

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Tuesday, October 16, 2018 at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury (absent), Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, B/I Yancewicz, AHRB Chrmn Freeman, Maria Beltrametti, Mel Frumes, Johanna Sweikata, Mary Ann Lindner, Don Berger, Laura Fitzgerald, John S. Vero.

Mayor Brescia opened the meeting with a Pledge of Allegiance to the flag.

RE: MINUTES

Moved by Trustee Lindner, seconded by Deputy Mayor Scheels, the Board approved the minutes of October 2, 2018. Motion carried, 4-Ayes, 0-Nays.

RE: OLD BUSINESS – SHORT TERM RENTALS (AIRBNB’S)

Mayor Brescia asked AHRB Chrmn Freeman to provide the Board an overview of his experiences with Airbnb’s, since he was an owner and operator of a B&B.

Bill Freeman stated he strongly believes that Airbnb’s should be allowed to operate in the Village. However, he also feels that Airbnb’s hosts should be required to follow the same regulations as Bed and Breakfasts, including but not limited to Fire and Health Codes, Disability, Parking regulations, etc.

In addition, as required for Bed and Breakfast owners, Airbnb’s hosts should have to register their addresses with the State and their local municipalities.

Currently the New York State Hospitality and Tourism Association is seeking State wide legislation to create minimum standards for short-term rentals including requiring hosts to provide the above mentioned regulations.

Many municipalities have encountered problems due to Airbnb owners who are not residents of the property (as required by Bed and Breakfast owner) and in many cases don’t even live in the community, county, or State where their Airbnb property is located.

Bed and Breakfast owners are put at a large disadvantage as a result of the above inequalities and having to pay a five percent room tax in Orange County (not required by Airbnb hosts). Twenty-one counties in New York do collect “Room Tax” from Airbnb including Broome, Cattaraugus, Cayuga, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Livingston, Monroe, Montgomery, Onondaga, Orleans, Rensselaer, Schenectady, Schoharie, Schuyler, Seneca, Saint Lawrence, Steuben, Sullivan, and Tomkins.

He believes failure to require Airbnb hosts to be held to the same standards as Bed and Breakfast owners is an invitation to Bed and Breakfast owners to simply remove their signs, list on Airbnb, and ignore all regulations currently required by the Village.

For example, when he was the owner of the Bed and Breakfast across the Street, a larger percent of the people who rented from them were not from the area. The B and B’s are clearly marked with a sign and must have the required parking. Whereas, Airbnb’s don’t need a sign and all they need is an address to be located with use of a smartphone. One of his other concerns is parking, it was a large consideration for him to have a B and B, and it cost him a lot to put in a driveway. Imagine, the parking conditions having twenty Airbnb’s on one street with each offering three rooms. In closing, he feels Airbnb’s should be held to the same standards as a Bed and Breakfast

especially with the anticipated growth coming to the area, in the not so distance future. It is important to set the guidelines as soon as possible, otherwise you could have rooms or a whole house rented to individuals or to groups of all ages. Furthermore, B and B's are required to maintain a list of their renters in the event of a problem, should the Police Department have a need for it. There have been situations where, the municipalities have been named in a law suits due to smoke and fire damages, because no regulations governing the need for smoke detectors were in place or enforced.

Atty. Dowd stated the Airbnb's phenomenon is somewhat misleading, it isn't a B and B, and they are short term rentals for rooms, suites, or an entire house; to try to impose the regulations of a B and B on an Airbnb, it is a little tougher. For example: if you were to have a four bedroom apartment, how do you distinguish between an Airbnb and which ones are regular rentals.

Mayor Brescia agrees with collecting the room tax and hopefully getting State wide legislation to help us. He would like to get started on drafting a short term rental policy for the Village.

RE: ADOPT A RESOLUTION FOR EXEMPTION THROUGH THE YEAR 2020 FROM COUNTY TAXATION ON SECTION BLOCK AND LOT 28-1-63 LOCATED IN THE TOWN OF MONTGOMERY FOR USE OF THE VILLAGE WATER SYSTEM, HOLT WELL

Moved Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board adopted a resolution for exemption through the year 2020 from County taxation on Section, Block and Lot 28-1-63 located in the Town of Montgomery for use of the Village water system, Holt Well. Motion carried, 4-Ayes, 0-Nays.

RE: APPROVE THE 30-DAY ADVANCE NOTICE LIQUOR LICENSE FOR SCH EVENT, INC. KNOWN AS THE TABLE TO CONTINUE SERVING ALCOHOL ON THE PREMISES LOCATED AT 71-73 CLINTON STREET, MONTGOMERY, NY 12549

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board approved the 30-Day advance notice liquor license for SCH Event, Inc. known as the Table to continue serving alcohol on the premises located at 71-73 Clinton Street, Montgomery, NY 12549. Motion carried, 4-Ayes, 0-Nays.

RE: ADDRESS COMPLAINTS RECEIVED BY THREE LOCAL BUSINESS OWNERS FOR THE BOARDS ASSISTANCE AND ADVICE ON HOW TO HANDLE A NEIGHBORING BUSINESS OWNER ADDING GARBAGE TO THEIR PURCHASED GARBAGE CONTAINERS.

The Board tabled addressing the business owner's complaints, due to neither of them being in attendance. Atty. Dowd advised the Board that these complaints are of a private matter and should be handled through the Court process.

RE: B/I PROVIDES THE BOARD WITH AN UPDATE ON TWO UNSAFE PARCELS

B/I Yancewicz updated the Board on the latest information available regarding the parcels located at 54 Union Street, 56 Union Street and 145 Ward Street. After meeting with the insurance adjuster at 54 Union Street and 56 Union Street, the properties has been deemed unsafe and must be demolished and have been paid for the damages. Furthermore, the owner of 54 Union Street is now relocated to the State of Texas and has no intentions of rebuilding, but wants to sell the

property as is. In addition the owner of 56 Union Street is willing to rebuild. Lastly, 145 Ward Street is also unsafe and needs to also be demolished.

Atty. Dowd advised that B/I Yancewicz will then begin the unsafe proceedings, issue a thirty day notice to demolish the buildings. If the demolition is not completed within the time allotted, the Board of Trustees will set a hearing, calling the owners in and hear their excuse(s). Should the Village have to intercede and take on the responsibility, a lean will be placed on the property.

Mayor Brescia asked, how one can re-build without the other, since the two buildings share a common wall, with a zero lot line. Please explain...

B/I Yancewicz stated 56 Union Street cannot rebuild until 54 Union Street is demolished, due to the firewall. 56 Union would have to cut back in by seven and half inches for the firewall, the shaft wall works.

Mayor Brescia said, so, 56 Union Street will not have siding on one side.

B/I Yancewicz replied, they can put up a hardy board which is a concrete based material, which has the fire code rating and therefore, taking care of both the siding and the fire wall requirements. Furthermore, they will be able to lath over the hardboard material.

RE: EVENTS

MFD Halloween Parade, Saturday, October 27th, line up at 4:00 pm at the Firefighter's Museum to the Clinton Street Bandstand.

Candlelight Ghost Tour, Saturday, October 27th, 7:00 pm at the Village Hall, tickets \$5.00 pp.

Trick or Treat, Wednesday October 31, 2018, 6:00 pm to 8:00 pm.

RE: JIMMY STURR THANK YOU NOTE RECEIVED

Mayor Brescia reads a thank you note received from Jimmy Sturr.

Sorry, I'm late in this thank you note, but I do want to thank you and the Village for booking us last week. We had a great time, I think everyone there did too.

Mr. Devitt confirmed the date for next year of September 28, 2019. Once again, thank you so much for booking the band.

Yours truly,

Jimmy Sturr

Mayor Brescia mentioned that it was a fantastic. We thank Ed and the other three sponsors.

RE: BID OPENING RESULTS – WESLEY HALL ROOF REPLACEMENT MATERIALS ONLY, HELD ON OCTOBER 16, 2018 AT 2 PM, AT THE VILLAGE HALL

<u>BIDDER</u>	<u>AMOUNT</u>
1. ARZEE SUPPLY CORP.	\$28,028.54
2. BUILERS FIRST SOURCE	\$24,999.00

RE: WESLEY HALL ROOF REPLACEMENT MATERIAL ONLY, BID AWARDED

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board awarded the Wesley Hall Roof Replacement for Materials Only to Builders Source in the amount of \$24,999.00 with the conditions of verifying their itemized list with DPW Supt. Nelson, B/I Yancewicz, and Mayor Brescia. Motion carried, 4-Ayes, 0-Nays.

RE: APPOINT PAINTER

Moved by Deputy Mayor Scheels, seconded by Trustee Andolsek, the Board appointed Bernice Furey as a painter, at the rate of \$19.00 an hour, effective immediately with a one year probationary period. Motion carried, 4-Ayes, 0-Nays.

RE: APPOINT DPW LABORER

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board appointed Jeffrey C. Miller as a Laborer, at the rate of \$35.00 an hour, for the completion of the bandstand patio, effective immediately. Motion carried, 4-Ayes, 0-Nays.

RE: PUBLIC PORTION

Mr. Berger voiced his concerns on the manner in which the pipeline replacement is being executed, the blacktop has been ripped up, instead of cutting the blacktop first. In addition to their re-surfacing of the blacktop, leaving the road rough. What can be done about this?

Mayor Brescia stated, it is Precision Pipeline that is doing the work, he too noticed the conditions and has the same concerns. He will speak with Buddy to have Precision Pipeline coat it, a lot neater and straighter as well.

Atty. Dowd stated a street opening permit is issued and bond is to be held, if the job is not done properly. It is to be supervised by the Village and if not done satisfactorily compacted or backfilled, they will be asked to make the necessary corrections.

RE: EXECUTIVE SESSION

Mayor Brescia called for a motion to enter into Executive Session, under the open meeting law section 7 § (f) to discuss the employment history of a particular individual with B/I Yancewicz, Atty. Dowd and the Village Clerk in attendance.

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board entered into Executive Session at 7:58 pm, under the open meetings law section 7 §(f) to discuss the employment history of a particular individual with B/I Yancewicz, Atty. Dowd, and the Village Clerk in attendance. Motion carried, 4-Ayes, 0-Nays.

RE: EXIT EXECUTIVE SESSION

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board Exited Executive Session at 8:05 pm. Motion carried, 4-Ayes, 0-Nays.

RE: ADJOURN FOR ATTORNEY CLIENT PRIVILEGE

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned for Attorney client privilege, with the Village Clerk in attendance. Motion carried, 4-Ayes, 0-Nays.

RE: EXITED OUT OF ATTORNEY CLIENT PRIVILEGE

Moved by Trustee Andolsek, seconded by Trustee Lindner, the Board exited out of Attorney client privilege at 8:17 pm. Motion carried, 4-Ayes, 0-Nays.

RE: ADJOURNMENT

Moved by Trustee Andolsek, seconded by Deputy Mayor Scheels, the Board adjourned the meeting of October 16, 2018 at 8:18 pm. Motion carried, 4-Ayes, 0-Nays.

Monserrate Rivera-Fernandez, Village Clerk