

**Town of Shandaken
County of Ulster
State of New York**

The Town of Shandaken Town Board conducted a Regular Monthly Meeting on Monday December 4th, 2023 at 7pm. Shandaken Town Hall. 7209 Rt. 28 Shandaken, NY

**Call to Order
Pledge of Allegiance
Roll Call**

Members Present **Peter DiSclafani – Supervisor
Kevin VanBlarcum - Board Member
Elizabeth Kneissl – Board Member
Robert Drake – Board Member**

Members Absent **Kyle Steen – Board Member**

Recording Secretary **Joyce Grant - Town Clerk**

On a Disclafani/Vanblarcum motion the Town Board unanimously approved the minutes of the previous meeting as submitted by the Town Clerk.



**Town of Shandaken Town Board
Regular Monthly Meeting Agenda
Monday December 4, 2023 – 7pm**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of previous T/B Meeting Minutes**
- 5. Supervisor’s Financial Report**
- 6. Communications**
- 7. Committee Reports**
 - a. Ambulance**
 - b. Building/Zoning**
 - c. Police**
 - d. Phoenicia Water**
 - e. Pine Hill Water**
 - f. Museum**
 - g. Parks & Recreation**
- 8. Public Comments on Resolutions**
- 9. Motions:**
- 10. Resolutions:**
 - 128. Pay All Bills**
 - 129. NYCFFBO – Flood Buyout - 248 MAIN STREET PINE HILL**
 - 130. Big Indian/Oliverea CTY RT 47 – SPEED LIMIT REDUCTION REQUEST**
 - 131. 911 - Re-Name Private Rd. #1 to Pascal’s Lane, Chichester**
 - 132. Public Hearing 12/15/23 to Accept Gov’t Operations. Greenhouse Gas Inventory & Gov’t Operations Climate Action Plan.**
 - 133. Public Hearing 12/15/23– Amend Phoenicia Water District By-Laws**

134. Public Hearing 12/15/23- STR Amend Short Term Rental Law

135. Phoenicia Water District – TAX ANTICIPATION NOTE

11. Open Public Comment

Meeting Adjournment -IN MEMORY OF - Debbie Spivack (Lepp),
Russell Mazzuca, Tom Tintle

SUPERVISOR’S NOTES – DECEMBER 2023

We have been contacted by The Department of State the day before thanksgiving about the comprehensive Plan grant and we did not get it. There were too many entrants. I have a call with their staff to find out what we can do to improve our next round...which is due from a different source mid-January.

We were granted \$20,000. For Pine Hill from NYS Homes and Community Renewal. Peg Ellsworth will administer.

Phoenicia Water has run low on funds due to unanticipated repairs and an updated Engineers Report that will enable us to get grants for the District in the future. Water hydrants, chemical pumps and a malfunctioning high-tech relay apparatus from the pump house to the water tower, including the necessary plumbing and mechanical work, left us with a financial shortfall this year. This will entail taking a \$40,000 short-term loan, called a Tax anticipation note.

To keep the District solvent, we need also to increase the base water rents, which hasn't been increased in 16 years. We will schedule a Public Hearing to decide.

Also on the Agenda is a resolution to hold a public hearing on amending the STR law. A tweak on definition and an added paragraph to help us enforce the law. The definition change better clarifies who is a primary owner and who is a secondary owner. And we also streamline enforcement language.

We are also going to have a public hearing to accept and activate our Greenhouse Gas action plan.

We are requesting a speed reduction in Big Indian and Oliverea Rt. 47

We are re-naming private Rd. #1 in Chichester, Pascals Lane., and

We are submitting approval a flood property on 248 Main Street Pine Hill for a NYC Buy-Out.

Our next regular meeting is January 2, 2024

Peter DiSclafani, Supervisor

**Supervisor Report November 2023
Revenues**

Ambulance Fees	\$10,570.91
Justice Fees	\$5,943.00
Vital Statistics	\$22.00
Paychex - Reimbursement	\$3,080.13
Zoning	\$125.00
Quill-Reimbursement	\$359.71
AWSMP - Reimbursement	\$44,097.50
Building Permit Fees	\$5,087.60
Cemetery Plot Purchase	\$400.00
STR Receivables	\$32,199.99
Reimburse Gas/Diesel	\$35,907.95
Highway Revenue	\$29,673.00
Reimbursement/Ferguson/PO Water	\$1,950.73
SBA Towers	\$2,526.62
MAHV	\$700.00
Higley Lawsuit	\$104.22
Pine Hill Water Rents	\$13,000.00
Totals	\$185,748.36



SHANDAKEN POLICE DEPARTMENT

Post Office Box 134
 Shandaken, New York 12480
 845-688-9902 . 845-688-9748(b) . 845-688-5332(f)
 CHIEF OF POLICE CHAD STOREY chief@shandakenpolice.org

November 2023 Monthly Report

INCIDENT TYPE	NUMBER	INCIDENT TYPE	NUMBER
911 Misdial/No Voice/Abandoned	3	Harassment	
Accident PIAA/PDAA	12	Local Law	
Abandoned Vehicle		Lock Out	4
Alarm Burglary/Panic/Robbery	5	Lost/Missing Person	2
Animal Complaint/Investigation	2	Noise	
Assist EMS/Fire	13	Property Retrieval/Lost/Found	
Criminal Mischief		Public Service	3
Disorderly Conduct		Open Door	
Encon Violation		Property Check	392
Larceny	2	Road Hazard	2
Community Oriented Policing Project	8	School Check	16
Custody Dispute		Shots Fired	
Civil	1	Suspicious Activity	3
Disabled Vehicle	1	Traffic Stop	15
Dispute	6	Trespass	2
Domestic Dispute	3	Vehicle and Traffic Complaint	16
Erratic Vehicle		Welfare Check	7
Foot Patrol		Warrant	
Fraud/Larceny	3		
Mental Health Law		Total	139

Property Checks	392
Total w/property checks	521

SUMMONS ISSUED	10
ARRESTS	3



November 2023 Report

TOTAL CALLS RECEIVED – 32

MUTUAL AID GIVEN- 3-Town of Olive

MUTUAL AID RECEIVED- 1 (Multiple calls in the District)

The cold months of winter are right around the corner, and in no time everyone will be trying to warm up no matter where you go. Right around November we see a surge in the number of carbon monoxide alarm calls, chimney fires, and structure fire calls- with noticeable spikes in the months of January and February.

At the sake of sounding like a broken record **PLEASE** do the following to safeguard yourself and your families during the peak heating season as these are just a few of the issues we encounter the most;

- Ensure that you have multiple WORKING smoke and carbon monoxide detectors, and test them regularly.
- Have heating appliances and chimneys properly serviced and cleaned at prescribed intervals.
- When disposing of woodburning stove debris PLEASE dispose of it away from the house/ combustibles.
- Give space heaters SPACE. Do not utilize space heaters near combustibles.
- Keep children and pets away from heating appliances.

As household fires, carbon monoxide poisoning, and burns are rare events, they pose a huge risk this time of year and have longlasting effects on everyone involved. Please be safe, and enjoy the upcoming Winter season!

Stay safe out there!

Richard Muellerleile, EMT-P
 Chief of Department, Shandaken Ambulance

Motions:

Disclafani/Vanblarcum motion to set End of Year meeting for Friday December 29th at 1pm.

Vanblarcum/Disclafani motion to purchase a Police Vehicle not to exceed \$20,000.00

Both motions carried.

Comments on Resolutions

Questions on STR #134 – Krista Trindler, Kerry Henderson, Jay Braman, Vickie Starr.

Public Comments – Beth Waterman on Food Waste Recycling starting January 4th at Recycling, Sophie Grant on Phoenicia Farmers Market, Edrick Henderson Shandaken Skate Park. Samantha Awand-Gortel.

RESOLUTION #128-23

OFFERED BY: VANBLARCUM

RESOLUTION TO PAY ALL BILLS

WHEREAS, The Department of Audit and Control require Town Boards to sign and inspect all vouchers coming into the town for payment, to number and total amounts from each fund.

THEREFORE BE IT RESOLVED, that the Town Board authorize the following vouchers paid:

General	\$ 237,848.00
Highway	427,864.59
Phoenicia Water	32,768.57
Pine Hill Water	812.38
Phoenicia Lights	830.54
Chichester Lights	48.32
Pine Hill Lights	100.83
Shandaken Septic (SMD)	4,366.29

	\$ 704,639.52

AND MOVES ITS ADOPTION

Seconded by: KNEISSL

ROLL CALL

	AYES	NAYS
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BOARD MEMBER DRAKE X _____

BOARD MEMBER KNEISSL X _____

BOARD MEMBER STEEN Absent _____

BOARD MEMBER VAN BLARCUM X _____

SUPERVISOR DISCLAFANI X _____

RESOLUTION # 129-23

OFFERED BY KNEISSL

SUPPORTING PARTICIPATION IN THE NEW YORK CITY FUNDED FLOOD BUY OUT PROGRAM FOR 248 MAIN STREET PINE HILL, NY 12465

WHEREAS, the Town of Shandaken is subject to flooding that can damage property, close roads, disrupt traffic, and present a public health and safety hazard; and

WHEREAS, at the request of local communities, funding from the NYC Department of Environmental Protection (DEP) is being made available to help property owners who qualify for the NYC Funded Flood Buyout Program (NYCFFBO) based on eligibility criteria in five categories – 1) Hydraulic study properties (recommended by engineering analysis), 2) CWC Flood Hazard Mitigation Implementation Program, 3) Community-approved Stream Management Project, 4) Erosion Hazard, and 5) Inundation Hazard, and

BOARD MEMBER DRAKE	<u> X </u>	_____
BOARD MEMBER KNEISSL	<u> X </u>	_____
BOARD MEMBER STEEN	Absent	_____
BOARD MEMBER VAN BLARCUM	<u> X </u>	_____
SUPERVISOR DISCLAFANI	<u> X </u>	_____

RESOLUTION # 131-23 **OFFERED BY DRAKE**

RESOLUTION TO NAME PRIVATELY OWNED ROADS FOR 9-1-1 PURPOSES

WHEREAS, a method has been developed to implement the Enhanced 9-1-1 Street Addressing; and

WHEREAS, the Town of Shandaken has been approached by a landowner to re-name Private Road 1 in Chichester 12416 for their properties, to provide better 9-1-1 service to the properties.

THEREFORE, BE IT RESOLVED the Town Board of the Town of Shandaken hereby names the following private road as follows: Pascal’s Lane

AND MOVES ITS ADOPTION
 Seconded by: VANBLARCUM

ROLL CALL
AYES **NAYS**

BOARD MEMBER DRAKE	<u> X </u>	_____
BOARD MEMBER KNEISSL	<u> X </u>	_____
BOARD MEMBER STEEN	Absent	_____
BOARD MEMBER VAN BLARCUM	<u> X </u>	_____
SUPERVISOR DISCLAFANI	<u> X </u>	_____

RESOLUTION # 132-23 **OFFERED BY VANBLARCUM**

Resolution to Notice of Public Hearing

PUBLIC HEARING TO ACCEPT A GOVERNMENT OPERATIONS GREENHOUSE GAS INVENTORY AND GOVERNMENT OPERATIONS CLIMATE ACTION PLAN

WHEREAS, the Town of Shandaken pledged to take part in the NYS DEC Climate Smart Communities Program that includes the preparation of a Government Operations Greenhouse Gas Emissions Inventory Report and Government Operations Climate Action Plan; and

WHEREAS, a Government Operations Greenhouse Gas Inventory is an inventory of greenhouse gas emissions created by providing municipal services; and

WHEREAS, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

WHEREAS, free technical assistance is available to support the development of the inventory and plan from the Hudson Valley Regional Council (HVRC) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

WHEREAS, a completed inventory and plan count toward Climate Smart Communities certification, specifically;

- 1) PE2 Action: Government Operations Greenhouse Gas (GHG) Emissions Inventory; and
- 2) PE2 Action: Government Operations Climate Action Plan; and

WHEREAS, the Climate Smart Task Force, comprised of municipal officials and environmental volunteer community leaders, will collaborate with HVRC in the development of these publications, review drafts, and provide valuable feedback on iterations that result in the final draft; and

WHEREAS, the task force will provide an opportunity for public input and comment on the draft report; and

WHEREAS, the task force will provide a summary of the inventory results and the draft government operations climate action plan to the Town of Shandaken Town Board for consideration of adoption;

NOW THEREFORE BE IT RESOLVED, the Town of Shandaken schedules a Public Hearing to accept the Government Operations Greenhouse Emission Inventory Report and the Government Operations Climate Action Plan on **Monday, December 18, 2023 at 1:00 pm.**

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL

	AYES	NAYS
BOARD MEMBER DRAKE	__X__	_____
BOARD MEMBER KNEISSL	__X__	_____
BOARD MEMBER STEEN	Absent	_____
BOARD MEMBER VAN BLARCUM	__X__	_____
SUPERVISOR DISCLAFANI	__X__	_____

RESOLUTION # 133-23

OFFERED BY KNEISSL

Resolution to Notice of Public Hearing
AMENDMENTS TO THE PHOENICIA WATER DISTRICT BY-LAWS

Whereas, the Shandaken Town Board amends Phoenicia Water By-Laws as follows:

ARTICLE 16: Water Rents

- A. The basic water service rate for all premises located within the Phoenicia Water District is a minimum amount of **\$100.00** to be billed per each bi-annual billing period which includes the first 10,000 gallons per billing period. All usage in excess of the first 10,000 gallons will be billed at \$5.00 per thousand gallons. Such rates are subject to change from time to time, as determined by the Shandaken Town Board. If the water meter is not functioning for any reason, a minimum biannual fee of \$150.00 will be assigned to the owner. It is the responsibility of the owner to contact the District to schedule repairs. The owner will be responsible for the costs to repair the meter if the Superintendent determines that the owner or user was negligent in protecting the meter. To determine how much money may be owed, the average of the previous 3 years of normal readings will be used.
- B. All water rents, accounts, or other charges shall be made against the owner(s) of the premises, and such owner(s) shall be held responsible for all such charges, which shall be payable at the office of the Town Tax Collector, Town Hall.
- C. Water meters shall be read bi-annually around March 15 and September 15. A schedule of due dates may be obtained at the office of the Town Tax Collector, Town Hall.
- D. A late payment charge of ten percent (10 %) shall be added to all water bills not paid after 30 days.
- E. Any bills not paid by November 10 will go on next county/town tax bills.

Therefore, be it Resolved, the Town of Shandaken schedules a Public Hearing to amend the Phoenicia Water By-Laws on **Monday, December 18 @ 1:15 pm**

AND MOVES ITS ADOPTION

Seconded by: DISCLAFANI

ROLL CALL

	AYES	NAYS
BOARD MEMBER DRAKE	__X__	_____
BOARD MEMBER KNEISSL	__X__	_____
BOARD MEMBER STEEN	Absent	_____
BOARD MEMBER VAN BLARCUM	__X__	_____
SUPERVISOR DISCLAFANI	__X__	_____

RESOLUTION # 134-23

OFFERED BY DISCLAFANI

Resolution to Notice of Public Hearing

AMENDMENTS Short-Term Rental Law

Additions in Red, Deletions in Blue

Whereas, the Shandaken Town Board amends Short-Term Rental Law (LL#2 of 2022) as follows:

Section 1. The Code of the Town of Shandaken is amended by adopting a new Chapter, designated as Chapter 104 and titled “Short-Term Rentals,” to read as follows:

§1. Purpose and intent.

The Town Board finds that it is in the interest of public health, safety, and welfare to implement regulations, including a registration and license requirements, for the use of dwellings or dwelling units as short-term rentals within the Town of Shandaken.

The intent of Shandaken Short-Term Rental Law is to allow residents to augment their income while protecting neighborhood character and quality of life from encroaching commercial or business impacts, including but not limited to noise and traffic, and to encourage traditional long-term housing use. The regulations adopted herein are intended to ensure short-term rentals in the Town are registered and required to meet certain minimum standards, to ensure that the use of existing residential structures as short-term rentals accords with the Town’s plan for the future development of the community and protects residents of the Town.

To the extent an ambiguity of meaning arises in the implementation or enforcement of this local law, the purpose and intent described herein shall guide the decision making.

§2. Definitions.

Good Neighbor Flyer – An advisory document prepared by the Town Board for Short-term Rental owners and occupants to facilitate the success of the Short-Term Rental, other land uses, and the guests and neighbor experiences by sharing the general rules of community conduct, private property and neighbor considerations, and the safety of residents and guests.

Guest - A renter or other person who occupies a STR on an overnight basis for a period of fewer than thirty (30) days, or a guest of such renter or other person.

Owner – Individual(s) or entities who are in possession of and have an ownership interest in the STR proper.

Owner/Non-Resident- Owner whose primary residence is outside of the Town of Shandaken

Owner/Primary- Owner whose primary residence is on the STR property **BUT separated from the rental unit such as an Accessory Cottage, Basement or Attic Dwelling.**

Owner/Secondary- Owner whose primary residence is in the Town of Shandaken but not on the STR property.

Property Manager– A designated adult over the age of 21 years who is required and must respond to a complaint within 30 minutes by phone and/or one hour in person and is required and must be available and authorized to promptly deal with emergencies and other STR guest issues and compliance with STR operating requirements in the Owner’s absence. Such authorization must be designated on the registration form and on file with the Town and accessible by the appropriate emergency service providers.

Short-Term Rental (STR)– A dwelling or dwelling unit that is offered for rent or is rented, in whole or part, for overnight use and occupancy, for a period of fewer than thirty (30) consecutive nights.

§3. Short-Term Rental Regulations.

A. A Short-Term Rental shall Not:

(1) Operate without a license as required by § 4 – License Requirements. Any short-term rental in existence upon the effective date of this local law must comply fully with the requirements of this local law and must, within ninety (90) days after the effective date of this local law, apply for an STR license.

(2) Operate without providing notification to renters as required by Section 5 – Notification Requirements.

B. For a property purchased after the effective date of this local law, proof of a one-year ownership of a property is required for an STR. The Town Board establishes a cap of 150 on the number of Short-Term Rental licenses that may be issued to Non-Residents. There is no cap on the number of licenses that may be issued to Residents. The Town Board may review the caps and may exercise its discretion to adjust the caps by Town Board resolution from time to time if it is determined that such an adjustment is necessary to protect the public health, safety and welfare and promote the Town’s goals for the development of the community.

C. Owners will be issued an initial provisional license. Following review by the Town, to assure compliance with this local law, the Zoning Code and any other applicable laws and regulations, and a successful Building Inspection and having received no correspondence from notified abutters, a fully approved License will be issued.

D. The Short-Term Rental will allow a maximum capacity of two guests per bedroom. Children under the age of 16 years old are not to be counted as occupants for this purpose.

E. Renters must be provided a copy of the Good Neighbor Flyer prepared by the Town. The flyer will be added to the Town of Shandaken website and available for download by the STR Owner/Property Manager and provide a printed copy of the flyer to renters.

F. For STR whole home rentals, an emergency contact document bearing the name and contact information of the Owner/ Property Manager, as well as the 911 address of the STR, which shall be posted in a conspicuous location in the STR and at the entrance of the property and clearly identifiable from the street. When the Owner/ Property Manager or Owner/ Property Manager’s contact information changes, the owner/ property manager must within five (5) business days provide written notice to the Town and update posted renter notices accordingly. The Town will promptly update the owner’s STR Registration Form. The Owner/ Property Manager is responsible for responding to complaints from neighboring property owners.

G. Exterior advertising on a dwelling or dwelling unit identifying it as a STR is expressly prohibited.

H. Address numbers shall be prominently displayed at the entrance of the property.

I. Each Owner/ Property Manager shall provide to each Guest, or post in a conspicuous and readily accessible location within the STR, a property map that clearly depicts the STR’s property boundaries for the purpose of preventing trespass on neighboring properties.

J. A gathering or party of more than 20 persons is expressly prohibited.

K. Owner/ Property Manager shall provide the ability for guests to make emergency telephone calls.

L. Campfires and fire pits must be kept less than 3 feet high and less than 4 feet wide, burn only local wood, and must be avoided on windy days and nights.

M. Notwithstanding that §116-23 of the Town Code states that the noise limits therein pertain to nonresidential or nonagricultural uses, for the purpose this local law, the noise limits set forth in §116-23(A) shall apply to STRs.

N. Each STR shall comply with the parking requirement set forth in §116-24 of the Town code.

O. All garbage and trash shall be kept in a wildlife resistant container or secured in a sturdy shed or garage at all times, except for roadside trash pickup on the designated day. Dumpsters must not be visible from the road or to neighbors.

§ 4. License Requirements.

A. To obtain a license, the Owner of an existing or proposed Short Term Rental must submit a registration application on a form provided for that purpose by the Town. Only one (1) STR license shall be issued per property. The application must include the following:

- (1) A one-time application fee and an annual license fee, which will be established and may be amended from time to time by separate resolution of the Town Board.
- (2) The Owner name, telephone number, mailing address, and email address. If the Owner is an entity, the application must include such information for every person that possesses an ownership interest in the entity. Any change in the name of person(s) holding an ownership interest in the entity shall be provided to the Town within ten (10) days of such change. All persons holding an ownership interest in an entity shall be responsible to comply with the provisions of this local law and the Good Neighbor Flyer and each shall be liable for any violation thereof.
- (3) The STR's full address.
- (4) If applicable, the Property Manager name, telephone number, local address, and email address.
- (5) Proof of property and short-term rental landlord insurance.
- (6) A floor plan drawn to scale identifying rooms with dimensions.
- (7) A statement by the Owner that the STR is safe and habitable and, to the Owners knowledge, complies with the Fire Prevention and Building Safety Code. This statement does not supersede the Town's authority to inspect STRs and enforce applicable laws, rules and regulations.
- (8) Ulster County registration. All STRs in the Town of Shandaken must be registered with Ulster County.
- (9) Any other information reasonably requested.
- (10) The application must be signed by the Owner before a notary. The person signing the application shall certify under penalty of perjury that the information provided on the application form is true to the best of their knowledge and belief. False statements made on the application form are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

B. The Town shall issue a license if:

- (1) The application includes all information required under this section.
- (2) The residence does not pose a hazard to life, health or public safety and is in compliance with the Fire Prevention and Building Safety Code, which compliance may be initially certified by the Owner. However, as required by this local law, compliance with the Fire Prevention and Building Safety Code must be later determined by either the Town or a Code-certified professional retained by the property owner.

C. Licenses will be issued on "first come, first serve basis" based upon the date a complete application is submitted to the Town.

D. A License:

- (1) Is valid for 12 months from issuance of the license.

(2) Fee shall be paid by STR registrant for 12 months of licensing and shall not be pro-rated or refunded for any reason.

(3) Shall not be transferred or assigned by the Owner listed on the application form and shall not be conveyed with a sale or transfer of the property.

E. If an STR licensee seeks to renew the license for a subsequent 12-month period, a renewal application must be submitted at least thirty (30) days prior to the expiration of the existing STR license, which renewal is subject to the following requirements:

(1) The Owner pays a renewal license fee;

(2) The Owner provides updates of any changes to the information required; and

(3) The Town or Code-certified professional retained by the owner has conducted an on-site inspection to confirm the structure is in compliance with the Fire Prevention and Building Safety Code prior to the initial license issuance and a fire inspection every third year thereafter.

§5. Notification Requirements.

A. The Town shall provide a packet of information with each license summarizing the restrictions applicable to the short-term rental use, including, but not necessarily limited to:

(1) The name and contact information of the local responsible contact designated in the application.

(2) Applicable Occupancy limits.

(3) Information on relevant burn bans.

(4) A copy of the Good Neighbor Flyer.

(5) Other guidelines and requirements applicable to a short-term rental use.

B. The Owner/ Property Manager of a short-term rental use must:

(1) Provide renters a copy of the information packet.

(2) Provide renters a copy of the Good Neighbor Flyer (at the Owner's expense).

(3) Post the packet conspicuously in the common area of the licensed rental unit.

(4) Post the License number conspicuously within residence.

(5) Attach License number to each platform and advertisement.

C. The Town shall mail notice of the contact information for the Owner/ Property Manager to the owner(s) of all properties abutting the short-term rental property at the Owner's expense.

§6. Inspections.

If the Town Building/ Zoning Department reasonably believes that there is a violation of this Chapter of the Fire Prevention and Building Safety Code, the Town may make inspections to ensure compliance with this Chapter. For the purpose of performing inspections, the Town or a representative may enter, examine and survey, at all times, the entirety of the STR premises on presentation of the proper credentials. The Owner/Property Manager of an establishment, or the person in charge, shall give the Town free access to the building. The Town will schedule such inspections in advance, unless in the case of imminent danger, in which case the Town may request access without an advance appointment.

To be in Compliance, the following minimum requirements shall be met:

A) Be compliant with Fire Prevention and Building Safety Code including but not limited to;

(1) There shall be one functioning smoke detector in each bedroom and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each primary exit, and at least one carbon monoxide detector.

(2) Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.

(3) Electrical systems shall be serviceable with no visual defects or unsafe conditions.

(4) All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.

(5) Each bedroom shall have an exterior exit that opens directly to the outside, or an emergency escape or egress type window.

§7. Licenses Required.

Except as provided for in Section 3(A)(1) above, no person may operate a short-term rental unless a license for the operation in the name, of the Owner and for the specific property has been issued by the Town Clerks Office and is currently valid and in good standing.

§8. Enforcement and Penalties for Violations.

A. This Chapter may be enforced by the Building Inspector, Code Enforcement Officer or any other officer, **Town of Shandaken** employee or agent appointed by resolution of the Town Board. For purposes of this Chapter, all such persons are considered a “Code Enforcement Officer” or “CEO” All such **Code Enforcement Officers** are authorized to issue violation notices and appearance tickets.

B. Whenever the Town determines that there is a violation of any provision of this Chapter, any rule or regulation adopted pursuant to this Chapter or the Fire Prevention and Building Safety Code or determines that there has been a failure to comply with any provision, or requirement related to the registration, reporting, collection, or accounting, **disclosure or payment of County bed taxes**, the Town shall serve upon the Owner an order, in writing, directing the Owner to remedy and correct the violation within the time specified in the order.

C. If, after the expiration of **14 business days**, the violation **has not been** remedied and corrected, the Code Enforcement Officer may serve an appearance ticket upon the Owner requiring the Owner to appear before the Town Justice of the Town of Shandaken at a time to be specified in such notice.

D. Whenever the Town finds that an emergency condition exists, which condition requires immediate attention in order to protect the health or safety of the public or of any owner or occupant, the Town may issue an order by service of notice in a manner set forth above and reciting the existence of such emergency condition requiring that remedial action be taken immediately. Any person to whom such an order is directed shall comply therewith. **immediately**.

E. Failure to comply with an order when notice has been provided in accordance with this Chapter shall constitute a separate and distinct violation of this Chapter.

F. Each calendar day a violation occurs or continues shall constitute and be deemed a separate and distinct violation.

G. In addition to and not in lieu of any other remedies, any person who violates any provision of this Chapter, any rule or regulation adopted pursuant to this Chapter or the Fire Prevention and Building Safety Code or who violates or fails to comply with any lawful order promulgated hereunder shall be guilty of a violation and, for a first conviction thereof, shall be subject to a fine in an amount not less than \$100 nor more than \$150, for conviction of a second violation committed within twelve (12) months of the first violation, such person shall be subject to a fine in an amount not less than \$250 and not more than \$500; for conviction of a third violation committed within twelve (12) months of the first violation, such person shall be subject to a fine in an amount not less than \$750 and not more than \$1,250; for conviction of a fourth violation and for each subsequent violation committed within twelve (12) months of any prior violation, such person shall be subject to a fine in an amount not less than \$2,000 and not more than \$3,000 or a maximum of fifteen (15) days imprisonment or both.

H. **If a person has gained a profit through the commission of any violation of this Chapter, any rule or regulation adopted pursuant to this Chapter or the Fire Prevention and Building Code, then the court, in lieu of imposing the penalty authorized for the offense under one of the above subsections, may sentence the defendant to pay an amount, fixed by the court, not exceeding double the amount of the defendant’s gain from the commission of the offense. The court shall make a finding, after a hearing, as to the amount of the profit gained by the defendant’s conduct.**

H. Upon a third conviction within a 12-month period, the Owner’s license to operate the STR shall be deemed suspended for a period of six (6) months. Upon the suspension of such license, the premises shall

SECTION 1. The tax anticipation notes of the Town in an aggregate principal amount not to exceed \$40,000 are hereby authorized to be issued in anticipation of the collection by the Town of assessments to be levied on the several lots and parcels of land within the Phoenicia Water District (the “District”) in fiscal year 2024.

SECTION 2. The amount of said assessments to be levied in fiscal year 2024 against which said tax anticipation notes are authorized to be issued is \$82,423.

SECTION 3. Said tax anticipation notes shall mature within one (1) year from the date of their issuance. Said date of maturity does not extend beyond the close of any applicable period provided in Section 24.00 of the Local Finance Law for the maturity of said tax anticipation notes.

SECTION 4. The proceeds of the tax anticipation notes authorized by this resolution may be applied to reimburse the Town for expenditures made after the effective date of this resolution for general expenses of the District. This resolution shall constitute a statement of official intent for purposes of Treasury Regulation Section 1.150-2 of the United States Treasury Department.

SECTION 5. Each of the tax anticipation notes authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the punctual payment of the principal of and interest on said tax anticipation notes as the same respectively become due and payable.

SECTION 6. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize the issuance of the tax anticipation notes authorized by this resolution and the renewals of said tax anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to sell and deliver said tax anticipation notes, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign the tax anticipation notes issued pursuant to this resolution, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to said tax anticipation notes and to attest such seal.

SECTION 7. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the tax anticipation notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the tax anticipation notes authorized by this resolution as “qualified tax-exempt obligations” in accordance with Section 265(b)(3) of the Code.

SECTION 8. This resolution shall take effect immediately upon its adoption.

AND MOVES ITS ADOPTION

Seconded by: VANBLARCUM

ROLL CALL

	AYES	NAYS
BOARD MEMBER DRAKE	<u> X </u>	<u> </u>
BOARD MEMBER KNEISSL	<u> X </u>	<u> </u>
BOARD MEMBER STEEN	Absent	<u> </u>
BOARD MEMBER VAN BLARCUM	<u> X </u>	<u> </u>
SUPERVISOR DISCLAFANI	<u> X </u>	<u> </u>

On a Disclafani Motion – the meeting adjourned at 8:10 pm

Joyce Grant – Town Clerk