

## REGULAR MONTHLY MEETING DECEMBER 6<sup>TH</sup> 2022

The Mayfield Town Board held a regular monthly meeting on December 6<sup>th</sup>, 2022 at 6:30 PM at the Mayfield Municipal Complex, 28 N. School St. Mayfield NY 12117. The meeting was opened by Deputy Supervisor Thomas Ruliffson with the Pledge of Allegiance.

PRESENT: Deputy Supervisor Thomas Ruliffson  
Councilman Ralph Desiderio  
Councilwoman Melissa Mazzarelli  
Councilman Jack Putman

ABSENT: Supervisor Richard Argotsinger

ALSO PRESENT: Town Attorney Carmel Greco, Antonia Greco, Assessor Connie Henry, Daniel Sardelli, Gordon Daley, Chris Warner, Highway Superintendent Jeff Martin.

PUBLIC COMMENT: None at this time.

### DEPARTMENT REPORTS:

CEO/BI – Damon Curley – absent – left report stating 11 permits were issued and the Planning Board will meet on Wednesday December 14<sup>th</sup> for a minor subdivision at 107 Proper Rd. 5 different blight issues have been addressed with some compliance, others did not show up for court. Diane Vallieu property has made progress and her mobile home is set up through efforts of community and private businesses.

HIGHWAY SUPERINTENDENT Jeff Martin submitted his report stating that the lights at the Rte 29/30 round a bout are being looked at with trying to keep the price as low as possible. Discussion about leaving the beach gates open for the winter. Vandenburg Point Road will be pinned by Ferguson and Foss surveyors. Fixed a washout on Town Rd, removed trees from Yates Rd, and removed beaver dams.

### REVIEW AND ADOPT SEQR AND NEGATIVE DECLARATION

Town attorney Carmel Greco went over the SEQR and Negative Declaration for Local Law No. 2 of 2022

RES #178 On motion by Councilwoman Mazzarelli, seconded by Councilman Desiderio the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board send a copy of Local Law No. 2 of 2022 and a copy of the Full Environmental Assessment Form under SEQRA pertaining to such Law to the Fulton County Planning Board for a review pursuant to section 239-m of the NY State General Municipal Law, such review to be made *nunc pro tunc* (after the fact).

RES #179 On motion by Councilman Putman, seconded by Councilman Desiderio, the following resolution was adopted 3 AYES (Desiderio, Putman, Ruliffson) 1 NAY (Mazzarelli)

RESOLUTION CLASSIFYING THE PROPOSED ADOPTION OF LOCAL LAW No. 2 OF 2022 AS IT PERTAINS TO SHORT- TERM RENTALS AS TYPE 1 ACTION UNDER 6 NYCRR PART 617 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND TO DECLARE THAT THE TOWN BOARD ACT AS THE SEQR LEAD AGENCY FOR THE PURPOSE OF ISSUING A DETERMINATION OF SIGNIFICANCE

WHEREAS the Town Board of the Town of Mayfield is proposing to make certain amendments to the Town's Zoning Regulations as it pertains to short – term rentals and to repeal the present Local Law (No. 2 of 2019) pertaining to same, and

WHEREAS the recommendations to make such amendments were made by the Town of Mayfield Planning Board and were previously forwarded to the Mayfield Town Board, and

WHEREAS a Full Environmental Assessment Form for the proposed action has been prepared and no other agency has been identified as having involvement with this proposed action,

NOW, THEREFORE, BE IT RESOLVED that the Mayfield Town Board declares itself as the Lead Agency with no other agency being identified.

RES #180 On motion by Councilman Desiderio, seconded by Councilman Putman the following resolution was adopted 3 AYES (Desiderio, Putman, Ruliffson) 1 NAY (Mazzarelli)

RESOLVED that the Mayfield Town Board approves and authorizes Supervisor Argotsinger to sign SEQR review, a

RESOLUTION TO ISSUE A NEGATIVE DECLARATION UNDER 6 NYCRR PART 617 STATE ENVIRONMENTAL QUALITY REVIEW (SEQRA) FOR THE PROPOSED ADOPTION OF LOCAL LAW No. 2 OF 2022 TO AMEND THE TOWN OF MAYFIELD ZONING LAW AS IT PERTAINS TO SHORT – TERM RENTALS

WHEREAS the town board of the Town of Mayfield is proposing to make certain amendments to the Town's Zoning Regulations as it pertains to short – term rentals and to repeal the present Local Law (No. 2 of 2019) pertaining to same, and

WHEREAS a Full Environmental Assessment Form for the proposed action has been prepared and no other agency has been identified as having involvement with said proposed action, and

WHEREAS the Town Board, acting as the Lead Agency, classified the proposed amendments to the Town's Zoning Regulations as it pertains to short – term rentals as a Type 1 Action as per the applicable provisions of SEQRA, and

WHEREAS the Town Board heretofore conducted the required Public Hearing on the proposed amendments at its regular monthly meeting held on October 11, 2022, and

WHEREAS the Town Board, as the Lead Agency, has completed and reviewed Part 2 of the Full Environmental Assessment Form,

NOW, THEREFORE, BE IT RESOLVED that, upon review of the completed Part 1 and Part 2 of the Full Environmental Assessment Form, the Town Board, acting as the lead agency has hereby determined that the adoption of Local Law No. 2 of 2022 amending the Town's Zoning Regulations as it pertains to short – term rentals will not create any significant adverse environmental impacts, and be it further

RESOLVED that the Town Board, acting as the Lead Agency, hereby issues a Negative Declaration for said action and authorizes that the Negative Declaration be filed in accordance with the applicable provisions of SEQRA as they pertain to Type 1 Actions.

RES #181 On motion by Councilman Desiderio, seconded by Councilman Putman the following resolution was adopted 3 AYES (Desiderio, Putman, Ruliffson) 1 NAY (Mazzarelli)

RESOLVED that Local Law No. 2 of 2022 is adopted by Roll Call Vote as follows:

Deputy Supervisor Ruliffson	AYE
Councilman Desiderio	AYE
Councilwoman Mazzarelli	NAY
Councilman Putman	AYE

Local Law No. 2 of 2022, a local law Amending the Zoning Law of the Town of Mayfield as Regards Short – Term Rentals and Repealing Local Law No. 2 of the Year 2019 Pertaining to Such Rentals.

Be It enacted by the Town Board of the Town of Mayfield as follows:

#### ARTICLE V: SUPPLEMENTARY REGULATIONS

##### 509 Short-Term Rental

The purpose of this Local Law is to regulate short-term rental of homes within the Town of Mayfield. The Town recognizes that from time to time local residents have the need to rent their homes.

The Town 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 disruption.

In addition, the Town of Mayfield hereby establishes a program for the enactment, enforcement, and administration for the purpose of periodic registration of all short-term rental units within the boundaries of the Town of Mayfield. Property owners who wish to provide short-term rentals within the Town of Mayfield are therefore required to register their property within the Town every two years.

The Town of Mayfield Town Board may from time to time modify the registration form, registration fee, noncompliance fees, and/or other items applicable to this law. The code Enforcement Officer has the right to administer and enforce this local law per the Town of Mayfield Compilation Zoning Regulations Article XII Section 1201.

##### Subsection 509-1: Applicability:

This Law shall apply to all one, two or multi-family dwellings within any zoning districts within the Town of Mayfield.

##### Subsection 509-2: Definitions and word usage:

A. For the purpose of this chapter, certain words or phrases herein shall be interpreted as follows, except where the context clearly indicates the contrary.

Words used in the singular include the plural, words used in the present tense include the future tense, the word person includes a corporation, limited liability company, partnership, trust or any other such legal entity as well an individual, and the word shall is always mandatory.

B. For the purpose of this chapter, certain terms or words shall be interpreted as follows:

Absentee Host – Any Host whose primary residence is outside the designated boundaries of the Town of Mayfield as those boundaries may be defined at the time of regular, periodic property registration.

Hunting Cabin – A structure void of septic, and well, used primarily for the purposes of lodging hunters typically found within but not limited to areas zoned Recreation, Public, or New York State Wild forest Land.

Immediate Family – The immediate family of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents, grandchildren or domestic partner.

Host – Any property owner or designated agent who offers a housing unit for occupancy.

Resident Agent – A representative of a property owner or Host whose primary residence is within a 25 – mile radius of the Town of Mayfield.

Short – Term Rental Property – Any one, two, or multi-family dwelling unit which is occupied by persons other than the owner or their immediate family, or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

Short – Term Rental – The rental of a permitted dwelling to the transient, traveling or vacation public for a term of not more than 60 days with each new tenant being considered the start of a new term.

Tent – A temporary structure, enclosure or shelter constructed of fabric or pliable materials supported by and manner.

#### Subsection 509-3: General

A. The owner of a one, two or multi – family dwelling may rent the dwelling as a short – term rental subject to all terms and conditions of this and all other provisions of the Codes of the Town of Mayfield.

B. Permit required. An owner shall obtain a revocable short – term rental permit whenever a dwelling unit is to be used for short - term rental purposes.

I. A short – term rental permit shall be obtained prior to using the unit as a short – term rental. No property may be used as a short – term rental without a short - term rental permit.

II. No short - term rental property may be rented for greater than one hundred twenty (120) days in any given calendar year.

III. A short – term rental permit shall be valid for two years from the date of issue, shall expire on the second anniversary date of the date the permit is issued, and must be renewed upon expiration as long as the nit is used as a short – term rental. The renewal application shall be the same as the initial application. At the expiration of one year during each tow year permit term, the owner shall file a sworn certification with the Enforcement Officer that the permitted dwelling unit remains in full compliance with this law along with the septic inspection required by Subsection 509-3: General (F), if applicable. Said owner shall also pay the annual permit fee at said time.

IV. The short – term rental permit is not transferable to a new owner of the short – term rental property.

V. There shall be only one short – term rental permit issued per property. Thus if a property has more than one dwelling unit the permit issued shall be limited for one dwelling unit only.

VI. If the terms of the short – term rental permit are not followed, or these regulation or those subsequently adopted are not followed, the short – term rental permit may be revoked and the owner shall be subject to the penalties provided in Subsection 509-5: Enforcement and Penalties.

VII. No permit shall be issued, or re – issued, unless and until:

(i) the property complies with the Town of Mayfield Land Use Code, expressly including the terms of this section, the New York State Building Code and any other municipal code which may be applicable to the property and its use for short – term rental; and (ii) the Enforcement Officer receives the septic system annual inspection report required by subsection 509-3: General (F) of this section, if applicable.

VIII. Occupancy Tax Registration. No permit shall be issued unless the short – term rental property is registered with the Occupancy Tax Program administered by the Fulton County Treasurers Office.

IX. No Permit Fee. Any owner occupied short – term rental property which is rented for fourteen (14) days or less in any calendar year shall be exempt from paying the permit fee required by subsection 509-6: Fees, but shall nonetheless require a permit.

C. Each residential rental shall, at a minimum, comply with New York State Property Maintenance Code Section 404.4.1 pertaining to minimum square footage requirements per person, and the maximum occupancy for each short – term rental unit shall be the most restrictive of the following:

1. Maximum occupancy shall be calculated as 2 times the number of bedrooms that are in compliance with the New York State Building Code plus 2 additional occupants.

Examples:

2 bedroom unit = 4 occupants for 2 bedrooms + 2 additional = 6 maximum.

4 bedroom unit = 8 occupants for 4 bedrooms +2 additional = 10 maximum.

6 bedroom unit = 12 occupants for 6 bedrooms + 2 additional = 14 maximum.

II. Maximum occupancy for studio apartment shall be 2 occupants for the first 220 sq. ft. + 1 additional occupant for each additional 100 sq. ft. of living space.

Example:

550 sq. ft. studio = 2 for first 220 sq. ft. + 3 for 330 remaining sq. ft. = 5 maximum, OR

III. Maximum capacity of the septic system for properties serviced by a septic system.

D. It is the Host's responsibility to ensure that the use and occupancy of a short – term rental premises is in compliance with the laws 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.

E. The premises are not to be rented for weddings, corporate events, reunions, company functions, and any other similar type of outdoor events.

F. Hosts are required to send the Town of Mayfield Code Enforcement Officer a yearly inspection of the well and septic system. The first year of operation as a short – term rental, the Host is required to have an inspection of the septic system, which will entail a review of the tanks, distribution box, leeching field, and other related tanks and equipment where applicable. Documents will be submitted at the time of registration.

Should deficiencies be noted the Code Enforcement Officer may require additional information possible action and documentation. Short – term rentals with inadequate septic systems or holding tanks, as determined by the code Enforcement Officer, will have reduced occupancy limitations set by and based on the capacity of the septic system or holding tanks that service the short – term rental, based on bedroom count. All on – site septic systems shall be clearly identified to prevent damage from cars parking or heavy equipment.

(a). If a short – term rental property has access to municipal water or sewer, those respective yearly inspections are not applicable, voiding a yearly review.

G. As defined by the Vehicle and Traffic Law of the State of New York, all motor vehicles owned or operated by renters or guests shall be parked along the property being rented. No more than two (2) vehicles shall be parked on a road for use by the general public. Private road parking is prohibited.

H. All rental agreements 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. The Good Neighbor Brochure may also be accessed on the Town of Mayfield’s website.

I. Each short – term rental Host shall provide a 24/7 Resident Agent to deal immediately with all non-emergency issues, such as noise, trash and parking issues.

J. Prior to the issuance of a permit each short-term rental property shall be inspected for the installation and proper operation of smoke and carbon monoxide detectors as required by the Unifor Building Code of the State of New York.

K. All Hosts offering a short-term rental property must comply with all applicable local, state and federal laws and tax requirements.

#### Subsection 509-4: Rental Property Registration:

A. It is the responsibility of the property owner to register any rental property or properties with the Town of Mayfield. Failure to do so constitutes a violation of these regulations and is subject to the penalties by the Town.

B. All absentee Hosts must have an emergency contact person (Resident Agent) for each rental property.

C. If the short-term rental property changes ownership at any time, the new owner must re-register the property with the Town of Mayfield code Enforcement Office, if there is the wish to continue its use a short-term rental property.

D. Registration Procedures:

Properties shall be registered on a form provided by the Town of Mayfield and signed by each owner or resident agent of the property being registered. The following documentation shall be provided by the owner or managing agent at the time of registration.

At the time of registration, all absentee Hosts are required to designate a Resident Agent for service of process of a violation of this chapter. If that Resident Agent’s residence should be removed from the Town of Mayfield during the yearly registration period, another agent must be designated for the duration of that period. Service of an appearance ticket as defined by New York State Criminal Procedure Law upon said agent shall constitute good and sufficient service as if the Host had been served themselves within the Town of Mayfield. No Host who designates an agent pursuant to the provisions of this article may utilize a defense of lack of

notice or lack of in person jurisdiction based solely upon the service of process upon his designated Resident Agent. The failure to provide the name and address of an agent for service of process shall be a violation of this chapter punishable by a fine.

It shall be unlawful for any Host to offer any unit for rent or to allow any rental unit to be occupied without having first registered as a Host as required herein within the time prescribed for such registration.

Subsection 509-5: Enforcement and Penalties:

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. If any short-term rental properties are found to have repeated violations, the Town of Mayfield Code Enforcement Officer shall have the discretionary authority to suspend or revoke the registration of any short-term rental property where such violations have occurred.

The Code Enforcement Officer of the Town of Mayfield is hereby authorized to issue and serve appearance tickets with respect to violations of this local law.

Subsection 509-6: Fees

The registration fee for a Short-Term Rental within Zones L1 and L2 is \$250 per year. In all other zones within the Town of Mayfield, the registration fee is \$100 per year.

Subsection 509-7: Repealer:

Any and all local laws (including, but not limited to, Local Law No. 2 of 2019), resolutions, rules and regulations heretofore enacted and/or adopted by the Town of Mayfield pertaining to short-term rental properties are hereby repealed to the extent that they or any of them are inconsistent with this Local Law, it being the intent that this Local Law shall supercede all such local laws, resolutions, rules and regulations.

Subsection 509-8: Effective Date:

In accordance with Town Law and Municipal Home Rule Law, this law shall be effective immediately upon filing with the Office of the New York State Secretary of State. However, this law shall not be enforced or enforceable at any time prior to January 1, 2023.

NEW BUSINESS

2023 LANDFILL USE RENEWAL APPLICATION

RES #182 On motion by Councilman Putman, seconded by Councilman Desiderio the following resolution was adopted 4 AYES (Desiderio, Mazzairelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board authorizes the Supervisor to sign the Landfill Use Renewal Application.

SOUTHERN ADIRONDACK SNOWMOBILE ASSOCIATION

RES #183 On motion by Councilman Desiderio, seconded by Councilwoman Mazzairelli the following resolution was adopted 4 AYES (Desiderio, Mazzairelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board authorizes the Supervisor to sign the contract with Southern Adirondack Snowmobile Association.

ASSESSOR-Senior Age Exemption Law.

Discussion about amending the dollar amount on the current law.

OPEN PUBLIC HEARING FOR BROADALBIN KENNEYETTO FIRE DISTRICT CONTRACT

The public hearing was opened at 7:00 PM by Deputy Supervisor Ruliffson.

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town board of the Town of Mayfield, Fulton County, New York at the Municipal Complex, 28 N. School St. Mayfield NY on December 6<sup>th</sup> 2022 at 7:00 PM for the purpose of considering a contract with the Broadalbin Kenneyetto Fire Department for fire protection to be furnished to the Fire Protection District established as Fire Protection District No. 1. The terms of the proposed contract are (a) the fire company shall answer and attend upon all calls in the district: (b) for this service the Fire Company shall receive a sum equal to \$47,500.00 per year: (c) the Fire Company shall be responsible for any loss or damage to its fire apparatus sustained in answering any such calls, and for payment of all claims or injuries to or death of firemen in connection with such calls: (d) all money paid to the Fire Company shall be a charge against the taxable property in the fire protection district; and the contract for a period of one year commencing January 1 2023. All interested in the matter shall be heard at such time and place. Nancy Parker, Town Clerk. November 15 2023

Dan Sardelli questioned the contract amount.

Continued discussion about the senior age exemption laws.

## CLOSE PUBLIC HEARING FOR THE BROADALBIN KENNEYETTO FIRE DISTRICT CONTRACT

The public hearing was closed at 7:11 PM.

RES #184 On motion by Councilman Desiderio, seconded by Councilman Putman the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board approves and authorizes the Supervisor to sign the contract with the Broadalbin Kenneyetto Fire District.

More discussion about senior age exemption law.

## APPROVAL OF MINUTES FROM NOVEMBER 10<sup>TH</sup> AND 22<sup>ND</sup> 2022

RES # 185 On motion by Councilwoman Mazzarelli, seconded by Councilman Putman the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board approves the minutes from November 10<sup>th</sup> and November 22<sup>nd</sup> 2023

## REMINDER OF YEAR END MEETING ON DECEMBER 27<sup>TH</sup> 2023

## TRANSFERS

RES #186 On motion by Councilman Desiderio, seconded by Councilwoman Mazzarelli the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board approves the Transfers in the following accounts:

\$50,000.	To:	DA5142.4-	Highway Snow Removal – Contractual
	From:	DA5130.2-	Highway Machinery – Equipment

## APPROVAL OF VOUCHERS



RES #187 On motion by Councilman Putman, seconded by Councilman Desiderio the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)  
RESOLVED that the Mayfield Town Board approves the vouchers submitted and recorded in the Year End Abstract.

The Clerks report was submitted with fees collected in the A account of \$290.00 and the B account of \$1010.00

#### PUBLIC COMMENT

Councilman Putman discussed the landfill monitoring contract regarding the landfill on Sand Hill Rd and suggested a 5 year contract instead of 1 year.

#### EXECUTIVE SESSION -EMPLOYMENT HISTORY

RES #188 On motion by Councilman Desiderio, seconded by Councilman Putman the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board entered Executive Session at 7:26 PM

RES #189 On motion by Councilman Desiderio, seconded by Councilman Putman the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board exited Executive Session at 7:48 PM

RES #190 On motion by Councilwoman Mazzarelli, seconded by Councilman Desiderio the following resolution was adopted 4 AYES (Desiderio, Mazzarelli, Putman, Ruliffson)

RESOLVED that the Mayfield Town Board approves a 2.5% salary increase to the Assessor effective January 1<sup>st</sup> 2023

#### ADJOURNMENT

On motion by Councilman Desiderio, seconded by Councilman Putman the meeting was adjourned at 7:50 PM

Nancy Parker  
Town Clerk/RMO