

Town of Milton  
March 11, 2020  
Regular Board Meeting  
7:30pm

Meeting called to order by Supervisor Zlotnick at 7:30pm

Pledge of Allegiance by Councilman Blaisdell

Present: Supervisor Zlotnick  
Councilman Blaisdell  
Councilwoman Kerr  
Councilman Frolish  
Councilman Isachsen  
Town Attorney Craig  
Town Clerk Howe

Motion made to accept the minutes from the February 26, 2020 meeting by Councilman Blaisdell; 2<sup>nd</sup> by Councilman Isachsen; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick read a letter from the Town Clerks office setting up a "Helping the Community" Program.

Motion made by Councilman Frolish to allow appoint Mary Pokrzywka as summer camp director and Nick Mayr as summer camp health director with pay rate as set forth in the budget; 2<sup>nd</sup> by Councilwoman Kerr; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick - We have a request from the Town Clerks office to approve the lease of new postage machine. Clerk Howe, would you care to give a brief review?

Town Clerk Howe - Our current machine is being rented at \$200/month. It's got some issues. It's 5-6 years old. Darlene, before she left, was working on this and she gave me her notes. I got 3 proposals; one from Pitney Bowes, one from Repeat Business (Ed & Ed) and the third from National. Pitney Bowes is \$159/month; Repeat Business is \$143/month and National is \$132/month. They all offer, as part of the lease, they will maintain and we purchase supplies. We definitely need to do something about the postage machine. They are all local companies. We already use Repeat Business for our copiers.

Supervisor Zlotnick - Any questions? We need to pick one.

Councilman Frolish - Brenda had a recommendation

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Town Clerk Howe – We use Repeat Business for all the copiers. I know that if we call for service, they are here the next day, sometimes even that day. They are the middle price range.

Motion made by Councilman Frolish to approve the lease on a new postage machine from Repeat Business; 2<sup>nd</sup> by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes.  
Motion carried

Supervisor Zlotnick – Any new business?

Councilman Kerr – Last evening we met with some residents. We could not find anyone to step up in favor of the Local Law. We had quite a discussion. We feel that Local Law 3-2019, filed as Local Law 1-2020, should be repealed. There were several procedural errors in that vote in December. To repeal a law there are legal procedures that have to be followed. Would like to ask Attorney Craig to create a new Local Law to repeal.

Councilman Isachsen – There seems to be concerns about 3 different versions of the law. It is a recommendation to repeal the existing law in full. The committee will still meet to look at Zoning to see where short-term rental would be addressed without the creation of a new law on the books. It also seems that this new law doesn't address the concerns seen by both sides.

Motion made by Councilwoman Kerr to repeal Local Law 3-2019 Short Term Rental Law, filed as 1-2020 with New York State and Attorney Craig to have the necessary paperwork into the hands of the Board by the March 25<sup>th</sup> meeting; 2<sup>nd</sup> by Councilman Isachsen;

Discussion:

Councilman Frolish – I also did research regarding short-term rental. Lake Placid just did a study where their own law mirrored 10 other towns in NYS. (read part of the study). In 2014 the Attorney General did a study of NYC short-term rentals and found that about 72% were in violation of Health & Safety Laws. Lake Placid went a little further with their law. I also looked at other towns. They all mirror our law and some go even further. Some charge, all require inspections; some every year and some every 2 years etc. It is all about Health & Safety. I looked at 12 rentals in Milton. I found that 5 have illegal basements with no emergency egress. This law was not intended to put anyone out of business. It is here to keep our town residents safe as well as visitors. If we repeal this law, that puts the Town in an immense legal liability. If someone gets hurt, the lawyers are going to go after the Town stating that we had a law on the books but repealed it and now someone has been hurt. There will always be someone who doesn't like a law. Some towns state the number of renters. Some use the NYS code of 70sf per the 1<sup>st</sup> person in a bedroom and 50sf for

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every other person. I am not in favor of repealing. I think we should let this run for a year and then see if we need to review.

Councilwoman Kerr – Does Lake Placid and Lake George have a residence clause? Owner occupancy clause?

Councilman Frolish – Brenda will copy all of my research for the Board to review. I got my information from “AirDNA” site. I even called them to see how they got their information because I didn’t really believe.

Councilwoman Kerr – Concerned with Lake Placid. Their biggest concern is people buying properties and then using the properties as rentals. We are looking at a different situation. We are looking at 6 or 8 weeks. Are illegal basements covered by Zoning? We should be enforcing this.

Councilman Frolish – Yes, illegal basements are covered in zoning. So tomorrow our Enforcement Officer will be handing out violations for illegal basements? Over in Rowlands Hollow there are over 30 Short Term rentals. I looked at 15. I will not bring up names tonight.

Supervisor Zlotnick – I will not go to the Enforcement Officer and have them target people. But if a complaint comes in, the Officer will follow through. It is required by law.

Councilman Frolish – Any land use not in Zoning makes it illegal. We have this in our Zoning as it is right now. I don’t want to put these people out of business, I am worried about safety.

Councilman Isachsen – Your concern is opening up the Town for liability if we repeal. Aren’t we already open for liability for illegal basements? Repealing doesn’t create any further liability.

Councilman Frolish – So is there going to be a committee put together as soon as possible to address the zoning?

Councilwoman Kerr – That’s what we already have in place. Over the next year we will look at Zoning.

Councilman Frolish – So for the next year, Short Term rentals will be in violation as they are now.

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Councilwoman Kerr – I need to see that in Zoning. That’s how I would like to see it addressed. It’s not a win-win for anyone. We need to bring neighbors together

Councilman Frolish – It’s right here. Prohibited use. (Read Zoning). I was making a copy of everything but I didn’t believe your committee would decide that fast.

Supervisor Zlotnick – I would like to poll the Board and move on.

Councilman Blaisdell – I’d like to protect the town and it’s people and want to see the people of the town and the Board safe. If that’s it takes to keep them safe is to keep the law and come up with something different later. That would be my choice so I vote no.

Councilwoman Kerr-yes; Councilman Frolish-no; Councilman Isachsen-yes; Supervisor Zlotnick-I think once the state or the county figures out a way to get their hands in our pockets, this will happen but for now I’m voting to repeal-yes; motion carried

Councilwoman Kerr – I would like to make a motion to set a public hearing for April 8<sup>th</sup> on the law to repeal.

Attorney Craig – You can’t do that. The Board must have the Local Law in hand for 10 days prior to being allowed to set a public hearing.

Public Comment –

Supervisor Zlotnick – Many people want to speak. If you are going to say the same thing that has already been states, I ask that you pass. We don’t need to hear the same things over and over.

Carrie Jackson – 586 Acland Blvd – Thank you for continuing on with the committee. We will save our comments till the April public hearing. The noise ordinance needs to be reviewed.

Jen Furze – Pass

Dan Woos – 2 Milton Heights Blvd – In Nashville, Austin, TX and Florida the short-term rental law has been squashed as an infringement of rights. The mandatory inspections and additional insurance clause are just a way to get control of our property without taking the liability. Remember Schenectady. What about the fines? What happens if we don’t pay them – They get added to our tax bill. If we don’t want to pay the tax bill, Milton puts a lien on our property.

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Heather Kurto – Pass  
Jenna Singer – Pass

Scott Jackson – 924 MacArthur Dr – Thank you. I was a part of the committee and am willing to continue to meet. I feel the law was passed incorrectly.

Kym Amodio – 977 MacArthur Dr – Have a letter from Andrea Green to read to the Board. Passed out copies of other letters as well.

Scott Singer – Pass

Bridgette Herbst – 586 Acland Blvd – Appreciate that the Board is willing to look at this. Here is a copy of the letter that was put in my mailbox. When this was brought up, it was stated it was because of complaints. I filed a FOIL and received 3 complaints. I filed a FOIL for communication with the Insurance carrier and was informed there was nothing. I am more than willing to provide information to the committee.

Tom Boghosian – Middle Line Road – Appreciate the discussion about abiding by the law. I want this Board to follow the law. (Handed out information). This handout is regarding the rate structure of Heritage Springs Sewer Works. I would like to know how this Board is going to handle the rate hearing. I ask that the legal notice be posted, that HSSW be asked to be present, that the Board asks questions, that the public be allowed to speak and that there be a stenographer for a transcript of the hearing.

Patrick Crowley – 942 MacArthur Dr – Everyone else covered what I was going to speak about. If there is a push to go forward, show us the complaints. We may find that it isn't renters but neighbors. We need to make sure there is an issue to solve. If something isn't called out in Zoning then it's illegal? What about a bouncy house?

Bruce Boghosian – Reiterate that we get this rate hearing correct. Residents are paying HSSW and Saratoga County for the same service. The Board needs to place the same level of interest on the rate hearing that you are placing on this Short-Term rental meeting. This has been an obstacle for growth in this town. The public should be involved. They can learn a lot.

Nancy Phillips – Pass

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Mike Iaculucci – 9 Russell St – I have no stake in this at all. As a resident of the town, the Board needs to figure out the liability for the Town. Hope the Board comes to a clear consensus as to the liability. The motion stated that Mr. Craig will come back with a new law.

Attorney Craig – To repeal a Local Law the Board has to pass a Local Law.

Rhizie Currie – Pass

Renee Mertey – 2047 Dewer Rd – Watched many things happen in this town. Hear about “non-transparency” and then read about it in the Times Union. I think we need to be concerned that many other towns are watching what we are doing here tonight. Don’t want to see this turned into a mountain. I hope the Town will take a good look at this.

Scott Hirazumi – 14 Walters Court – Invested in this community. I have seen what Short-Term rentals can do. Urge this Board to work with the public. The Town gets desperate and starts getting big business in and give them the breaks.

Gina Marozzi – 10 Old Glory Lane – Pass

Frank Rossi II – Saratoga Ave – Technically, all this talk about liability, if Zoning states no Short-Term rental, the Board is now on record and has a bigger liability. The law must be executed equally among everyone. We need to get out of our own communities and look at other places. I recently rented in Florida and on the counter was a “Certificate of Compliance”. Florida does have these Short-Term rental laws.

Mr. & Mrs. Baruila – Passed

Public comment closed

Supervisor Zlotnick – I would like a motion to go into Executive Session to discuss the employment history of an individual.

Motion made by Councilman Frolish to go into executive session; 2<sup>nd</sup> by Councilwoman Kerr; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

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Motion made by Councilman Frolish to return to regular session; 2<sup>nd</sup> by Councilwoman Kerr; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick – I need a motion to accept the hiring of Charles Duffy as comptroller.

Motion made by Councilman Frolish to hire Charles Duffy as comptroller to fill the vacancy of Darlene Allen; 2<sup>nd</sup> by Councilman Blaisdell; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Supervisor Zlotnick – No further business, motion to adjourn.

Motion made by Councilman Frolish to adjourn; 2<sup>nd</sup> by Councilman Isachsen; Councilman Blaisdell-yes; Councilwoman Kerr-yes; Councilman Frolish-yes; Councilman Isachsen-yes; Supervisor Zlotnick-yes. Motion carried

Meeting Adjourned at 9:45pm

APPROVED