

REGULAR MONTHLY MEETING MAY 8TH 2018

The regular monthly meeting of the Mayfield Town Board was held on May 8th 2018 at 6:30 PM at the Mayfield Municipal Complex, 28 N. School St. Mayfield NY 12117. The meeting was opened by Supervisor Argotsinger with the Pledge of Allegiance.

PRESENT: Supervisor Richard Argotsinger
Councilman Vincent Coletti
Councilman Jack Putman
Councilwoman Roberta Ricciardi
Councilman Thomas Ruliffson

ALSO PRESENT: Mike Stewart, Attorney Carmel Greco, Nathan Matthews, Virginia Hall, Jon Close, Nancy Keneston.

PUBLIC COMMENT: Virginia Hall spoke to the board about leaving both of the cemetery gates open. The School St. gate has been left open with the back gates closed to vandalism. The board agreed to leave the back gate open as well unless further complaints of vandalism continue.

DEPARTMENT REPORTS

CEO- Mike Stewart reports issuing 9 permits in April and 5737 visits to the website. The Planning Board held a Public Hearing for Marianne Edwards/School House Treasures for a storage building and it remains open as more information is needed. The Board of Appeals approved a variance for a lot width variance request for John Charzan of Co Hwy 123.

HIGHWAY SUPERINTENDENT – Absent, Mel Dopp left his report stating the highway department patched and swept roads, ditches and picked up roads after the storm. Report states tree guys are needed. Salt was ordered. Equipment was cleaned and greased.

At this time Councilman Putman read the road bid amounts to the board with the lowest bidder being Empire Paving of Schenectady. Attorney Greco stated the bid can go to the lowest “responsible” bidder, not necessarily the lowest bidder. Motion to accept lowest bid was put off until quick research was done on the company.

The Public Hearing on Local Law # 2 of 2018 was opened at 6:43 PM by Supervisor Argotsinger with Mike Stewart reading the following: LEGAL NOTICE: PUBLIC HEARING NOTICE Please take notice that the Mayfield Town Board will hold a Public Hearing on Tuesday May 8, 2018 at 6:45 PM at the Mayfield Municipal Complex, 28 N. School St. Mayfield NY 12117 to receive comments regarding proposed Local Law # 2 of 2018 to amend the Zoning Law of the Town of Mayfield for the purpose of regulating the short term rental of homes.

Jon Close had questions for the board about use of land around the homes used for short term rentals and if campers would also be allowed on the property rented. Also questioned the board about contact information for the owners to respond to complaints. Mike Stewart stated that contact numbers would be posted on the Town Website.

Discussion with Town Attorney Carmel Greco about the culvert on Yates Rd. Beavers continue to block culvert, which causes a homeowners property and basement to flood. Homeowner has asked Town Board permission to maintain the grate at the culvert himself. The Town Attorney has spoken with the homeowners attorney and stated that the homeowner has the right to “self help” to protect his property and home from further water damage. The homeowner will be notified by mail of this

decision. The Highway Committee will notify the Highway Superintendent to use machinery to clear the beaver dam one time and further maintenance will be done by homeowner.

Discussion with Town Attorney Carmel Greco regarding vouchers submitted by Mel Dopp, Highway Superintendent for legal fees for criminal charges. The Town Attorney stated that the Mayfield Town Board has no authority to pay vouchers for criminal charges.

RES# 85 On motion by Councilwoman Ricciardi, seconded by Councilman Putman the following resolution was adopted 4 Ayes (Argotsinger, Coletti, Putman, Ricciardi) and 1 Nay (Ruliffson)

RESOLVED that the Mayfield Town Board will disallow the payment of vouchers submitted by Mel Dopp-Highway Superintendent for payment of his criminal defense legal fees, in accordance with the provisions of the Public Officer Laws of the State of New York.

CLOSE PUBLIC HEARING at 7:05 PM

RES# 86 On motion by Councilman Coletti, seconded by Councilwoman Ricciardi the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board approves Local Law # 2 of 2018 as follows:

Town of Mayfield Local Law # 2 of 2018

A local law to amend the Zoning Law of the Town of Mayfield for the purpose of regulation the short term rental of homes.

Be it enacted by the Town Board of the Town of Mayfield as follows: the text of this Local Law is annexed hereto:

SECTION 1:

The purpose of this Local Law is to amend the Zoning Law of the Town of Mayfield to regulate the short term rental of homes within the Town. The Town recognizes that from time to time local residents have the need to rent their homes, many of which are camp properties located on or near the shores of the lakes located within the Town.

The Town also recognizes that many of the properties that are currently being rented short term are in close proximity of existing residential property and that extensive short term rentals may cause disruption to the peace, quiet and enjoyment of residential members of the community and that some form of regulation is needed to prevent such disruptions.

SECTION 2:

To achieve these stated goals, the Zoning Law of the Town of Mayfield is amended by creating a new subsection 509 titled Temporary Rentals, under Article V as follows:

Subsection 509-1: Applicability

- A. This law shall apply to all one, tow or multi-family dwellings in all zoning districts.

Subsection 509-2: Terminology

- A. Temporary Rental – The rental for residential purposes of all of a one, two or multi-family dwelling for a term of less than sixty (60) days with each new tenant being considered the start of a new term.

Subsection 509-3: General

- A. Temporary Rental:

1. The owner of a one, two or multi-family dwelling may rent the dwelling as a temporary rental subject to all terms and conditions of this and all other provisions of the Zoning Law of the Town of Mayfield.
2. If the residential premises contain two (2) bedrooms or less, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed six (6) people, for overnight occupancy.

3. If the residential premises contain more than two (2) bedrooms, the maximum number of persons allowed to occupy the premises during the period of rental may not exceed ten (10) people, for overnight occupancy.
4. It is the owner(s) as well as the renter(s) responsibility to ensure that the use and occupancy of a temporary rental premises is in compliance with the Zoning Law of the Town of Mayfield and does not create undue or excessive noise or disturbance and that the same does not endanger the health, safety or welfare, or unreasonably interfere with the use and enjoyment of any person occupying neighboring properties. A formal written noise complaint from two or more property owners within 400 feet of the rental property, which has occurred between the hours of 9:00 PM and 8:00 AM, shall be considered as one method of documenting an excessive noise or disturbance condition.
5. The premises are not to be rented for commercial purposes, or any other purpose not expressly permitted herein, such as concerts, parties or weddings.
6. All owners offering a temporary rental must complete a registration form, a copy of which is attached hereto as Exhibit "A", and are required to pay a \$100.00 registration fee per residence for each year they intend to offer temporary rentals. The Town Board may from time to time modify the registration form and/or the registration fee by resolution of the Town Board.
7. All motor vehicles owned or operated by renters or guests shall be parked on the property being rented and no more than four (4) such motor vehicles shall be parked on the property they are renting. No such vehicles shall be parked on a road for use by the general public.
8. All rental agreements and advertisements shall clearly state the restrictions on parking and the number of occupants. In addition each renter shall be provided with a "Good Neighbor Brochure" as provided by the Town outlining all pertinent local regulations as well as what is expected of the renter with respect to noise, trash, parking and trespass on neighboring properties.
9. Each short term rental holder shall provide a 24/7 local contact to deal immediately (within 30 minutes) with all non-emergency issues, such as noise, trash and parking issues.
10. Prior to the issuance of a permit each temporary rental shall be inspected for the installation and proper operation of smoke and carbon monoxide detectors at the following locations: SMOKE DETECTORS – one in each bedroom, one outside each sleeping area and one on each floor including the basement. CARBON MONOXIDE DETECTORS – one on each floor including the basement.
11. All owners offering a temporary rental must comply with all applicable local, state and federal tax requirements.

Subsection 509-4: Enforcement and Penalties

- A. Penalties for any violation of this Section shall be \$250 per day for the first violation, \$500 per day for the second violation and \$750 per day for the third violation. In the event the Town receives 3 (substantiated) complaints, regarding unrelated violations, occurring at a property within any consecutive 24 month period and the owner(s) of registered temporary rental premises are found to have violated any provision of this law, the Town of Mayfield Code Enforcement Officer shall have the discretionary authority, pursuant to the enforcement provisions or Articles XII and XIII of the Zoning Law of the Town of Mayfield, to suspend or revoke the registration of any temporary rental premises where such violations have occurred.

SECTION 3: Effective Date

This Local Law shall be effective 45 days after its filing with the office of the New York Secretary of State.

SUPERVISORS REPORT:

Supervisor Argotsinger stated he attended all required meetings, and the county has started their shared services plan. All Assessors terms are up in 2019 and a shared County Assessor was discussed. The Town Board agreed to the Supervisor continuing discussion with the county about this. Also discussed was the Highway departments consolidating or the possibility of the county doing the Highway departments maintenance on their vehicles. Fulton County does all their own maintenance on County vehicles. Garbage collection was also discussed. The county has also adopted a new tax collection program.

OLD BUSINESS:

Accounting of Records:

RES# 86 On motion by Councilman Ruliffson, seconded by Councilman Coletti the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board accepts the Accounting of Records for Supervisor/Bookkeeper, Town Clerk and 2 Town Justices

Woodlots: Discussion on logging 3 town owned parcels on Sand Hill Rd. Dennis VanNostrand gave the Town Board a list of saleable timber located on this property that includes 2000 plus trees. Councilman Ruliffson questioned if the old landfill and surrounding area would be suitable for a future solar farm. Supervisor Argotsinger will get solar farm specifications from the County.

Road Paving:

RES# 87 On motion by Councilman Putman, seconded by Councilman Coletti the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board accepts the Road Paving Bid from Empire Paving of Schenectady, at \$52.42 per ton, laid in place.

Cobleskill Stone Products	\$60.75 per ton
Hanson Aggregates NY LLC	\$60.28 per ton
Empire Paving of Schenectady	\$52.42 per ton
Peter Luizzi & Bros. contracting	\$68.95 per ton
Callanan Industries	\$58.44 per ton

BEACH:

Councilman Ruliffson will repair the lifeguard chairs. The Beach Committee will apply to HRBRD to have sand brought in.

APPROVAL OF MINUTES

RES# 88 On motion by Councilman Coletti, seconded by Councilwoman Ricciardi the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board approves the minutes from April 10th 2018.

BOOKKEEPER:

Nathan Matthew explained the Standard Workday Reporting Resolution from New York State Retirement.

RES# 89 On motion by Councilwoman Ricciardi, seconded by Councilman Coletti the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board approves the Standard Workday Reporting Resolution

FINANCIAL REPORTS:

TOWN CLERKS REPORT – The Town Clerks report was submitted with fees collected in the A account of \$2110.00 and the B account of \$1970.00.

RES# 90 On motion by Councilman Putman, seconded by Councilman Coletti the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board will establish a \$10.00 petty cash account to keep the tax collection bank account open.

APPROVAL OF VOUCHERS

RES# 90 On motion by Councilwoman Ricciardi, seconded by Councilman Coletti the following resolution was adopted 5 AYES (Argotsinger, Coletti, Putman, Ricciardi, Ruliffson)

RESOLVED that the Mayfield Town Board approves the payment of vouchers in the following accounts for Abstract # 5 for 2018

A. GENERAL TOWNWIDE	\$33,633.04
B. GENERAL OUTSIDE VILLAGE	\$2,521.63
DA. HIGHWAY TOWNWIDE	\$8,746.95
DB. HIGHWAY OUTSIDE VILLAGE	\$2,044.57
TA. TRUST & AGENCY	\$1,599.30

Discussion on including which vehicles are being repaired and if it should be included with vouchers submitted.

Bookkeeper Nathan Matthews will create a spread sheet on which equipment/vehicle is being repaired. Memo will be sent to Highway Department to include truck or equipment number with all receipts.

On motion by Councilman Coletti, seconded by Councilwoman Ricciardi the meeting was adjourned at 7:54 PM

Respectfully Submitted

Nancy Parker
Town Clerk/RMO