

SPECIAL MEETING, WARRENSBURG TOWN BOARD, APRIL 25, 2018

A special meeting of the Warrensburg Town Board was held on Wednesday, April 25, 2018 at the Albert Emerson Town Hall at 4:00 p.m. with the following members present:

PRESENT:	Supervisor	Kevin B. Geraghty
	Councilperson	Bryan Rounds
	Councilperson	Donne Lynn Winslow
	Councilperson	John Alexander
	Councilperson	Linda Baker-Marcella

OTHERS PRESENT: Joyce Reed, Deputy Town Clerk, James Hull, Code Enforcement Officer, Jackie White, Town Attorney and numerous town residents.

PRIVILEGE OF THE FLOOR

Glenda Duell questioned if notice was given regarding the meeting and said she had been in contact with her attorney regarding procedure.

Supervisor Geraghty told Mrs. Duell that notice had been given for the meeting, in the Post Star newspaper.

RESOLUTION #82-18

AUTHORIZE OUT OF DISTRICT SEWER CONTRACT FOR MOFFITT

On motion of Councilperson Rounds, seconded by Councilperson Baker-Marcella, the attached resolution was **ADOPTED**

AYES 5: Geraghty, Alexander, Rounds, Winslow, Baker-Marcella

NAYS: 0

DISCUSSION-PERMISSION TO HAVE TOWN ATTORNEY RESEARCH PROPERTY ON LIBRARY AVENUE

Supervisor Geraghty said he wished to have permission to have the Town Attorney research a driveway on Library Avenue at the home of Ed Seeley which is actually on Town property. Supervisor Geraghty told the Town Board that the driveway has been used for many years, Mr. Seeley wishes to annex a piece of the town's property where the driveway is onto his lot.

Supervisor Geraghty said Jim has done research on this and they will talk to the Town Attorney later.

Supervisor Geraghty will report back to the Town Board at the May meeting.

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DISCUSSION-PERMITTING FIRE WORKS IN TOWN

Supervisor Geraghty asked the Code Enforcement Officer to address the Board.

Jim Hull said he researched laws, and said that anyone who shoots commercial fireworks has to be licensed anyway. Mr. Hull told the Town Board there are laws upon laws that regulate fireworks and that they really do not need to add laws on top of it.

Mr. Hull told the Town Board he had reviewed the information that Attorney Hafner had sent and he had made changes to that. Mr. Hull read his changes he had made.

Councilperson Alexander asked Mr. Hull if the time restrictions in Mr. Hull's paperwork should be given to the Cronin's and to Echo Lake for their commercial firework displays.

Mr. Hull said he would assume it would have to be run by the Attorney and then put in the paper, post it. Mr. Hull said this would put the ominous on the property owner and the person who is doing the fireworks.

Supervisor Geraghty said this will help if people have complaints about fireworks. By notifying the Sheriff's Office or the State Police they will know a firework display is going on. Supervisor Geraghty said this is being done to stop the firework displays that went off this past year, this will tighten things up. Supervisor Geraghty said they will give this information to Jackie and then they can take it back and go through it.

Councilperson Baker-Marcella asked what a commercial entity is and Mr. Hull explained.

Discussion ensued on what this regulation will cover.

DISCUSSION - SHORT TERM RENTALS

Jim Hull explained where the name Air B&B came from and how many there are. Mr. Hull said he took regulations from other towns and put it all together for what he thought would be good in Warrensburg. Mr. Hull read his proposed regulations to the Town Board.

Councilperson Alexander told Mr. Hull it was a job well done.

Councilperson Baker-Marcella said that the owners should put on the list of rules what is going to happen if the rules are violated. Mr. Hull said they are going to do that, they will have to do that.

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Discussion ensued on what people do with a set of rules.

Councilperson Baker-Marcella asked if it was 150 feet from the property. Mr. Hull said 150 feet from their property line. Councilperson Baker-Marcella said one of her concerns with short term rentals, and she thinks they are wonderful, she thinks it is unfair to people whose houses are close to one another. Councilperson Baker-Marcella said that is an issue and she thought they would put something on the books that would limit when a house is too close to a neighbor to be used for a short term rental.

Mr. Hull said that most towns do not do that. Councilperson Baker-Marcella said that we are not most towns, we are Warrensburg and the issue that the Town has had that has come back almost monthly is the houses are too close together. Councilperson Baker-Marcella said when you have two houses too close together, maybe they are not good candidates for a short term rental location. Councilperson Baker-Marcella said that all that this is doing is making sure that there is licensing and making sure that the short term rental owners come and get a permit, post the rules and provide the neighbors with that information.

Discussion ensued on short term rentals and what the owners are doing.

Councilperson Winslow said she feels it is going to be difficult to put it all together and said it is going to be difficult to get all of the homes registered.

Supervisor Geraghty said his question is in the regulations there is talk about Zoning. Supervisor Geraghty asked Mr. Hull if he is asking the Town Board to make changes to the Zoning Code. Mr. Hull said something would have to be done with the Zoning. Supervisor Geraghty said that people have rented these for at least three years that he is aware of and he is concerned about spot zoning and doing that. Supervisor Geraghty told Attorney White that would be something she would need to help the town with. Mr. Hull said that the Town's Zoning is out of date and does not cover this.

Discussion ensued on permits and what needed to be added to the Zoning.

Attorney White told the Town Board it was not necessarily, that is why they are looking into the law.

Supervisor Geraghty said he wished to be fair to everybody but he also wanted to make sure, changing the Zoning Code would take more time to do and he wants to ensure there are rights for both the owners and the renters, and to make sure that the people who live next door to them are also treated fairly.

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Councilperson Alexander said the properties are well maintained, the Board knows that and it is what makes it so attractive for our Town. Councilperson Alexander said that they also know that they have discussed sales tax that is charged by Air

B&B, they have talked about Occupancy Tax which is a State and Warren County thing. Councilperson Alexander said other states are putting the hammer down. Mr. Hull told Councilperson Alexander that would have to be enacted by Warren County.

Supervisor Geraghty said he was in Essex County today and he was told they collected \$425,000.00 from Air B&B in Occupancy tax, that is just Air B&B, there are several companies that do this, they collect the money but will not tell you where they are getting it from.

Supervisor Geraghty asked Mrs. White if the draft form of this proposal could go on the Town's website and if it was subject to Foil.

Attorney White said yes, it is now a town record. Attorney White said they will take the draft and then work with Jim to clean it up, then if the Board feels they want to put it out for a public hearing and a local law they can do that.

Supervisor Geraghty opened the floor for a few questions from the audience, one question from each person and asked they address the Town Board.

Gary Cooper. 63 Hudson Street- Mr. Cooper asked if all of the short term rentals within the one mile radius of Warrensburg's city limits have been notified of this meeting this evening in writing. Supervisor Geraghty said no.

Discussion ensued regarding the number of short term rental property owners who were notified, about what kind of workshop meeting tonight was and about zoning issues.

Attorney White said just to make things clear, the meeting tonight was not a public hearing on a local law, it is a workshop and the Code Enforcement Officer had brought forth his opinion on what a local law should include. Attorney White said we are not at a stage yet where a local law has been presented by the Town Board for a public hearing. Attorney White said this might not even get to that point, the Town Board could determine they do not even want to go that far.

Supervisor Geraghty said the Town is just trying to create a starting point.

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Diane Joy Murray, 96 Lake Avenue-said her question was how can these businesses operate in a neighborhood, a zoned residential area.

Glenda Duell- said that she was wondering about that too. Mrs. Duell told the Town Board about information she had received today from her Attorney.

Councilperson Alexander suggested the star exemptions be looked at to make sure people aren't receiving star exemptions who are not entitled to them.

Supervisor Geraghty said that they had certainly been given food for thought and as soon as they can get this by the May 9th meeting, the Board can look it over and decide if they wish to move forward.

On motion of Councilperson Alexander, seconded by Councilperson Baker-Marcella, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Donna A. Combs, Town Clerk