

Minutes of the Public Hearing Meeting, of the Board of Trustees, of the Village of Montgomery is held in the Meeting Room at 133 Clinton Street, Montgomery, NY 12549 on Monday, December 18, 2018 at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Scheels, Trustee Andolsek, Trustee Hembury, Trustee Lindner, Atty. Dowd, Village Clerk Rivera-Fernandez, Don Berger, Kathi Pitts, Maria Beltrametti, Diane Yorio, Johanna Sweikata.

**RE: PUBLIC HEARING OPENED**

Moved by Trustee Andolsek, seconded Trustee Hembury, the Board opened the Public Hearing for the Introductory Local Law I-1 of 2018. Motion carried, 5-Ayes, 0-Nays.

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the necessary paperwork is on file to hold a Public Hearing.

The Village Clerk Rivera-Fernandez replied, yes; all the necessary paperwork is on file to hold this Public Hearing.

Mayor Brescia entertained comments from the public. Since no one had any immediate questions, the Mayor asked Atty. Dowd to provide an overview of the Introductory Local Law for Short Term Rental Properties, modeled after Greenwood Lake and the Town of Warwick policy.

Atty. Dowd stated the Local Law 1 of 2018 is a regulation of short term rentals of less than thirty days in duration. This is an effort to address issues that have come up in the Village of Montgomery, of individuals advertising for rooms and or homes for rent on Airbnb or VRBO (Vacation Rental By Owner) sites. What is escaping everything is the fact that these premises may not be up to the Fire and Building Codes. Allowing for short term rentals in the Village, the process requires the rentals to be registered with the Building Inspector. All the necessary inspections must be completed, according to the code. A one year permit will be issued to rent an apartment or a house for a short term rental. In the provisions of the code, it gives instructions on how to apply for a renewal permit as well as, obtaining an inspection, what the inspection fees are, the revocation of any violations of the conditions of the permit and restrictions on who can rent. Making sure the people who are renting are not rowdy or disruptive to the neighbors. It also describes penalties for violations of the regulation, failure to register as a Landlord or Resident Agent, the first offense is \$500 per day, subsequent offenses is \$1,000 per day. Allowing occupancy without a valid permit or with revoked permit, the first offense: \$500 per day per unit, subsequent offenses is \$1,000 per day per unit.

We have been made aware of a unit or two that were published on the AirBnB site that are unauthorized living units. Therefore, the Board of Trustees of the Village of Montgomery has determined that it is necessary, given the popularity of such online phenomena as AirBnB, VBRO and other such sites whereby owners of residential properties rent out all or parts of their properties on a short-term basis, to enact reasonable regulations to ensure that the public health, safety, well-being and quality of life of Village residents is preserved while also ensuring that the health, safety and well-being of those persons renting such properties are also protected.

Mr. Berger asked how would the Village know if someone is renting illegally. Does AirBnB notify the municipality of locations listed on their site? How will the residents be notified of this regulation?

Atty. Dowd replied one way, is the permitted Landlords or Resident Agents who are operating legally and paying the appropriate fees and inspections, will in fact make it known of others renting illegally. The second is the neighbors of short term rental properties. He is not aware of AirBnB notifying the municipality of the locations within their area. Those who do not follow the rules and found to be in violation, will be subject to fines and penalties.

Trustee Lindner also stated the neighbors are very vigilant of others trying to build something without a building permit. The Village could notify AirBnB or VBRO that a law has been adopted.

Mayor Brescia stated it will be posted in the newsletters, posted on the Village website and possibly launching a CodeRed.

Marlene Wood asked, when the Village will be ready and prepared to issue those permits. In the interim, can the short rentals continue?

Atty. Dowd stated it is up to twenty days for them to receive the filing and it becomes a law. Shortly thereafter we will have forms in place to register. Currently the law is not in affect, in the interim, I guess you could try to do that. Immediately upon it becoming a law, anyone is subject to the regulations.

An individual who did not state his name said, we are a little late on this but this is one of our interests. Is there is a draft of the Local Law?

Mayor Brescia stated, if there is any we deem necessary to revise, but we will adopt it tonight. It has been advertised. Are there any further questions? No further questions asked by those present.

Mayor Brescia called for a motion to close the Public Hearing for the Introductory Local Law I-1 of 2018, "Short Term Rental Properties.

**RE: PUBLIC HEARING CLOSED**

Moved by Trustee Lindner, seconded by Trustee Andolsek, the Board closed the Public Hearing at 7:25 pm. Motion carried, 5-Ayes, 0-Nays.

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Monserrate Rivera-Fernandez, Village Clerk