancy of the short-term rental. Including those that are renting the short-term rental as permitted to take place in or on the short-term rental property. The dwelling unit, the short-term rental is a part of or the property on which the short-term rental is located." Supr. Marshall said that in the rental contract itself, there would be a statement that no events, etc., would be allowed. If we remove this language completely the law is confined by the size of the septic system.

Councilman Cowley agreed and read "j. In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy for any dwelling unit that is or contains a short-term rental unit exceed twelve (12) people, based on the calculation of two (2) people per bedroom and counting all existing tenants and residents of the dwelling unit plus the possible number of renters of the short-term rental."

Supr. Marshall said if we do not put the additional language in the law we can proceed and adopt the law. We would have to approve SEQR on the law, which Councilman Wohlschlegel has had completed and then approve the law itself. What is the will of the Board?

Councilman Wohlschlegel asked if "k." would be removed from the law.

Supr. Marshall answered that the Board would be passing the law that the Town Planning Board presented to the Town Board.

Councilman Strickland agreed with the new language because it already protects from the parties, weddings, etc. In "K" it says no more than twice the allotted number, with 12 you could have 24 people. It also says that there are no events such as weddings, receptions, reunions and the like; as far as the noise level goes, no more than 12 people can spend the night, and we have the Noise Ordinance in effect. Councilman Strickland said we have already eliminated the loud problem situations that you'd have.

Councilwoman Goodwin said that we would have to wait another month then.

Councilman Cowley used an example, he's renting a place on the Lake and I have friends over for a birthday party, 25 people there during the day. That sounds like I can't do that and makes it quite restrictive cause it does say "reunions."

Clerk Voss said that AirBNB started as community, share your home so you could introduce the community to people that were visiting. It was not a commercial enterprise at all; AirBNB is now like a room at a hotel, you are not going to have a reunion in a hotel room.

Bessie Tyrrell mentioned that if you look at the parking, that all ready restricts the number of people. The Planning Board is really looking at what to do about the events for everybody; how many neighbors you have to get involved, etc. That would probably cover what you are questioning now; it would be great to get this law approved.

Councilwoman Goodwin said we can pass the law as is and always add language and amend it if it gets to be a real problem.

Councilman Strickland agreed and that the parking becomes an issue especially when there is an event.

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Councilman Cowley and Councilman Strickland mentioned that they were ready to move forward with the law with the original law removing K.

Councilman Wohlschlegel agreed.

Supr. Marshall noted that before we pass the law the Board should talk about SEQR and asked Councilman Wohlschlegel to go over it.

Councilman Wohlschlegel said Part 1, the questions ask if “the project is near a coastal area or waterfront, waterway, etc.” Those answers were “no.” The only question that was answered with a “yes” was, “Administrative or legislative adoption or amendment of a plan or local law take place” and it will. Everything else was answered “no” except for “b” in Part C, which says “is the site of the proposed action within any local or regional special planning district, green way, etc.” and there are the watersheds and steep slopes management so answered “yes” to that section.

On a motion made by Councilwoman Goodwin and seconded by Councilman Cowley, Resolution No. 31-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION 31-2020 OF THE TOWN BOARD OF THE TOWN OF SOUTH BRISTOL,
ONTARIO COUNTY, NEW YORK,**

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 2 OF 2020

WHEREAS, the Town of South Bristol Town Board, hereinafter referred to as Town Board, has determined proposed Local Law No. 2 of 2020 to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 9, 2020, by the following vote:

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	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>x</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____
James Strickland	<u>x</u>	_____

Dated: March 9, 2020

Judy Voss, Town Clerk

SEAL

Supr. Marshall said that this is the Local Law as presented to the Town Board by the Planning Board.

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, Resolution No. 32-2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

RESOLUTION 32-2020

AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2020

WHEREAS, a resolution was duly adopted by the Town Board of the Town of South Bristol for a public hearing to be held by said Town Board on 2020, at 7:00 p.m. at South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol to Add Short-Term Rental Regulations" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of South Bristol, on January 8, 2020 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on January 13, 2020, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, Town of South Bristol, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interest of the Town of South Bristol to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of South Bristol hereby adopts said Local Law No. 2 of 2020, entitled "A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol to Add Short-Term Rental Regulations", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of South Bristol, to publish an abstract of this local law in the Town's official newspaper and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the Town Board adopted the aforementioned resolution on March 9, 2020, by the following vote:

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	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	x _____	_____
Scott Wohlschlegel	x _____	_____
Donna Goodwin	x _____	_____
Stephen Cowley	x _____	_____
James Strickland	x _____	_____

Dated: March 9, 2020

Judy Voss, Town Clerk

SEAL

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

Town of South Bristol

Village

Local Law No. 2 of the year 2020

A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol to Add Short-Term Rental Regulations

(Insert Title)

Be it enacted by the Town Board (Name of Legislative Body)

County

City

Town of South Bristol

as follows:

Village

Section 1. Given the rise in use of short-term rentals and given the effects short-term rentals can have on adjacent properties, neighborhoods and the Town as a whole, the Town Board finds it in the best interest of the Town to control and regulate the use of short-term rentals within the Town. The amendments being made to the Zoning Law of the Town of South Bristol are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods where such uses may exist, and to mitigate the adverse effects of short-term rentals.

Section 2. Article VI. (Supplementary District Regulations) of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Section 170-71 to read as follows:
§ 170-71 Short-term rentals.

A. Legislative intent. The purpose of this section is to control and regulate the use of short-term rentals within the Town. The provisions of this section are intended to preserve and protect

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the health, character, safety, and general welfare of the residential neighborhoods where such uses may exist, and to mitigate the adverse effects of short-term rentals.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADJACENT PROPERTIES

(1) Other than as defined in paragraph (2), this shall mean properties, parcels, lots or units situated near or next to, adjoining, contiguous or abutting the subject property, whether on the same side of the road, across the road or behind the subject property; and

(2) When the subject property is a condominium unit that is a portion of a building containing condominium units on multiple floors with multiple condominium units on each floor, this shall mean all condominium units on the same floor as the subject property and also those condominium units adjoining directly above and below the subject property.

HABITABLE SPACE - The spaces in a building for living, sleeping, eating or cooking.

Bathrooms, toilet rooms, closets, storage or utility spaces, garages, halls and laundry rooms are not considered habitable spaces.

OWNER - Person(s) and/or entity(ies) that hold(s) legal and/or equitable title to the short-term rental.

SHORT-TERM RENTAL

(1) A dwelling unit or part thereof rented for compensation of lodging by individuals for a period of not more than thirty-one (31) consecutive days.

(2) For the purpose of this Chapter, the term "short term rental" shall not include a bed-and-breakfast, boarding/lodging house, hotel or motel.

(3) Presumption of dwelling unit as short-term rental property.

The presence of the following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:

a. All or a part of the dwelling unit is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away, VRBO and the like for a period of less than 31 days; and/or

b. All or a part of the dwelling unit is offered for lease in any medium for a period of 31 days or less.

The foregoing presumptions may be rebutted by evidence presented to the Code Enforcement Officer that the dwelling unit is not a short-term rental.

(4) Ongoing month-to-month tenancies are not short-term rentals.

C. Required Permit.

1. An owner shall obtain a revocable short-term rental permit prior to any dwelling unit being used for short-term rental purposes.

2. A short-term rental permit shall be valid for two (2) years and must be renewed upon expiration as long as the unit is used as a short-term rental.

3. The short-term rental permit is not transferable to a new owner. The new owner of property subject to a short-term rental permit must file a new application in accordance with the terms of this Section as if such property is not subject to a short-term rental permit.

4. No dwelling unit that was constructed as a single-family dwelling, two-family dwelling, multiple-family dwelling, dwelling with a business or dwelling above a first floor business after the enactment of this article shall be eligible to apply for a short-term rental permit for two (2) years after the issuance of the certificate of occupancy unless, at the time

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the application for the initial building permit for such dwelling is filed, an application for a short-term rental is also filed.

5. Notwithstanding the foregoing, those properties with short-term rental commitments existing on the date this section takes effect shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals, but must apply, within thirty (30) days of the effective date, for all future short-term rental commitments. In the event such application is denied, all commitments must be cancelled.

D. Short-term Rental Permit Application Requirements.

Applications for a short-term rental permit may be obtained at the Town of South Bristol Code Enforcement Office. A completed application for or renewal of a short-term rental permit shall be submitted to the Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee to be determined from time to time by resolution of the Town Board, and contain at least the following:

1. The signatures of all tenants and/or residents of the dwelling unit to which the short-term rental permit would apply and the signatures of all owners.
2. A copy of the current vesting deed showing how title to the subject property is currently held.
3. Permission for a property inspection by the Code Enforcement Officer.
4. An acknowledgement of present and ongoing compliance with the Short-term Rental Standards as defined in this Section, including, but not limited to, the demonstration of adequate off-road parking spaces for the dwelling unit with proposed short-term rental.
5. A list of all the existing property owners, tenants and/or residents of the dwelling unit that is or contains the short-term rental, including names, addresses, telephone numbers and email addresses of each.
6. The name, address, telephone number and email address of a contact person, who shall be responsible, and authorized, to act on the owners' behalf to promptly remedy any violation of the standards outlined in this Section. The contact person may be an owner or an agent designated by the owner(s) to serve as a contact person.
7. An accurate suitable floor plan measuring at least 8.5 inch by 11 inch, drawn to scale and certified by the applicant. The floor plan need not be prepared by a professional, but must include the following:
 - a. The location of buildings and required parking.
 - b. Basement, to include house utilities, all rooms including bedrooms, windows and exits.
 - c. First floor - all rooms with exits, windows, bedrooms and any heating/cooling units.
 - d. Second floor - all rooms including exits, windows, bedrooms and any heating/cooling units.
 - e. Attic, if any, with all rooms including exits, windows, bedrooms and any heating/cooling units.
8. A statement that none of the owners of the subject property have had a short-term rental permit revoked within the previous year.

All completed applications are subject to a Floor Plan Review and Approval by the Planning Board. Upon approval of the application, the Code Enforcement Officer shall grant a short-term rental permit.

E. Short-term Rental Standards.

All short-term rentals shall meet the following standards:

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1. Property Requirements

a. Smoke and Carbon Monoxide Detectors - There shall be one working smoke detector in each sleeping room and one additional smoke detector on each floor. Carbon monoxide detectors shall be installed as required by the New York State Uniform Fire Prevention and Building Code.

b. Emergency Evacuation Procedures - Evacuation procedures must be posted in each sleeping room to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

c. ABC Fire Extinguishers:

There shall be an ABC fire extinguisher on each floor and in the kitchen.

Fire extinguishers shall be inspected monthly by the permit holders.

d. The house number shall be located both at the road and on the dwelling unit so that the house number is clearly visible from both the road and the driveway.

e. Exterior doors shall be operational and all passageways to exterior doors shall be clear and unobstructed.

f. Electrical systems shall be inspected by a third-party electrical inspector to ensure no visual defects or unsafe conditions prior to initial rental permit application.

g. All fireplaces shall comply with all applicable laws and regulations.

h. The property containing the proposed short-term rental must have a minimum of one (1) off-road parking space for every bedroom shown on the floor plan included with the application. The maximum occupancy for each short-term rental unit shall not exceed two (2) people per bedroom shown on the floor plan included with the application and the maximum occupancy of any dwelling unit that is or contains a short-term rental shall not exceed twelve (12) people total, based on the calculation of two (2) people per bedroom and counting all existing tenants and residents of the dwelling unit plus the possible number of renters of the short-term rental.

j. In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system, but in no event shall overnight occupancy for any dwelling unit that is or contains a short-term rental unit exceed twelve (12) people, based on the calculation of two (2) people per bedroom and counting all existing tenants and residents of the dwelling unit plus the possible number of renters of the short-term rental.

2. Insurance and Registration Standards

a. All applicants and permit holders must provide a "Evidence of Property Insurance" and "Certificate of Liability Insurance" indicating the premises is rated as a short-term rental and maintain such insurance throughout the term of the short-term rental permit.

3. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the road except around pick-up time.

4. Rental Contract. All applicants and permit holders must have a rental contract, which includes the following policies/statements:

a. Maximum Property Occupancy

b. Maximum on-Site Parking provided

c. Good Neighbor Statement stating:

i. That the short-term rental is in a residential area in the Town of South Bristol and that renters should be conscious of the residents in neighboring homes;

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- ii. A statement that guests must comply with the Noise Law of the Town of South Bristol as set forth in Chapter 113 of the Code of the Town of South Bristol;
- iii. All renters will be subject to New York Penal Law §240.20 or any successor statute regarding disorderly conduct;
- iv. A statement that littering is illegal; and
- v. A statement that all fires must be attended.

F. Procedure upon Filing Application.

1. Short-term rental permit applications shall be filed with the Town of South Bristol Code Enforcement Officer with all supporting documentations and the nonrefundable permit fee. Only completed applications will be accepted by the Town's Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:

a. Application and documentation required by this Section was not included or the full permit fee paid.

b. If the Town of South Bristol issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.

2. Upon the Code Enforcement Officer's acceptance of the completed permit application, all documents and information required by this Section and the application fee, the Code Enforcement Officer shall have thirty (30) days to conduct a property inspection to certify and approve that all short-term rental requirements have been met.

3. Within thirty (30) days of inspection and certification of the short-term rental application by the Code Enforcement Officer, the Code Enforcement Officer will schedule with the Town of South Bristol Planning Board a floor plan review.

4. The Town of South Bristol Planning Board will review the Short-term Rental Application/Preliminary Floor Plan and feedback from Code Enforcement Officer to ensure that it meets all requirements as outlined in this Section.

5. Upon review of the accepted completed Short-term Rental Application by the Town of South Bristol Planning Board the Planning Board will schedule a public hearing as outlined in Section 170-94 of this Chapter within thirty (30) days. Public hearings will be advertised at least five (5) days prior to the hearing date in a newspaper of general circulation as outlined in Section 170-94 of this Chapter.

6. Upon completion of the public hearing the Town of South Bristol Planning Board will approve, with or without conditions, or disapprove the Short-term Rental permit. In issuing a short-term rental permit, the Town Planning Board may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of this Chapter and are imposed for the purpose of minimizing any adverse impact the short-term rental unit may have on the neighborhood or community.

7. Upon approval of the Floor Plan Review/Short-term Rental Application by the Town of South Bristol Planning Board, the Code Enforcement Officer will issue the applicant a short-term rental permit. Short-term rental permits issued pursuant to this Section shall state the following:

a. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;

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- b. The maximum occupancy and vehicle limits for the short-term rental unit;
 - c. Identification of the number of and location of parking spaces available;
 - d. Any conditions imposed by the Planning Board and/or Code Enforcement Officer.
8. The short-term rental permit holder shall provide a copy of the short-term rental permit to the owners on record of all properties adjacent to the short-term rental property by either personally delivering or sending by first class mail such copy to such owners at the address the Town Assessor has on file for each such adjacent property for the sending of property taxes. Regardless of the number of owners of any adjacent property, the short-term rental permit holder shall only need to serve one copy for each adjacent property by a method provided in the preceding sentence. The short-term rental permit holder shall provide to Code Enforcement Officer within 30 days of when the permit is issued a statement of compliance with this provision, stating the owners served and the method of service (e.g. mail, personal delivery).

G. Conformity and Display of Permit.

- 1. Short-term rental permit is subject to continued compliance with the requirements of these regulations.
- 2. If the Code Enforcement Officer has probable cause to believe that the home owner is not in compliance with the provisions of the Zoning Law, the Code Enforcement Officer may petition a court of competent jurisdiction for a search warrant to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this section. Alternatively, the Code Enforcement Officer may request permission from an owner of the short-term rental permit to come onto the property and to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this Section, which permission the owners of the short-term rental are under no obligation to give. If an inspection authorized herein is conducted, the Code Enforcement Officer shall use the results of such inspection in determining whether to revoke the permit.
- 3. Prior to any tenants coming onto the short-term rental property:
 - a. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
 - b. A copy of the current list of short-term rental properties will be provided by the Code Enforcement Officer to the Fire Department having jurisdiction.
- 4. The owners must ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately upon any change in the information displayed on the permit. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended permit and must immediately provide a copy of the amended permit to every adjacent property owner as required in paragraph F.8. herein.
- 5. The short-term rental permit holder must conspicuously display the short-term rental permit number in all advertisements for the applicable short-term rental.

H. Compliance, Hearings and Penalties.

- 1. Violations of this Section or of any short-term rental permit issued pursuant to this Section shall be subject to enforcement and penalties prescribed in this Chapter, as amended.
- 2. If the Code Enforcement Officer either witnesses or receives a written complaint of an alleged violation of this Section or of any short-term rental permit issued pursuant to this Section, the Code Enforcement Officer shall refer such matter to the Planning Board along with a

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copy of the complaint, if applicable, a written report, if any, pertaining to any investigation and/or inspection conducted relative to the alleged violation and any other facts or documents pertaining thereto. The Planning Board shall schedule a hearing to be held within 30 days and mail, by first class mail to the address(es) provided on the short-term rental application, written notice thereof to the owners and residents of the subject property no less than ten (10) days prior to the date of the hearing. At the conclusion of the hearing, the Planning Board shall determine if the terms of the short-term rental permit or the regulations contained in this Section were violated and, if it finds that there was a violation or violations, the Planning Board may take the following actions:

Attach reasonable conditions to the existing short-term rental permit;

- b. Suspend the short-term rental permit; and/or
- c. Revoke the short-term rental permit. Should a permit be revoked, none of the owners of the short-term rental unit may obtain any short-term rental permit sooner than one (1) year after the date of revocation.

I. Application for Renewal of Permit.

- 1. Application for renewal of the short-term rental permit is due thirty (30) days prior to expiration and requires payment of renewal fee.
- 2. At the time of application for renewal, landlord, owner, or designated agent, if applicable, must present the previous permit for short-term rental.
- 3. The property must have undergone an inspection performed by the Code Officer, and all violations must be remedied prior to renewal of a permit for short-term rental.
- 4. Upon completion of the above items Code Enforcement Officer will issue a two (2) year permit renewal.

J. Grounds for Suspension or Revocation of Permit. The Planning Board may suspend or revoke a short-term rental permit by application from the Code Enforcement Officer based upon, among others, any of the following grounds:

- 1. Applicant has falsified or failed to provide information in the application for a permit, application for renewal of a permit, registration of property, or registration of property owner.
- 2. Applicant violated any provision of this section during the term of the short-term rental permit.
- 3. Applicant or any tenant violated any provisions of the Code of the Town of South Bristol.
- 4. Applicant or any tenant violated any provision of the Penal Code of the State of New York, which violation occurred on, or pursuant to the occupancy of the short-term rental unit.
- 5. Any conduct on the premises, which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance.
- 6. Removal or disrepair of any safety devices such as, but not limited to, smoke and carbon monoxide detectors, fire extinguishers and egresses.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State.

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(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2020 of the Town of South Bristol was duly passed by the South Bristol Town Board on March 9, 2020 2020, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant _____

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

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to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date: _____

VII. NEW BUSINESS
E-WASTE EXPENSE

Supr. Marshall noted that we have been providing a service to the residents charging them \$20 to disposal of televisions. We are being charged an extremely large amount of money by E-Waste to do that. The \$20 we are collecting is coming close to covering the cost of disposing televisions. It is too low.

Clerk Voss noted it is 0.35 a pound for disposing a television, we are charging \$20 which works out to 60 pounds.

Councilman Wohlschlegel said we knew that when we put it out there; it is a great service to have for the residents. We need to increase the fee.

Councilman Cowley said we need to weigh the items.

Supr. Marshall said the other option is twice a year the County offers an E-Waste Disposal for no cost. We could stop collecting or increase our fee to cover the costs. It is up to the Board.

Discussion.

On a motion made by Supr. Marshall and seconded by Councilman Cowley, the fee to collect televisions at the Transfer Station is \$40.00 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

LOCAL LAW – OPTING OUT OF EXEMPTIONS FOR ELECTRICAL STORAGE FACILITY

Supr. Marshall said the Town Assessor has brought to his attention that we need to have another Local Law that would opt-out of any tax exemptions for electric storage facilities; micro, hydro-electric systems, fuel-cell electric generating system, power generating systems, etc. The law does not say that these facilities cannot be built in the Town; the law states that there are no property tax exemptions. The Town Board needs to approve a resolution to schedule a public hearing.

On a motion made by Councilman Cowley and seconded by Councilman Strickland, Resoluion No. 33-2020 is ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

**RESOLUTION NO. 33-2020
AUTHORIZING SCHEDULING OF A PUBLIC HEARING
FOR A PROPOSED LOCAL LAW**

WHEREAS, the Town Board of the Town of South Bristol, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon the proposed Local Law attached hereto as Exhibit 1; and

WHEREAS, the Town Board of the Town of South Bristol has reviewed the draft of the aforementioned proposed Local Law and deems it in the best interests of the Town of South Bristol to proceed in accordance with the Code of the Town of South Bristol and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on April 13, 2020, at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road - West, South Bristol, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of South Bristol sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of South Bristol for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

I, Judy Voss, Town Clerk of the Town of South Bristol do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of South Bristol on March 9, 2020, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Daniel Q. Marshall	<u>x</u>	_____
Scott Wohlschlegel	<u>x</u>	_____
Donna Goodwin	<u>x</u>	_____
Stephen Cowley	<u>x</u>	_____
James Strickland	<u>x</u>	_____

Dated: March 9, 2020

Judy Voss, Town Clerk

SEAL

OTHER BUSINESS:

Supr. Marshall noted that although it is not on the Agenda the Board needs to formally terminate the Deputy Code Enforcement Officer at his request.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, to terminate Keith English as Deputy Code Enforcement Officer for the Town was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

VIII. REPORTS:
ASSESSOR

Supr. Marshall read the report: Preliminary assessment notices were mailed February 27. Appointments start March 2 and will continue through March; allows for 264 15-minute appointments. There is a substantial amount of work to complete for both the re-val and Tentative Roll. Exemption deadline has passed; 2-house calls were made to make sure a senior did not lose their exemptions.

On a motion made by Councilman Cowley and seconded by Councilman Wohlschlegel the February 2020 Assessor's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

CEO

Councilman Cowley read the CEO Report: 6 building permits issued, 24 total inspections, 0 inspections on old permits, 21 inspections by CEO, 6 certifications of compliance, over 400 miles logged on Town vehicle, one timber harvest application. One training webinar on Short-Term Rental; new code for Special Events and reviewing plans for the new Highway Garage.

On a motion made by Councilman Cowley and seconded by Councilman Strickland the CEO Report for February 2020 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Cowley, Wohlschlegel and Strickland.

TOWN CLERK/TAX COLLECTION

Supr. Marshall said that the Tax Collection report shows 91% of the tax roll collected, \$3,394,037.60.

On a motion made by Councilwoman Goodwin and seconded by Councilman Wohlschlegel the February 2020 Tax Collector's Report and Tax Collector's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

On a motion made by Councilman Wohlschlegel and seconded by Councilman Strickland the February 2020 Town Clerk's Report and Tax Collector's Report was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

IX. ACCOUNTING:
SUPERVISOR'S REPORT

No Report. Supr. Marshall said that 2019 is not closed out yet.

APPROVAL OF VOUCHERS

On a motion made by Councilman Strickland and seconded by Councilman Cowley, Abstract No. 2, totaling \$118,307.71 was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

EXECUTIVE SESSION

Supr. Marshall explained that the Board will be moving into Executive Session to discuss a legal matter.

On a motion made by Councilman Wohlschlegel and seconded by Councilwoman Goodwin, the Board moved in Executive Session was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

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The Board moved into Executive Session at 7:55pm.

The Board came out of Executive Session at 8:03pm

On a motion made by Councilwoman Goodwin and seconded by Councilman Strickland, the motion to authorize the Town Attorney, Adams & LeClair, to proceed with lawsuit versus Gregory Hays was ACCEPTED. Voting AYE: 5. Voting NAY: 0. Voting AYE: Marshall, Goodwin, Wohlschlegel, Cowley and Strickland.

XI. ADJOURN: 8:04PM

Respectfully submitted:

Judy Voss
South Bristol Town Clerk