

State of New York  
County of Fulton  
Town of Caroga

Minutes of the Caroga Town Board meeting held Wednesday March 13, 2024 at the municipal building located at 1840 State Highway #10 at 6:30 pm with the following persons in attendance by roll call. The flag salute followed.

Supervisor Ralph J. Palcovic - Here  
Council Member John Glenn – Here  
Council Member Barbara DeLuca – Here  
Council Member Richard Sturgess – Here  
Council Member Matthew Cooper – Here

Also in attendance were Jeremy Manning – Bike Trail Manager, Steve Stedman – Greens Keeper, Mike Kunath – BTI, Dave Cummings – Golf Course Manager, Former Town Supervisor Scott Horton, and ZBA Member George Hamilton were in attendance. There were twelve members of the public in attendance. Zack Vosburgh facilitated the zoom portion of the meeting.

Council member DeLuca made a motion to waive the reading of the February minutes. Council Member Sturgess seconded the motion. All board members were in favor of the motion, Palcovic, Glenn, DeLuca, Sturgess, Cooper.

Supervisor Palcovic reopened the public hearing on Proposed Local Law # 1 of 2024 entitled “Short Term Residential Rental law Town of Caroga” at 6:31 pm. The public was limited to three minutes per person to address the board. There was no one at this time who wished to address the board.

**Committee Reports:**

***Wheelerville Bike Trail*** – Jeremy Manning reported that the trails are closed to hiking, snowshoeing, biking as you will sink over your ankle. He asked that people stay off the trails to preserve them for the spring time.

Mr. Manning thanked Brett Fielding for all the time he put in this winter to keep the trails groomed for fat biking. It was not a great season but he did the best he could to keep it rolling.

We are still waiting for the smart growth grant determination. It will determine our priorities for the year as far as what will be worked on for the season. He expects to hear back on this in April.

The 3<sup>rd</sup> Annual Mountain Bike Festival will be held on August 24 & 25. New events and vendors are planned. He is working with the Fulton County tourism office on this.

On Tuesday nights beginning in June the Saratoga Shredders and a group called the Flow Riders will be using the trails to do a high school age kids coaching clinic. Mr. Manning stated he has a certificate of insurance from them.

There are three races planned for 2024. He is working with another organization that runs those races. The dates are June 2, July 28, and October 6. It is a three-race series with the overall winner crowned at the end.

**BTI** - Mike Kunath reported that the applicators began going out on March 1<sup>st</sup>, they are finding lots of larvae. It is the first year he did not start out on snow shoes, but it could still happen. Mr. Kunath went out in the field with the new applicator Austin a few times and now he is out on his own and doing great. He received his license in the mail a few days before the start of the season. The Aquatic pesticide license renewal for DEC was mailed out. It is not due until December but the maps were updated so he wanted to let them know and get them in early.

Last month the new riparian home owners were sent a mailing. Nothing has really changed since last year.

At this time the zoom facilitator was asked if anyone online had indicated that they wanted to address the board. Mr. Vosburgh indicated that one person did have their hand up. A connection could not be made.

Supervisor Palcovic reminded those in attendance that the public hearing on proposed Local Law was still open.

Patricia Isabella noted that they have had a short-term rental for quite a few years. She understood why the town needs to do these things. She noted the safety issues. As she read through it, she wondered how the town was going to deal with people evaluating their water and sewer. She called Adirondack Septic who asked what exactly is the town looking for? Do people need to do dye tests? She makes sure her water is tested by taking samples to Gloversville. They have a water filter. For the people she talks to the guidelines – water part of it makes people nervous. She asked how soon would this all be implemented. She has been doing this for a while and is a family-oriented rental. The neighbors have her phone numbers to call if there is a problem. Ms. Isabella also felt that this was a way to generate revenues. She thought this should be done in stages. People are going to be renting right away and will need to pay and get their property inspected. She wanted to make sure qualified people will be doing the inspection. She knows this has been coming but now it is here. She thought clarity was needed in some areas.

Council Member DeLuca stated the code officer is trained to do codes inspections. He just came back from training and is recertified. Septic system information is on file in the town. Council Member DeLuca stated when it is pumped you have to notify the town. As far as testing the septic system if it is not on file here at the town then it will have to be tested by an outside vendor. If you have an approved system then additional tests won't have to be done. As far as water testing Council Member DeLuca couldn't remember what the law says, but it should be safe.

Patricia Isabella thought in looking at the town as a whole should thought it should be broken down into A, B, C areas. The avenues of the pines is a concentrated area where there may be more situations of septic problems. At her property in Pine Lake, it is a 2 1/2-acre parcel. She

has her own dumpster. She thought occupancy over 6... Council Member DeLuca interjected that a lot of these issues were addressed at the first public hearing. Information from the public was taken from those who spoke and alterations were made to the document which was posted on the website. The garbage issue is an issue with Fulton County, it has nothing to do with the town. The town did not make the law that says commercial properties can't be picked up by the town and taken to the county landfill.

Supervisor Palcovic noted that the code officer has been going through his files to find the septic system permit information for those properties listed through the Air B & B system. He is checking on when they were installed, and is looking engineered plans if submitted. He has reviewed many of them. The Supervisor knows that not all rentals are listed with the Air B & B System or other independent ones. Since we have this information, it will not cause everyone to go out and get their septic system inspected. The Clerk clarified that only the holding tanks that are pumped are on file in her office, not all tanks.

Council Member Sturgess noted to Ms. Isabella that when she has a septic system engineered for her house it goes off of how many bedrooms you have. Say the engineered system was designed in 2010 for three bedrooms. Now you are telling us that you rent out the house with seven bedrooms. You took space cut it in half and put more beds in. (whatever the case may be) So when the code officer reviews the septic permit, on file, for a property it would not be adequate.

Ms. Isabella stated a lot of people are seasonal, which she is as well. If she rents to 10 people four times a year and she lives there three months out of nine do the math on that. It is not cut and dry. She has not had a problem in seventeen years with her septic. Council Member Sturgess stated the septic systems up here can't handle three additional bedrooms if they were only designed for three. She asked what the go to date was on this. She noted a lot of people have already made plans to rent in Caroga. She hoped there was some flexibility. Supervisor Palcovic noted he knows it won't happen overnight.

Supervisor Palcovic checked to see if anyone else online wanted to address the board. The facilitator indicated that no one has had a hand up. Supervisor Palcovic closed the public hearing at 6:47 pm on Proposed Local Law #1.

**Assessor** – Leigh Anne Loucks submitted a written report. She would like to consult with Real Property Attorney Dan Vincilette, for some general questions regarding grievance proceedings. The county has set their date and time for BAR training, but at this time Assessors are not allowed to attend. She has requested an estimate and will provide the board information as soon as possible. She has the funds in the contractual line in her budget.

The Assessor wrote that notice was published for the inventory review, twice in the Town newspaper – the Leader Herald. She is reviewing the short-term rental sites weekly to keep the list updated, and updating in the RPS. She is reviewing and updating inventory and valuation. Sales are being entered. She goes to the Real Property office every two to three weeks for any documents they have in regards to transactions (property transfers). She continues to answer calls/emails from residents and updating the sales lists.

Council Member Glenn questioned why the assessor was not allowed to attend this training. Supervisor Palcovic replied that this is the first time ever that Assessors were not allowed in the training. Assessor Loucks also checked with Montgomery County as it is a joint training but she does not have a 100% answer yet. Supervisor Palcovic did not have a problem with her getting another opinion on this. Council Member Glenn verified that it was the Fulton County person that would not allow her to attend the training. Supervisor Palcovic stated it is unusual circumstances on where we are at with this – not consistent.

**Code Enforcement** – Anthony Fancher submitted a written report requesting to attend the Adirondack Planning forum on April 25<sup>th</sup>. Supervisor Palcovic was not aware of what that consisted of. Nine permits were issued with a total fee amount of \$1850.00 with a valuation of \$232,756.00. The Supervisor noted we are still seeing growth in this town. Eight building inspections were done. Mr. Fancher is reviewing plans for three new single-family homes. Routine updates: all closed out permits have been given to the assessor. He is working with local contractors that he has reached out to that are willing to help clean up local properties where the homeowners are unable to do the work themselves. The Supervisor noted there were a couple of significant deficiencies that he is offering support to help people clean messes up. Mr. Fancher has completed a file from AIR B & B registry with homes that have septic plans on file and ones that don't.

**Dog Control** – No report.

**Golf Course** – Mr. Stedman thanked the Nick Stoner Trailers for removing the ropes from the golf course. This will help him to get around. They always do a good job cleaning up. Mr. Stedman paints and flags the irrigation system in the fall for them so they know where it is and stay off of it. Mr. Stedman reported no major tree damage out there. There are limbs down and debris all over. They are using a blower to blow the stuff off. Only one tree has to come down in the woods it is leaning across the path on #7. Last Friday they applied 150 pounds of granular fungicide on all 19 greens (includes the putting green) This will prolong any disease from forming while we are coming out of winter.

There is no official opening date. It is still soft. When you walk on the green you are leaving an imprint. Last year we opened around April 17 or 20<sup>th</sup>. This year he hopes to be a week earlier than that. All chemicals and accessories have been ordered.

**Highway** – Supervisor Palcovic read a report from Mr. Voght. He is requesting that the town purchase a Noregon JPRO diagnostic system. He needs this to repair the trucks. It is costing thousands of dollars to trouble shoot default lights on in the vehicles. The Supervisor had two quotes for the system one was \$8,000.00 and the other was \$10,035.00. Supervisor Palcovic and Council Member Cooper have discussed the purchase but they are not sure where the money is coming from yet. The matter was tabled. The Supervisor noted they were in favor that we need a diagnostic system but it was not a line item in the budget jumping out as to where the money can come from.

Additionally, it was reported that no check engine lights are one. Pot holes, road repairs, trees and maintenance on equipment is continuing on a regular basis.

**Lakes Management** - Council Member Glenn reported that the committee has been busy over the winter. He met with Michelle Higgins from DEC and her protege David, along with Supervisor Palcovic, and Marcus Harazin. The town received a \$100,000.00 grant for the lake stewards and decontamination system for use over the next three years. Part of the discussion was how they were going to man the different positions and how they would be paid for. ProcellaCOR was briefly talked about as was the grant that Mr. Hogan was not awarded. David from DEC recommended that the town consider getting a grant writer.

The Adirondack Park Agency sent out a public notice from Aaron Ziemann about the proposed pilot program for East & West Caroga Lakes. In the notice it says you can respond to this notice if you want to but you don't have to. If you have questions Mr. Ziemann should be contacted. Application will be some time between the last week in May and the first week in June. Council Member Glenn stated another mailing will come out once we have the exact date. There will be another meeting the beginning of May – the first weekend, and another one the end of October. If there are any issues the committee can meet within 24 hours.

Supervisor Palcovic is looking forward to the ProcellaCOR trial knowing how much money we spend to manage the weeds. It is an up-hill battle. ProcellaCOR is an option utilized in other Adirondack communities in a very effective manner.

**Town Clerk/Collector** – The clerk noted her annual conference is coming up mid-April. I plan to spend one night. The clerk's books for the year 2023 have been reviewed by three board members and are scheduled to be approved per a resolution. The monthly town clerk's report was submitted to the board.

Tax collection report: the penalties were turned over to the Supervisor for the month of February. As of today \$2,790,490.69, have been collected. Unpaid taxes are \$659,657.07. 349 second notices were mailed out fifteen days prior to the expiration of the warrant.

**Town Hall** – Council Member Cooper stated the Supervisor could report on the cleanup. Supervisor Palcovic reported on the cleanup going on in the gymnasium area. There is a lot of accumulated stuff. It is non usable and non-financial asset equipment, broken chairs, odds and ends and cardboard boxes. Gordon our janitor/maintenance individual is doing the work in house. Mr. Voght has provided a dumpster from the county landfill. The Supervisor is seeing things left over from when he was on the board before. The computers will be decapitalized. The metal scrap will be separated and taken to Bornt's waste.

Mr. Baker who started in January is doing a good job. He is learning as he goes along. He is ambitious and energetic to get things done when asked.

**Tourism Committee** – Council Member DeLuca reported they had a really good meeting last month. Their next meeting is in two weeks. They are working on a website and a QR code. She hopes this will bring every business in the Town of Caroga together. This will let people find all that is going on in Caroga. There are a few things planned for the summer nothing in concrete.

**Supervisor Report** - Supervisor Palcovic and Council Member Cooper met with former Town Supervisor Scott Horton (developer and marketing specialist) for an hour yesterday. A couple of

years ago Mr. Horton applied for a grant with the town board's approval. The town has to sponsor this grant. It is an economic development grant. Mr. Horton would like to turn the former Shutts gas station into a viable commercial business. It is in the town center. He is improving the structure to make it marketable for another commercial business to come in. There will be a resolution to support this.

The town received notice of the tentative special franchise full value.

The town received another correspondence from cable TV Charter Communications. Former Supervisor Horton was asked about the recent contract renewal. Charter Communications proposed a 15 – year contract. Former Supervisor Horton changed the terms to ten years.

Former Supervisor Horton stated that he talked to the town attorney on this. He stated the town board can make the contract for any term they wanted to. He noted the previous franchise agreement was for fifteen years. The previous board discussed doing a ten-year contract just because of the way things... the world is changing so quickly. Supervisor Palcovic will call Charter. Former Supervisor Horton stated there was no firm reason for the length of the contract change, "No, it was arbitrary." At that time things in the communication world were changing very rapidly. Supervisor Palcovic thanked him for the background. The Supervisor will contact the town attorney on this.

Supervisor Palcovic noted we are still outstanding on the annual paving report for the CHIPS money. The Highway Superintendent needs to provide the board, as required by law, with a list of streets to be paved this year. Highway law states that the board is to be notified in January. Mr. Voght has been asked.

Grant Writer – Supervisor Palcovic noted there are many grants out there. He wanted to find money in the budget to hire a grant writer. The Supervisor stated we lost a grant because of the language that was in there. Currently there is a \$1,500.00 line item for grant writing. This won't cover our needs. Supervisor Palcovic thought the line needed \$5,000.00 - \$10,000.00. He does know of a municipal grant writer under contract now for \$10,000.00 for the year. They go for every grant that comes down the road. Again, he noted we are not budgeted for it and there is always contingency. Because New York State recommended it he believes we should go forward with it. Supervisor Palcovic noted almost on a weekly basis new grant opportunities open up and you have three weeks to get the paperwork in. It is impossible for this board to reconvene semi-monthly to apply for grants. He will have something on the agenda next month.

**Public** - At this time the public portion of the meeting was open for comments.

Trish Isabella noted we have the music group in town. They have a grant writer she heard. "One hand washes the other." Supervisor Palcovic did not know that. Ms. Isabella stated there is this stagnation that's happened. Yes, the music group is here but they come in and do their thing and go. She asked the board what their vision was for the down town area. How do they communicate that to the businesses to build a stronger community with our infrastructure.

Council Member Glenn interjected that with the STR law the county was required to chime in. The County Planning Board reviewed the document per the 239m law and they suggested that the town revisit the potential of having a sewer put into the municipality.

Ms. Isabella stated we have these folks come in from Ohio in the summer. We do something for two months of the year. She stated we have to think bigger. We want our community to grow. Her question is with the music group getting these grants is there a board member saying to them we are glad you are doing well but what percentage are they going to give for sidewalks, and sewer. They want to grow and want this amazing place on our lake but at the end of the day as a community we need some commitment in future dollars. She wondered if the board was having that conversation with them. They are here for the summer reaping the benefit and then going. The town needs the infrastructure. As the owner of the former Jammer these entities should be contacted to see if they can contribute to the evolution of town.

Supervisor Palcovic stated we are aware of this.

On line Deb Hoffman indicated she wanted to speak to the board however due to technical difficulties she could not get through. There was a problem with the mute feature.

**Old Business:** drug testing pool for non-DOT employees. Did the board want to activate this pool. Supervisor Palcovic stated it would include anyone that operates town equipment or vehicles, golf course staff, code officer, Assessor, divers. The clerk gave the background on this to the board. Several months ago, we did a quarterly random test for the highway employees with Commercial Drivers License. A new employee was randomly pulled and tested but I did not know he didn't have a CDL. To make sure he was not penalized in the future we took him out of the DOT pool and put him into a non-DOT pool, then he quit. That is how the non-DOT pool was created. Now that it is established the testing company is sending emails asking if we want to populate the pool.

Council Member DeLuca asked if was in their job descriptions that they would be tested. Council Member Glenn thought the testing should be for any employee. Council Member DeLuca thought you should tell them ahead of time.

Supervisor Palcovic stated with any catastrophic event that an employee is involved – an accident of sorts it would a good idea. The clerk stated that would be an immediate. We are talking about a policy. Two board members were heard to be in favor of it.

Council Member Cooper noted the need to have a policy, an implementation plan and a time line to do it.

Council Member Sturgess doesn't really understand drug tests too much. He stated that marijuana is legal now in the state. Do the tests clarify if the person smoked marijuana last night and it stays in the system for three months and a person is going to lose their job for going to a party two weeks ago. The clerk thought there were certain levels. Supervisor Palcovic and Council Member Cooper stated you would need a policy. The supervisor stated that the school learned the hard way twice. The clerk suggested a committee to work on this. Perhaps the company can give the town a model policy. Council Member Cooper thought that job

descriptions across the board would have to be looked at. Employees would have to be educated as well. The clerk has the education booklet in her office.

**RESOLUTION #2024-038 to move forward with looking into creating a non -DOT drug testing policy** was offered by Council Member Glenn at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**WHEREAS**, the Town Clerk/administrator of the Department of Transportation Drug testing procedure with Energetix was contacted about a non – DOT drug testing policy, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to move forward with looking into creating a non -DOT drug testing policy.

Seconded by Council Member Cooper

Discussion: Supervisor Palcovic stated this was an exploration in understanding. Council Member Sturgess would like to know more about what the drug test.... Last he knew there was a blood alcohol test for driving drunk. Council Member DeLuca thought there were the same for narcotics, drugs that would alter your senses, making it dangerous to operating heavy equipment. Supervisor Palcovic stated this is for the next step in understanding. He thought the board was in favor of exploring the potential of moving forward with testing across the board. The clerk questioned “across the board.” The supervisor then stated for equipment operators. Council Member Sturgess stated it would be for every single employee. Supervisor Palcovic stated for anyone that operates equipment. Council Member Glenn didn’t think you could exclude anyone. The clerk stated we will find out.

Adopted by a vote of five Ayes: Palcovic, Glenn, DeLuca, Sturgess, Cooper

Supervisor Palcovic was provided with the 2023 energy uses in regard to Kero, Diesel, Gasoline, Propane and National Grid costs. It is available.

The preliminary Annual Audit has been reviewed by Council Member Cooper. It is a thick document. The bookkeeper has been working on it and it is in draft form. Council Member Cooper was thanked for his time reviewing the document by Supervisor Palcovic.

**Correspondence:**

The town received correspondence from Adirondack Park Agency (APA) thanking them for sending a letter to Gov. Hochul on cell coverage.

The APA sent a notice of a project to replace certain utility poles in the Town of Caroga. The clerk noted the pole being replaced is near Three Sons Lane the existing height is 29.5 foot tall the replacement pole height will be 43.25 feet above ground level. Supervisor Palcovic noted the height exceeds the local laws and APA requirements for height. The paperwork included a permit for the change.



**Resolutions:**

**RESOLUTION #2024-039 to authorize expenses for the town clerk to attend the annual New York State Town Clerks Association Conference in April** was offered by Supervisor Palcovic at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**WHEREAS**, the clerk has indicated a desire to attend the Annual New York State Town Clerks Association (NYSTCA) annual conference, now therefore be it

**RESOLVED**, that the Town clerk is hereby authorized to submit expenses to attend the annual NYSTCA conference.

Seconded by Council Member Glenn

Adopted by a vote of five Ayes: Palcovic, Glenn, DeLuca, Sturgess, Cooper

**RESOLUTION #2024-040 to accept the 2023 Town Clerk's books as presented for audit** was offered by Supervisor Palcovic at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**WHEREAS**, the Town Clerk, Linda Gilbert presented the 2023 books for audit in January at the regular monthly board meeting, and

**WHEREAS**, since that time Council Member Glenn, Council Member Cooper, and Supervisor Palcovic have taken the time to audit, inspect, and review the town clerk's books finding everything to be in order, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to accept the town clerk's books for the year 2023 as presented for audit.

Seconded by Council Member DeLuca

Adopted by a vote of five Ayes: Palcovic, Glenn, DeLuca, Sturgess, Cooper

**RESOLUTION #2024-041 to dispose of obsolete capital equipment in Gym** was offered by Supervisor Palcovic at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**WHEREAS**, Supervisor Palcovic did an inspection of the gymnasium area at town hall, finding obsolete equipment, broken chairs, cardboard boxes and misc. items of no use, and

**WHEREAS**, Supervisor Palcovic noted that the computers will be deserialized and de-capitalized prior to disposal, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to dispose of obsolete capital equipment in Gym.

Seconded by Council Member Cooper

Adopted by a vote of five Ayes: Palcovic, Glenn, DeLuca, Sturgess, Cooper

**RESOLUTION #2024-042 to set the Nick Stoner Municipal Golf Course Rates for 2024** was offered by Supervisor Palcovic at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**WHEREAS**, Dave Cummings, Golf Course Manager has worked with Council Member Sturgess to discuss and review the rates at the Nick Stoner Municipal Golf Course for the 2024 season, Now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to set the rates as follows:

**Daily Greens Fees:** Credit card use adds 2.87% surcharge fee in (parentheses).

**Walking:** 18 holes: \$ 28 (\$ 28.80). 9 holes \$16 (\$16.46).

**Golf Cart:** 18 holes \$39 (\$ 40.12). 9 holes \$25 (\$25.72).

**Monday & Wednesday Special:** 18 holes with cart \$ 33 (\$33.95).

**Military/Veteran/Law Enforcement & Seniors over 65;** Ten percent (10%) discount on **DAILY** rates only, not for tournaments, or in League Play.

**Your Membership includes greens fees on Club Championship (July 27/28), Member-Guest (August 18), Impossible Pin (September 2), and Falling Leaves (October 6).**

Early Adult Rate (21-64): \$ 625 (\$ 642.94) by May 1, 2024.

Thereafter, \$675 (\$693.77).

Seniors 65+, & Military/Veteran/Law Enforcement Season Rate: \$525 (\$539.60)

Junior Season Rate (20 and under): \$ 200. (\$ 205.56).

Early Couples Season Rate: \$ 1,175(\$ 1,207.67) by May 1, 2024.

Thereafter, \$ 1,250. (\$ 1,285.88).

Season Golf Cart Membership: \$550. (\$ 565.79).

2024 Fall Rates begin October 1, 2024.

Walking: 18 holes \$25 (\$25.72). 9 holes walking \$13.(\$ 13.37).

Cart: 18 holes, \$35. (\$ 36). 9 holes, \$23. (\$ 23.66).

Dave Cummings, Pro Shop Manager. 518-366-4762

Seconded by Council Member DeLuca

Discussion: Council Member Sturgess made one minor change – the title “Your Seasonal Membership Includes” where it tells you what your membership gets you as far as tournaments

included in the membership. He would like to omit the words Seasonal Membership Rates. It was noted that the rates have been updated to indicate clearly the amount when paying by credit card. Supervisor Palcovic noted for the public that all businesses have to post the price of goods when paying by credit card.

Adopted by a vote of five Ayes: Palcovic, Glenn, DeLuca, Sturgess, Cooper

**RESOLUTION #2024-043 to support a grant application for the Town Center redevelopment of the former Shutts Service Station on behalf of former Supervisor Scott Horton** was offered by Council Member Glenn at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**WHEREAS**, Former Town Supervisor Scott Horton did meet and discuss with Supervisor Ralph Palcovic and Council Member Cooper his desire to revitalize the old Shutts Service Station at 2114 State Highway 10 located in Town Center in the town of Caroga, and

**WHEREAS**, an application would submit a to Restore NY, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to support submission of a grant application for the Town Center redevelopment of the former Shutts Service Station on behalf of former Supervisor Scott Horton.

Adopted by a vote of five Ayes: Palcovic, Glenn, DeLuca, Sturgess, Cooper

**RESOLUTION #2024-044 to adopt Local Law #1 of 2024 entitled SHORT TERM RESIDENTIAL RENTAL LAW TOWN OF CAROGA .**

Offered by Council Member DeLuca

Seconded by Council Member Cooper

**WHEREAS**, a committee was established at the March 8, 2023 Town Board meeting to recommend a new local law governing Short Term Rentals in the Town of Caroga, and

**WHEREAS**, the Caroga Town Board desires to ensure that properties that host short-term residential rentals meet the same standards as private residential homes as to life safety and health as codified in the NYS Uniform Fire Prevention and Building Code and other codes, and

**WHEREAS**, a public hearing on the proposed law was held on February 14, 2024, with the public hearing continuing at the March 13, 2024 board meeting, now therefore be it

**RESOLVED**, that the Caroga Town Board does hereby move to adopt local law #1 of 2024 as follows at the regular monthly meeting of the Caroga Town Board held on March 13, 2024.

**Section 1. Title**

This Local Law shall be entitled: “Short-Term Residential Rental Law of the Town of Caroga.”

**Section 2. Authority**

This law is authorized by the Municipal Home Rule Law of the State of New York.

**Section 3. Purpose and Intent**

The Town recognizes the economic benefits of short-term rentals. There are positive economic benefits of providing lodging to tourists and other visitors to the Town. Short term rentals are becoming increasingly more prevalent with the growth of internet and social media-based programs connecting property owners and persons seeking short term rentals. The Town also recognizes the impacts short term rentals can cause to neighbors, the neighborhood character, the environment, and the general health, safety and welfare of the Town. These provisions governing short term rental uses are designed to strike a balance. Allowing this use in the Town will allow our Town and community to reap the economic benefits that this type of use can bring.

It is the intent of the Town Board, by enacting this Local Law, to ensure that properties that host short-term residential rentals meet the same standards as private residential homes as to life safety and health as codified in the NYS Uniform Fire Prevention and Building Code, protection of the environment and public sanitation through NYS Department of Health Appendix 75A, protection of the general public health, safety and welfare through the Property Maintenance Code and all other applicable laws, rules and regulations. The intent of this Local Law is to provide a mechanism to ensure that such standards are met and, in any case, where they are not, provide a way to notify the owner of the deficiency and bring the properties into compliance for the safety and well-being of the community. The Town Board does not intend to include currently regulated entities such as cottage colonies, campgrounds, bed and breakfast establishments and the like.

The purpose of this Local Law is to protect the health, safety and welfare of all residents of the Town of Caroga by:

- a) ensuring that short term rental properties are safe for occupants by enforcing minimum standards for life and fire safety as otherwise required by applicable codes;
- b) ensuring on-site wastewater treatment systems meet the minimum standards currently required by Rules and Regulations of the State of New York, Title 10: Department of Health, Chapter II, Part 75: Standards for individual onsite water supply and individual onsite waste water treatment systems; Appendix 75-A. thus protecting drinking water wells and our lakes;
- c) ensuring the number of occupants does not exceed the standards of the NYS Property Codes and the NYS Uniform fire code; and,
- d) minimizing risks to public safety and adverse impacts such as improperly disposed trash, parking problems and exceeding the occupancy requirements.

#### **Section 4 Definitions**

**SHORT-TERM RENTAL (STR)**: Rental of any dwelling unit, in whole or part, to any person, persons or entity for a period of less than 30 consecutive nights including any residential building or apartment, single- or two-family dwelling, condominium, townhouse. Neither timeshare units, hotels, motels, bed and breakfast establishments and school or non-profit dormitories nor use of a short-term rental by a record owner of a property shall be considered to be a short-term rental for purposes of the Land Use Code.

**OCCUPANT:** Any persons (including children) located on the short-term rental property between the hours of 10:00 p.m. and 6:00 a.m.

**ACCESSORY DWELLING/ACCESSORY DWELLING UNIT:** A separate additional dwelling unit, including separate kitchen, sleeping and bathroom facilities, either attached or detached from a principal , single family dwelling unit on a lot that shall not be used to rent or lease to nonfamily members except for a caregiver serving the needs of the occupant of the attached Single -Family Dwelling.

### **Section 5. Permit Required**

Any lawfully existing dwelling that is rented, leased or occupied by a person or group of people other than the owner and/or his or her family, under the conditions set forth in the definition of “Short Term Rental” in Section 4 hereof, shall require a current rental permit issued by the Code Enforcement Officer. An approved rental permit is valid for a period of twelve (12) months from the date of issue and may be renewed pursuant to the terms of this Section for each successive twelve(12) month period during which rentals take place.

Short-Term Rental Permits are revocable, do not run with the land and are non-transferrable. If a Short-Term Rental is sold or otherwise transferred, the new owner must apply for and obtain a Short-Term Rental Permit in their name prior to any use of the Dwelling Unit as a Short-Term Rental by the new owner. Buyers under contract for the purchase of a Short-Term Rental Property may apply for a Short-Term Rental Permit as a prospective owner in the same manner as set forth herein, with issuance of the permit conditioned upon the Buyers' closing of title to the property.

### **Section 6. Application for Rental Permit**

The form and content of a short-term rental permit application shall be as determined by the Town of Caroga Code Enforcement Officer and/or the Town Board and shall contain such information as the Code Enforcement Officer and/or Town Board deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:

- (a) The property address and tax map parcel number.
- (b) The total number of dwelling units located on the property.
- (c) The size and number of bedrooms inside each building proposed to be rented;
- (d) A plan showing the location of designated emergency egress and rescue windows to the extent such features are required under current law, code or regulation.
- (e) A signed certification by the property owner(s) attesting to the fact that;
  - (1) to the best of their knowledge the property is fit for human habitation and safe.
  - (2) the owner will comply with all of the conditions and restrictions of the rental permit.

(3) no portion of a cellar or attic within the rental area shall be used for

habitable space of any kind, unless approved by the Code Enforcement Officer under the same conditions that would allow such use pursuant to the NYS Uniform Fire Prevention and Building Code and Rules and Regulations of the State of New York, Title 10: Department of Health, Chapter II, Part 75: Standards for individual onsite water supply and individual onsite waste water treatment systems; Appendix 75A.

(4) to the best of the permit applicant's knowledge the property is in compliance with all the provisions of this Local Law, the applicable provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code;

(5) the required permits and Certificates of Compliance are in place for all existing structures on the property.

(f) Contact - The owner shall designate a property representative who shall be immediately available, for the purpose of:

(1) responding within a reasonable time under the circumstances, but in no case later than thirty (30) minutes after notification to complaints regarding the use or conduct of occupants of the rental property and taking remedial action to resolve any such complaints in a reasonable length of time;

(2) the name, address, and telephone number of the owner and the property representative shall be kept on file with the Code Enforcement Officer at all times.

(g) Such other information as the Town may require to satisfy the intent of this Local Law.

(h) No permit will be granted without documentation the property is registered with the Occupancy Tax Program administered by the Fulton County Treasurer's Office.

### **Section 7. Inspection Required**

Prior to issuance of any permit or renewal thereof issued under this Local Law, the Code Enforcement Officer shall inspect each rental unit to verify compliance with all local laws, the NYS Uniform Fire Prevention and Building Code, proper waste water treatment system operation, the availability of sufficient lawful parking areas and compliance with the terms and conditions of any current permit. A failure of any of the above requirements shall stay issuance of a permit until compliance is demonstrated to the Code Enforcement Officer.

### **Section 8. Posting Required**

A copy of the valid permit, a copy of the inspection report and the maximum number of occupants allowed in the residence shall be conspicuously posted in the dwelling at all times. The names, and phone numbers of the responsible property representative or manager of the property shall be posted in a conspicuous location inside the building at all times.

Notification of NYS Law regarding watercraft shall be posted. All watercraft launched in the Adirondacks are required to be free from aquatic invasive species. New York State DEC Regulation (6 NYCRR Part 576) states that: NO person shall launch, or attempt to launch, a watercraft or floating dock into a public water body unless the following reasonable precautions of cleaning, draining and treating have been taken.

### **Section 9. Permit Fee**

Upon application for an initial permit as of the date of enactment hereof, the permit fee shall be \$250 for any rental property. This will include the permit and inspection. Subsequent annual renewal will be \$200 unless an inspection is warranted. The fee for inspection will be \$50. The Code Enforcement Officer will determine the need for inspection based on change of ownership, complaints by renters/occupants, neighbors, law enforcement, Fire Company and any other situation that presents a risk to health and safety. The Town Board is authorized to adjust the permit fee from time to time as it deems reasonable by passage of a resolution.

### **Section 10. General Requirements**

a. Compliance with the Local Law # 01 -2024 Short Term Residential Rental Law, the New York State Uniform Fire Prevention and Building Code and the New York State Standards for on-site waste water treatment for residential properties is required. These requirements comprise the same standards to obtain a certificate of occupancy for a residential property in the Town of Caroga.

b. An owner of a property shall demonstrate that sufficient lawful off-road parking is available for the number of occupants proposed to be allowed to occupy the premises for each permit issued according to any rules established by regulation regarding maximum numbers of vehicles as indicated in the Town of Caroga Zoning ordinance Article 5.VI.

c. Unless there is documentation on file in the Office of Code Enforcement to demonstrate compliance with Rules and Regulations of the State of New York, Title 10: Department of Health, Chapter II, Part 75: Standards for individual onsite water supply and individual onsite waste water treatment systems; Appendix 75-A, prior to the issuance of the first Rental Permit, the septic tank shall be pumped out and inspected for size, condition and location. A report of the same shall be submitted to the Office of Code Enforcement. This information shall also be readily available in the rental dwelling. The absorption area location, type and general size shall also be identified. A dye test may be conducted upon reasonable notice under the circumstances by the Code Enforcement Officer upon reasonable cause to believe any of the relevant provisions of this Section regarding waste water treatment are being violated at the subject property or that any component of the waste water treatment system may be in a state of failure.

d. The criteria used to establish the maximum allowed number of occupants in the residence or on the property at any time, day or night, shall be based on the New York State Fire Prevention and Building Code and Property Maintenance Code.

e. The size and capacity of the septic tank and absorption area shall also determine the total number of occupants allowed in the residence or on the property, day or night based on New York State

Department of Health Appendix 75-A, standards for on-site wastewater treatment for residential properties and Town of Caroga laws, codes, rules and regulations.

f. Signage shall be allowed as per Article 5; Section 1 of the Town of Caroga Zoning Ordinance.

g. Campfire pits shall comply with the New York State Uniform Fire Prevention and Building Code and the NYS Department of Environmental Conservation. According to NYS Department of Environmental Conservation, a campfire is defined as less than 3 feet high and less than 4 feet long.

h. The advertising of a rental not having a valid rental permit shall be deemed a violation of Local Law #01-2024, Short Term Residential Rental Law of the Town of Caroga

i. Waste/garbage removal is the responsibility of the owner. As STR is considered a commercial enterprise it is necessary for the owner to secure pick up of garbage/waste from a commercial waste disposal company. Waste removal by the Town of Caroga is restricted to residential garbage/waste by Fulton County Department of Solid Waste.

j. An accessory dwelling/accessory dwelling unit, as defined herein, shall not be rented or leased to nonfamily members except for a caregiver serving the needs of the occupant of a single-family dwelling located on the property as per Town of Caroga Zoning Ordinance Article 2 Section II.

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

l. Complaints may be filed with the Code Enforcement Officer on Code Complaint Form 2021LG. per Town of Caroga Zoning Ordinance Article 10 Section VI.

### **Section 11. Exempt Properties**

Any lawfully existing single-family dwelling that is rented, leased or occupied by non-transient permanent town residents, one family or family unit for six (6) or more consecutive months shall be exempt from this Section.

### **Section 12. Enforcement**

a. Any violation of any provision of this local law shall be deemed a violation and may be punishable by a fine of not more than \$350. Any second violation of any provision of this chapter within a period of twelve (12) months immediately succeeding a prior violation shall be deemed a violation and shall be punishable by a fine not less than \$350 and not more than \$700. Any third or subsequent violation of any provision of this chapter shall be deemed a violation and shall be punishable by a fine not less than \$700 and not more than \$1,000. In the case of such violations the Code Enforcement Officer is authorized to issue an appearance ticket and to file an accusatory



instrument in Caroga Town Court. Each period of one week (seven consecutive calendar days) of continued violation shall constitute a separate additional violation.

b. Upon a third or subsequent violation of any provision of this chapter, the Code Enforcement Officer shall suspend any current short term rental permit until full compliance is demonstrated and after passage of one year from the date of such violation. It is the property owner's responsibility to notify on-line rental services and or realtors that the permit has been suspended.

c. Any violation of any provision of this section shall subject the owner or operator of the premises in violation to a civil penalty of not more than two hundred dollars per day of violation.

d. The Town Board may by resolution authorize an action in the name of the Town of Caroga in a court of proper jurisdiction to enjoin violations of this section and to collect civil penalties as set forth above for violations and all expenses of enforcing compliance with this section, including actual attorney fees and costs and disbursements.

e. The Code Enforcement Officer may authorize prosecution of violations in Caroga Town Court or an action to enjoin further violations and collect civil penalties, or both such enforcement mechanisms concurrently or sequentially and the option to pursue one or the other or both methods of enforcement shall not affect the authority or validity of either such prosecution.

### **Section 13. Severability**

The invalidity of any clause, sentence, paragraph, or provision of this Local Law shall not invalidate any other clause, sentence, paragraph, or part thereof.

### **Section 14. Effective Date**

Effective Date of Local Law #1-2024 of Town of Caroga: This Local Law shall become effective upon filing with the Secretary of State of the State of New York as required by the Municipal Home Rule Law.

#### **Adopted by a Roll Call Vote:**

Supervisor Ralph J. Palcovic - Aye  
Council Member John Glenn – Aye  
Council Member Barbara DeLuca – Aye  
Council Member Richard Sturgess – Aye  
Council Member Matthew Cooper – Aye

Council Member Glenn made a motion to pay the bills as presented for audit. Council Member Sturgess seconded the motion. All board members were in favor of the motion, Palcovic, Glenn, DeLuca, Sturgess, Cooper.

Council Member Glenn made a motion to accept the Minutes of the February 14, 2024 meeting. Council Member Cooper seconded the motion. All board members were in favor of the motion, Palcovic, Glenn, DeLuca, Sturgess, Cooper.

At 7:41pm Council Member Glenn made a motion to adjourn. Council Member Sturgess seconded the motion. All board members were in favor of the motion, Palcovic, Glenn, DeLuca, Sturgess, Cooper.

Submitted by Linda Gilbert, RMC, CMC

Caroga Town Clerk

General #'s 74 – 112 \$21,183.98

Prepaid #'s 50 – 72 \$25,238.11

Highway #'s 34 – 51 \$26,676.48

General Park #'s 8 - #12 \$1,489.03