

Town of St. Armand  
Public Hearing – Local Law No. 1 – Short Term Rental Rules and Regulations 6:00 pm  
Regular Board Meeting – 6:30 pm  
Tuesday, September 19, 2023

*These Regular Board Meeting Minutes were approved by the St. Armand Town Board on November 14, 2023.*

A Public Hearing and Regular Board Meeting of the Town of St. Armand was held on the above date and time via webinar and in person at the Town Hall, Bloomingdale, NY. The meeting was advertised and made available to the public.

**BOARD MEMBERS PRESENT:**

Town Supervisor Davina Winemiller, Deputy Supervisor Karl Law, Councilperson Donald Amell, Councilperson Stephanie Mikesell, and Councilperson Sheridan Swinyer were present at the meeting.

*A quorum of the Board was in attendance.*

**TOWN EMPLOYEES PRESENT:** Highway Superintendent Douglas Snickles, Water/Wastewater Superintendent Joshua Woodruff, and Town Clerk Barbara Darrah.

**GUESTS FROM THE COMMUNITY:** William Tanzini, Essex County Attorney, and Sandy Hayes, Timothy Kratts, and Warren McCarthy, attended from the community. Scott Allen, Josh Colby, and Christopher Coleman attended on-line.

**PUBLIC HEARING**

Supervisor Davina Winemiller called the Public Hearing meeting to order at 6:00 pm and asked all to join in the Pledge of Allegiance. Supervisor Winemiller asked Town Clerk Barbara Darrah to read the Public Hearing Notice aloud.

**TOWN OF ST. ARMAND PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of St. Armand will hold a Public Hearing in person and via webinar at the St. Armand Town Hall, 1702 NYS Route 3, Bloomingdale, NY, 12913, on Tuesday, September 19, 2023 at 6:00 PM, for the purpose of adopting Local Law No. 1 of 2023 entitled Short Term Rentals Rules and Regulations. Be it known that at such hearing, any person may be heard in favor or against any item contained therein.

The Regular Board Meeting also scheduled for September 19, 2023 will begin at 6:30 pm.

The webinar link for attendance by computer, tablet or smartphone: <https://meet.goto.com/573330125>

By regular phone, dial: 1 (571) 317-3112      Access Code: 573-330-125

This notice was published on September 11, 2023.

Supervisor Winemiller presented Local Law #1 of 2023, entitled, “Short Term Rentals Rules and Regulations.” William Tanzini, Essex County Attorney, was present for any discussion. Supervisor Winemiller stated she felt the law was simple, fit our town, and focused mainly on safety issues for tenants and providing local contacts. Supervisor Winemiller asked the Town Board if they agreed and they responded that they did. Supervisor Winemiller asked those present if anyone had any questions. Sandy Hayes asked the following questions:

1) When this law gets adopted, do all the Short Term Rental owners have to cease renting until they are registered? Supervisor Winemiller responded no. The current STR owners have 90 days to apply as a short term rental. Once a permit is issued, the Code Enforcement Office will inspect the rental for any safety issues.

2) Do we already have a list of St. Armand Short Term Rentals? Supervisor Winemiller responded that it is law that Short Term Rentals must register with Essex County. That law was passed a couple of years ago.

3) Is there a copy of that list available? Supervisor Winemiller responded that she would give Sandy a list for his clients.

There were no further questions, comments or concerns.

**MOTION TO ADJOURN PUBLIC HEARING**

Councilperson Stephanie Mikesell made the Motion to adjourn the Public Hearing. The Motion was seconded by Deputy Supervisor Karl Law. The Public Hearing adjourned at 6:15 pm.

**REGULAR BOARD MEETING**

The Regular Board Meeting began at 6:30 pm.

Supervisor Winemiller called the meeting to order and all to join in the Pledge of Allegiance.

Supervisor Winemiller then opened the floor to Timothy Kratts, Guest, to discuss his request for a Water and Sewer Bill Adjustment. The 3<sup>rd</sup> quarter water reading for 805 St. Regis Avenue indicated there was 112,000 gallons of water usage for the quarter. Their Water and Sewer bill was \$2,787.40. Tim Kratts stated there must be something wrong with the reader and asked the Board to consider adjusting the bill to reflect the average of 8 previous quarters of water usage. Supervisor Winemiller asked Joshua Woodruff, Acting Water Superintendent, if he had noticed a high drop in the reservoir gallons that would reflect 112,000 gallons of usage and he stated he had not. The Board agreed to adjust the bill to 8 previous quarters average of water usage and Tim Kratts agreed to purchase a new reader and have it installed the next day.

Supervisor Winemiller then asked the Department Heads to present their monthly reports.

HIGHWAY DEPARTMENT MONTHLY REPORT

Town of St. Armand Highway Report for the September 19, 2023 Board Meeting

1. The Summer help stained the stage at the Youth Field.
2. All the mowing is just about done.
3. The sand is all stock piled.
4. We worked on ditched on Rockledge and cleaned plugged culverts.
5. We put some crusher run on Moose Pond and Goodspeed Road.
6. We helped the Town of Harrietstown with sand.
7. We helped set up and tear down for the Sock Hop.
8. We are still patching when we can.
9. I received some prices on the sidewalks.
10. We are helping the Town of Brighton shoulder the roads they paved.
11. All the H/W vehicles need inspection.

Supervisor Winemiller reported a bid had been received for the Water Truck in the amount of \$4,750.00 and asked the Board for a Motion to accept the bid.

MOTION: Councilperson Donald Amell made a Motion to accept the bid of \$4,750.00 for the purchase of the Highway Department's Water truck. The Motion was seconded by Councilperson Stephanie Mikesell. All in favor. Supervisor Winemiller requested a Roll Call Vote:

Supervisor Davina Winemiller	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donald Amell	AYE
Councilperson Stephanie Mikesell	AYE
Councilperson Sheridan Swinyer	AYE

Supervisor Winemiller reported she received a petition from a Trudeau Road resident, Peter Waldt, regarding the removal of a streetlight on Trudeau Road. He stated it was too bright on a straight away. The pole identification is LI31NG79 and is located on the Northwest corner of 243 Trudeau Rd. All four of the property owners in that vicinity are in agreement that the streetlight should be removed. Supervisor Winemiller asked for a Motion to request National Grid to remove the Streetlight.

MOTION: Councilperson Stephanie Mikesell made a Motion to approve the request for removal of the streetlight on Trudeau Road. The Motion was seconded by Councilperson Sheridan Swinyer. All in favor. Supervisor Winemiller requested a Roll Call Vote:

Supervisor Davina Winemiller	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donald Amell	AYE
Councilperson Stephanie Mikesell	AYE
Councilperson Sheridan Swinyer	AYE

There were no other questions regarding the Highway Report.

WATER DEPARTMENT REPORT

Water Report for the September 19, 2023 Town Board Meeting  
Submitted by Acting Water Superintendent Joshua Woodruff

1. Daily C12 test, meter reading.
2. Sent out monthly lab results to Endyne Lab (new lab)
3. 8/16 - Scada system at reservoir tripped out due to heavy rain fall.
4. 8/18 – Well pump 4 failed to run - Turned on Well # 5  
- Ace Electric has been to the well field. They are sending an estimate
5. Cleaned out most of the water plant basement. (Annual Water Department Inspection)

6. 9/8 pressure sensor at tank failed (due to lightning store). Scada system was also down.  
New pressure sensor should be here on Sept. 15, which means the plant is in manual mode.

Supervisor Winemiller asked if Josh and Councilperson Swinyer were putting the small overhang roof on the telemetry building? Josh responded they were. Josh has also been looking into surge protection for the telemetry building.

Supervisor Winemiller reported that when Josh cleaned the water plant basement and garage, there was an old mobile generator located in the garage. Supervisor Winemiller asked for a Motion to donate the old generator to the Essex County Emergency department.

MOTION: Councilperson Stephanie Mikesell made a Motion to approve the donation of the old mobile generator to the Essex County Emergency department. The Motion was seconded by Councilperson Sheridan Swinyer. All in favor. Motion carried.

Supervisor Winemiller also reported a new Tapping machine was also in the garage and it has been sitting there for 7-8 years and was now obsolete. She asked for a Motion to place the new Tapping machine on the auction site.

MOTION: Councilperson Stephanie Mikesell made a Motion to approve the request for placing the new Tapping machine on the auction side. The Motion was seconded by Councilperson Sheridan Swinyer. All in favor. Motion carried.

Lastly, Supervisor Winemiller reported there were old generators and numerous outdated pumps that were of no use. Councilperson Sheridan Swinyer responded to get a package of all these items together and a scrap metal run could take place.

There were no other questions regarding the Water Report.

## WASTEWATER DEPARTMENT REPORT

Wastewater Report for the October 17, 2023 Town Board Meeting  
Submitted by Wastewater Superintendent Joshua Woodruff

1. Daily samples. Meter readings and walk-through checks.
2. Regular maintenance schedule.
3. Monthly lab report, monthly DMR's.
4. Lagoon skimming and maintenance.
5. Blower maintenance.

Josh reported FM Generators were conducting inspections of the generators on Wednesday, September 20<sup>th</sup>, 2023. He stated they would also be inspecting the generator at the Town Hall. Supervisor Winemiller asked them to look at the Highway Garage also, for the purpose of getting a quote for a generator to open the Highway Garage doors during power outages.

Josh also reported Tim Woodruff complained of a smell coming from the Wastewater Treatment Plant. When this happens it is a result of the clarifier draining out, which can leave a smell. Todd Hodgson stated this can occur seasonally. Supervisor Winemiller suggested to Josh that he keep notes as to when this happens.

As a result of a meeting with Morris and Josh, it was suggested that a line locator be purchased for the Water Department. Every time Josh has to locate a line, he has to do a dig-safe ticket. By purchased a line locator, he could locate lines most often without doing a dig safe ticket. The suggested line locator costs \$3,279.00. Supervisor Winemiller stated the money is available in the Class Water savings and asked for a Motion to purchase this item.

MOTION: Councilperson Sheridan Swinyer made a Motion to purchase a line locator in the amount of \$3,279.00 for the Water Department using the Class Water Savings account. The Motion was seconded by Deputy Supervisor Karl Law. All in favor for immediate purchase. Supervisor Winemiller requested a Roll Call Vote:

Supervisor Davina Winemiller	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donald Amell	AYE
Councilperson Stephanie Mikesell	AYE
Councilperson Sheridan Swinyer	AYE

Supervisor Winemiller reported the anticipated disinfection project is coming down the pike. The TSS and solids are always way below average. The phosphorus levels will change when we get the disinfection system. We are not doing chlorine.

Next week, Josh will take samples of UV and sent them to Saranac Lake. The UVT readings are improving due to excess duckweed being removed.

The Youth Field Lighting Project is continuing. Nine lights were purchased with six of those currently installed; three more will be installed in time for the Sock Hop. The lights have made a big difference. Supervisor Winemiller thanked Josh for all of his hard work on this project.

There were no other questions regarding the Wastewater report.

#### CODE ENFORCEMENT REPORT

Code Enforcement Report for the September 19, 2023 Board Meeting – Report completed on September 8, 2023  
Submitted by Code Enforcement Officer Rodger Tompkins.

New Residential Building Permits Issued Since Last Report: 4  
New Sewer Line Permits Issued Since Last Report: 0

Extension of Residential Building Permits Issued Since Last Report: 0  
Commercial Building Permits Issued Since Last Report: 0  
Certificates of Completion Issued Since Last Report: 0  
Stop Work Orders Issued Since Last Report: 0  
Demolition Permits Issued Since Last Report: 0  
Solar PVS Permits Issued Since Last Report: 0  
Code Violations Issued Since Last Report Issued: 0  
Sewer Code Violations Issued Since Last Report: 0  
Total number of Residential Building permits issued for the year 2023: 32  
Total number of Residential Certificates of Completion issued for the year 2023: 6  
Total number of Commercial Building permits issued for the year 2023: 2  
Total number of Commercial Certificates of Completion issued for the year 2023: 2  
Total number of Demolition permits issued for the year 2023: 4  
Total number of Demolition Certificates of Completion issued for the year 2023: 1  
Total number of Solar permits issued for the year 2023: 1  
Total number of Solar Certificates of Completion issued for the year 2023: 0  
Total number of Code Violations issued for the year 2023: 0  
Total number of Code Violation Certificates of Completion issued for the year 2023: 0  
Total number of Sewer Code Violations issued for the year 2023: 0  
Total number of Sewer Code Violation Certificates of Completion issued for the year 2023: 0  
Amount of fees collected for Code Office since last report: \$200.00  
Amount of fees collected for Water Department since last report: \$0  
Amount of fees collected for Sewer Department since last report: \$0  
Total amount of fees collected via Code Office since last report: \$0  
Total amount of fees collected via Code Office for the year 2023: \$3,412.00

There were no questions on the CEO report.

#### TOWN JUSTICE REPORT

St. Armand Town Court Report for the September 19, 2023 Town Board Meeting  
Submitted by Hon. Francis Whitelaw

St. Armand Town Court Report for August 2023

Total fines and surcharges collected for the month of August 2023: \$1,094.00  
Total collected year-to-date: \$7,145.83  
Total parking fines for August 2023: \$50.00  
Total parking fines year-to-date: \$575.00

The new courtroom is nearing completion, with only the doors, floor and baseboard trim work, and video cameras to be completed. Lance has been doing a phenomenal job.

There were no questions regarding the Town Justice Court Report.

#### RESOLUTIONS # 57 - # 58

RESOLUTION # 57 OF 2023

A RESOLUTION ADOPTING LOCAL LAW NO. 1  
OF 2023 – REGULATING SHORT TERM RENTALS  
IN THE TOWN OF ST. ARMAND

Councilperson Stephanie Mikesell, who moved its adoption, offered the following Resolution:

#### ARTICLE 1. PURPOSE AND INTENT

1. The purpose of this local law is to establish regulations to safeguard the public health, safety and welfare by permitting the use, occupancy, oversight and maintenance of short-term rental properties. The Town of St. Armand also recognizes that the historical nature and the beauty of our area is that of a small, residential community of owner-occupied dwellings. Short-term rentals have the possibility of endangering the residential character of the community and may cause disruption to the peace, quiet and enjoyment of neighboring homeowners. Accordingly, in order to respect the property rights and interests of all homeowners in the Town of St. Armand, this local law seeks to achieve a balance between those who offer their homes as short-term rental properties and those who choose not to do so.

2. This section shall apply to all properties in the Town of St. Armand.

3. The Town of St. Armand reserves the right to adopt regulations to carry out the provisions and purposes of this section.

## ARTICLE 2. DEFINITIONS

1. Code or Building Code means the New York State Uniform Fire Prevention and Building Code, adopted by the St. Armand Town Board.

2. Code Enforcement Officer or CEO means the Town of St. Armand appointed Code Enforcement Officer.

3. Dwelling Unit: One or more rooms designated, occupied or intended for occupancy as separate living quarters, with provision for living, cooking, sanitary and sleeping facilities provided for the exclusive use of one family or household.

4. Life Safety Issue: A Building Code issue that is deemed by the CEO necessary to protect people based on building construction, protection, and occupancy features that minimize the effects of fire and related hazards. Life Safety issues may also present a clear and present liability to the property owner.

5. Property Contact, Property Manager or Host: The term given to the primary contact for issues, questions or concerns involving the short-term rental. It may be the owner, co-owner, real estate agent, property manager, etc.

6. Rental means an agreement granting use or possession of a residence, in whole or part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration. Use of a designated unit by a record owner of a property shall not be considered a rental under this section.

7. Short-Term Rental, STR, or Unit: A dwelling unit that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights, and includes any residential building or apartment, single- or two-family dwelling, condominium, townhouse, guest house, cottage, cabin, or accessory dwelling. This definition excludes hotels, bed and breakfast establishments, boarding houses and school or non-profit dormitories, also excluded are year-round owner-occupied homes that rent one or more rooms in the owner-occupied home. If the space rented in a year-round owner-occupied home is considered a “mother-in-law apartment” or is separated from the whole house, the rules and regulations described herein will be in full effect for such rental.

8. Short-term Rental Permit: A Permit issued by the St. Armand Code Enforcement Officer permitting Short-term rentals in the permitted site. It may also be called Permit or STR Permit in this document.

9. Welcome Book: A three ring binder or other type of document that the Host leaves in the STR unit to give the renters up to date contact information for the unit, the location of the exits, fire extinguishers, water hoses, etc. The Welcome book may also include information about area restaurants, takeout menus, and attractions.

## ARTICLE 3. PERMIT REQUIRED.

1. A Permit is required. An owner shall obtain and be in possession of a valid revocable short-term rental permit whenever a dwelling is to be used for short-term rental purposes.

2. No property may be used as a short-term rental without applying for and obtaining a short-term rental permit first. All existing short-term rentals must apply for a short-term rental permit within 60 days of adoption of this Local Law.

3. A short-term rental permit shall be valid for three years from the date of issue. Prior to expiration, an owner may apply for a renewal of the Short-Term Rental Permit.

4. All information related to the property must be updated at the time of renewal. All units renewing their permits will be subject to physical inspection by the Code Enforcement Officer.

5. Existing short-term rental permits may be transferable to a new owner (or name change – for example, the establishment of an LLC) of the short-term rental property with no additional fees for the remainder of the permit time. (For example: A permit is issued on January 1, 2023, and is valid until January 1, 2026. The property is sold on January 1, 2025. The existing permit is still valid until January 1, 2026). If the purchaser wishes to continue using the unit as a short-term rental, they must submit an updated permit application within 10 days of ownership, with the new contact information of the owner and property manager. The CEO may issue a new permit in the current owner’s name, under the same permit number with the same expiration date of the existing permit. If the purchaser does not want to continue to

use the property as a short-term rental, they must submit written notice to the Code Officer stating such within 10 business days of owning the property.

6. If the terms of the short-term rental permit are not followed, or these regulations or those subsequently adopted are not followed, the short-term rental property permit may be revoked, and the owner shall be subject to the penalties set forth below.

7. No permit shall be issued or renewed unless and until the property complies with this Local Law, the Town of St. Armand Building Codes adopted New York State Uniform Fire Prevention and Building Code, the New York State Building Code, and all taxes, fees and penalties, if any have been paid.

8. Occupancy Tax Registration. No permit shall be issued unless the short-term rental property is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office.

#### ARTICLE 4. SHORT-TERM RENTAL PERMIT APPLICATION REQUIREMENTS.

1. An application for, or renewal of, a short-term rental permit shall be submitted to the St. Armand Code Enforcement Officer.

2. The application shall be completed on the form provided and established by The Town of St. Armand Board and the Code Enforcement Officer.

3. The application shall be accompanied by payment of a permit fee of \$100.00, or such other amount set by resolution of the Town Board of St. Armand.

4. Each application must be signed by all persons and entities having an ownership interest in the property and shall be accompanied with:

a. A copy of the current vesting deed or tax bill showing how title to the subject property is then held.

b. A list of all the property owners of the short-term rental property including names, addresses, telephone numbers and email addresses.

c. If the unit is owned by a limited liability company, a corporation or other entity, then the application shall also include the names, addresses, telephone numbers and email addresses of the members, shareholders, officers, and principals of such entities.

5. Each application shall be accompanied with a Signed and notarized Affidavit by all property owner(s) certifying the following:

a. The unit complies with the following standards:

1. There is one functioning smoke detector in each sleeping room and at least one functioning smoke detector in the main room of each level, one functioning fire extinguisher on each level and in each room with an open flame source, and at least one carbon monoxide detector on each level.

2. All exterior doors are operational and all passageways to exterior doors are clear and unobstructed.

3. The electrical system is serviceable with no visual defects or unsafe conditions.

4. Each sleeping room is in compliance with the New York State Building Code.

b. The name, address, telephone number and email address of a local contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. This contact person may be the owner, or an agent designated by the owner to serve as a contact person. This contact person must be located within 60 minutes' travel distance by car and must be available 24 hours per day, 7 days a week.

c. The name, address, telephone number and email address of the owner who shall also serve as a secondary contact person. This contact person must be available 24 hours per day, 7 days a week.

6. By applying for a new, existing, or renewal of a short-term rental permit, the owner(s) consent(s) to the Code Enforcement Officer performing an inspection of the subject property.

7. Each application shall include a statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.

#### ARTICLE 5. APPLICATION PROCEDURE.

1. Upon the filing with the Code Enforcement Officer of the application, permit fee, and all documents and information required by this Local Law, the Code Enforcement Officer shall have thirty (30) days to review the application, perform an on-site inspection of the property, and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Code Enforcement Officer.

2. In issuing a short-term rental permit, the Code Enforcement Officer may impose reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the New York State Uniform Fire Prevention and Building Code.

3. The Code Enforcement Officer will decline an application for any of the following reasons:

d. If the application is incomplete, the documentation required by this section or regulations adopted by the Town of St. Armand was not included with the application or the full permit fee, in an

acceptable form of payment, was not included with the application.

e. If an inspection conducted by the Code Enforcement Officer as authorized in this local law reveals that the subject property is not in compliance with the requirements of this Local Law or the Town of St. Armand Adopted New York State Uniform Fire Prevention and Building Code.

f. if the unit is covered by a Building Permit to remodel more than 60% of the structure, then the entire structure will need to be in compliance with the current Building Code standards.

#### ARTICLE 6. CONTENTS OF SHORT-TERM RENTAL PERMIT.

1. The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available to respond to or investigate complaints during the entire time (24 hours per day) the short-term rental property is being rented;

2. The physical address of the rental property and the mailing address of the property owners;

3. A statement that all outdoor fires must be attended and have a means of being put out. Example: hose

4. A statement that the short-term rental permit may be revoked/suspended for violations;

5. That the renters must observe quiet time between the house of 10:00pm and 7:00am daily, per St. Armand Nuisance Abatement Local Law.

6. A statement that fireworks are not legal in New York State

7. That the permit shall expire on the day before the third anniversary of the date the permit was issued.

8. That Short-Term Rental Permits may be revoked for violations.

9. Any other reasonable conditions imposed by the Code Enforcement Officer.

10. The Code Enforcement Officer shall mail a hard copy of the Short-term Rental Permit to all adjoining property owners.

#### ARTICLE 7. SHORT TERM RENTAL STANDARDS.

1. Short-term rental units shall comply with all Federal, State, and Local Laws, codes, rules and regulations.

2. The Town Code Enforcement Officer shall be granted access to the Short-Term Rental Property upon reasonable request for the purpose of inspection and/or enforcement of compliance with Short-Term Rental regulations and/or State and Local Codes.

3. The issuance of a Short-term Rental Permit is subject to continued compliance with requirements of these regulations.

4. Prior to any renters taking occupancy of the short-term rental property:

a. A hard copy of the current Short-term Rental Permit shall be available for public inspection in the Town Hall, 1702 NYS Route 3, Bloomingdale NY.

b. The Permit must be displayed in the unit with name of contact person, phone number and expiration date of permit.

5. The owners must ensure that current and accurate information is provided to the Code Enforcement Officer, and it is the owner's responsibility to notify the St. Armand Code Enforcement Officer of any changes.

6. A house number visible at night from the street or road shall be maintained.

7. Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors. The owner of the property is liable for garbage removal.

## ARTICLE 8. ENFORCEMENT AND PENALTIES.

The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:

1. The complaining party may contact the contact person designated on the permit, a law enforcement agency, the Code Enforcement Officer or any other person or entity which could assist in resolving the complaint and describe the problem from which the complaint arises and indicate the desired remedy. If the complaint is a safety concern, please contact the Code Enforcement Officer.
2. If a complaint is made to the contact person, the contact person shall respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
3. If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Code Enforcement Officer by submitting a written complaint. The form for filing a complaint shall be established by the St. Armand Town Board and may be filed in person, by mail, or by e-mail. This form will be available from the Code Enforcement Officer and on the Town's website: [www.townofstarmandny.gov](http://www.townofstarmandny.gov). The complaint shall provide pertinent information including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person and the complaint was not adequately resolved. A failure to attempt to contact the contact person or the failure of the contact person to respond to a complaint will not excuse the owner/permit holder from a violation.
4. The CEO will investigate all written complaints within 15 days of receipt of written complaint and determine if the complaint is valid. The CEO will report to the Town Board at the next Regular Meeting (currently, the third Tuesday of each month) a copy of the written complaint and the findings of the investigation.
5. If the Code Enforcement Officer finds a violation of the permit or of this Local Law, the Code Enforcement Officer shall issue a written Notice of Violation to the Short-Term Rental Property Owner to the addresses set forth on the Short-Term Rental Permit within 10 days of the determination. The Notice of Violation shall specify the violation, what actions must be taken to remedy the violation and provide for a reasonable time in which to remedy the violation. If a property owner fails to remedy the violation within the timeframe specified, the Code Enforcement Officer may revoke, suspend or attach reasonable conditions to an existing Short-Term Rental Permit.
6. The Code Enforcement Officer may suspend or revoke a Short-Term Rental Permit immediately, regardless of the number of prior violations, in the event of a violation of this Local Law or any Federal, State, and Local Laws, codes, rules or regulation which poses a threat to the health, safety, or welfare of any occupants or the general public. In the case of an immediate suspension or revocation, the Code Enforcement Officer shall notify the Short-Term Rental Property Owners in writing to the addresses set forth on the Short-Term Rental Permit within 10 days of the determination.
7. The Code Enforcement Officer may suspend or revoke a Short-Term Rental Permit if the STR has received more than 10 written complaints which were investigated and determined to be violations by the CEO. Each written complaint upon an STR that occurs on the same day and time will be counted as one complaint. For example, if an STR has a large group that have an unsafe bonfire, fireworks and/or disorderly conduct by the renters/occupants, it can be assumed that several neighbors may file a written complaint for that instance. In this case, it will be considered one complaint.
8. Short-Term Rental Property Owners may appeal a determination of the Code Enforcement Officer to suspend, revoke or add a condition to the Short-Term Rental Permit no later than thirty (30) days after receipt of the Notice of the determination by any of the owners. The appeal must be made in writing and delivered to the Town Clerk. Appeals will be presented to the Town Board at the next scheduled Regular Board Meeting.
9. The Code Enforcement Officer may refer any complaint to The Town of St. Armand Town Board for action. The Town Board will, at that Regular Meeting, call for a Special Board Meeting to be held within 14 business days. At the Special Board Meeting, the Town Board will investigate the matter and provide all parties involved, including the complainant and the owner, time to testify about the alleged violation. The Town Board may dismiss the complaint, set conditions for the Short-Term Rental Permit, or impose a fine as set forth below. The decision of the Town Board shall be announced either at that Special Board meeting or at the next Regular Town Board Meeting.
10. The Code Enforcement Officer shall have the authority to issue an appearance ticket or summons and complaint, subscribed by him or her, directing a designated person to appear in court at a designated time in connection with the commission of a violation of this Local Law.
11. Any person or entity who shall violate any provision of this Local Law, any order made hereunder, shall be guilty of an offense punishable in the following manner:
  - i. First offense will a fine not exceeding \$350.00.
  - ii. second offense committed with a period of five years will be not less than \$350.00 nor more than \$700.00.
  - iii. Third offense committed within a period of five years will a fine of not less than \$700.00 nor more than \$1,000.00.
  - iv. Each week's continued violation constitutes a separate additional violation in assessing fines.



12. A civil action or proceeding in the name of the Town of St Armand, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Local Law or any rule or regulation adopted pursuant hereto. Such remedy shall be in addition to penalties otherwise prescribed by law and may be commenced with the consent of a majority of the Town Board.

13. No remedy or penalty specified in this Local Law shall be the exclusive remedy or penalty available to address any violation described in this Local Law, and each remedy or penalty specified in this Local Law shall be in addition to, and not in substitution for or limitation or, the other remedies or penalties in other applicable laws. Any remedy or penalty specified in this Local Law may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Local Law. The Town may initiate enforcement proceedings under this Local Law at any time following receipt or a complaint or if the Code Enforcement Officer determines that a violation has occurred.

14. Any property owner found in violation of the provisions of this local law shall be required to reimburse the Town of St. Armand for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney fees, and any related court costs.

ARTICLE SEVERABILITY.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall be ordered.

ARTICLE EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State. There will be a 60-day grace period for existing short-term rentals to comply with the new Local Law.

WHEREAS, by Public Hearing held on August 16, 2022, the Town of St. Armand duly introduced the Local Law No. 1 of 2023 draft entitled “A Local Law Regulating Short Term Rentals in the Town of St. Armand, and

WHEREAS, by Public Hearing held on August 15, 2023, the Town of St. Armand duly introduced Local Law No. 1 of 2023 entitled “A Local Law Regulating Short Term Rentals in the Town of St. Armand, and

BE IT RESOLVED, that the Town Board of the Town of St. Armand held a Public Hearing to adopt the foregoing proposed local law on

DATE AND TIME: September 19, 2023 at 6:00 pm

To hear any and all persons concerning the adoption of said local law; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of St. Armand published a notice of such hearing in the designated Town newspaper at least ten days prior to said hearing.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

This Resolution was duly seconded by Councilperson Donald Amell, and adopted by Roll Call vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donald Amell	AYE
Councilperson Stephanie Mikesell	AYE
Councilperson Sheridan Swinyer	AYE

Dated: September 19, 2023

\_\_\_\_\_  
Barbara J. Darrah  
St. Armand Town Clerk

RESOLUTION # 58 OF 2023

AUTHORIZATION FOR REPRESENTATIVE TO APPLY FOR AND SIGN GRANT DOCUMENTS FROM THE NYS JUSTICE COURT ASSISTANCE PROGRAM FOR THE 2023-2024 GRANT CYCLE FUNDS

Councilperson Donald Amell, who moved its adoption, offered the following Resolution:

WHEREAS, a Resolution of the Town Board of the Town of St. Armand is necessary to apply for and execute a Grant Agreement with the Justice Court Assistance Program (NYS).

THEREFORE, LET IT BE RESOLVED that the Town Board of the Town of St. Armand authorizes the Town of St. Armand Town Court to apply for a JCAP grant in the 2023-2024 grant cycle for up to \$30,000.00 (\$30,000.00) in grant funding.

This Resolution was duly seconded by Deputy Supervisor Karl Law, and adopted by Roll Call Vote as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donald Amell	AYE
Councilperson Stephanie Mikesell	AYE
Councilperson Sheridan Swinyer	AYE

Dated: September 19, 2023

\_\_\_\_\_  
Barbara J. Darrah  
St. Armand Town Clerk

#### MOTION TO PAY MONTHLY BILLS

The payment vouchers for September's bills were presented for the Board's approval as follows:

General Vouchers # 253 - # 279	in the amount of	\$ 23,424.06
Highway Vouchers # 130 - # 148	in the amount of	\$ 18,206.06
Highway Outside Voucher # 4	in the amount of	\$ 304.88
Water and Sewer Vouchers # 107 - # 123	in the amount of	\$ 12,968.11
HT Grant Vouchers # 45 - # 49	in the amount of	\$ 2,220.55
Trust and Agency Voucher # 13	in the amount of	\$ 173.00
General B Voucher # 5	in the amount of	\$ 102.00

Councilperson Sheridan Swinyer made the Motion to approve payment of September's bills. The Motion was seconded by Councilperson Stephanie Mikesell. A Roll Call Vote was as follows:

Supervisor Davina Winemiller	AYE
Deputy Supervisor Karl Law	AYE
Councilperson Donald Amell	AYE
Councilperson Stephanie Mikesell	AYE
Councilperson Sheridan Swinyer	AYE

All in favor. Motion carried.

Dated: September 19, 2023

\_\_\_\_\_  
Barbara J. Darrah,  
St. Armand Town Clerk

#### MONTHLY REPORT FROM THE SUPERVISOR

Supervisor Winemiller presented the Supervisor's Reports for August 2023. Deputy Supervisor Karl Law made the Motion to approve the report. The Motion was seconded by Councilperson Sheridan Swinyer. All in favor. Motion carried.

#### REVIEW AND MOTION TO APPROVE MEETING MINUTES

Councilperson Donald Amell made a Motion to approve the Meeting Minutes for the Regular Board Meeting held on August 15, 2023. The Motion was seconded by Councilperson Sheridan Swinyer. All in Favor. Motion carried.

#### TOWN CLERK'S MONTHLY REPORT

Town Clerk Barbara Darrah reported the following Town Clerk revenue collected for the Month of August, 2023.

Dog Licenses (6): 2 FS, 4 MN	\$ 42.00
Total Revenue:	\$ 42.00
Total Checks Written: Town Supervisor: A \$36.00	NYS DOA&M \$ 6.00

## WATER AND SEWER BILLING MONTHLY REPORT:

To date, Water and Sewer receivables are \$29,375.10 in arrears. Shut-off notices were not distributed after the 3<sup>rd</sup> quarter billing due date due to a pending request from the Town Supervisor to the County attorney to research if water shut offs are allowable within law. The 4<sup>th</sup> Quarter meter readings will be conducted the last week of September. It is imperative to be timely with the reading submissions and resolving issues in order to be able to complete the 4<sup>th</sup> quarter billing, allow payment time, and have the Relevy calculated for Essex County by the due date in November.

The NYS LIHWAP Program is coming to a close and final disbursement checks for families who previously qualified should be sent out by mid-October. There were four families who received assistance last quarter.

Water and Sewer Clerk Barbara Darrah prepared and distributed a sample customer payment record in order to show the Board how water and sewer payments are currently made by cash and checks and how the payments are applied to the payment program. She explained how Debit card transactions do not show as part of the payment process at this time, and that the Essex County IT person who works with our Town's Water and Sewer Billing program would need to make changes to the program in order to accept debit card payments. These changes would also affect the appearance of the reports that are generated from the billing program.

Councilperson Stephanie Mikesell suggested using an on-line payment process on the Town's website, thereby eliminating the Water and Sewer Clerk from having to accept payments over the phone or in person in the office during very busy times. This idea was readily accepted by the Water and Sewer Clerk and other Board members and Supervisor Winemiller stated she would contact the County and banking affiliate to continue researching this avenue rather than a debit card machine.

There were four new readers purchased by customers from the Town in August, with the intention they would be installed by the Town within a week or two. To date, the readers have not been installed and two individuals who installed their own readers in August, are still waiting for verification from the Town that the newly installed readers are moving forward as they should.

## OLD BUSINESS

Lead Pipe Inventory – Supervisor Winemiller reported a good response from the Lead pipe inventory forms that were sent to all Water and Sewer customers in July's Water and Sewer billing, and they are still trickling in.

Special Board Meeting Reminder – Supervisor Winemiller reminded everyone that a Special Board Meeting is scheduled for Tuesday, September 26, 2023, beginning at 5:30 pm for the Poplar Street Sewer Districting and 6:00 pm for the Rockledge Sewer Districting.

Town Hall Project – Supervisor Winemiller reported an additional \$66,500.00 was approved by the Grant funding for the Town Hall Project. The amount the Town has spent thus far is \$75,000.00. The rest of the monies spent was grant funded.

Veterans Memorial Task Force Sock Hop – Supervisor Winemiller updated those present as to the steps taken to ensure the Pirate Ship at the youth playground was safe for children to use. There was an incident on Saturday, September 9, 2023, during the Sock Hop, where two individuals were discovered in the Pirate Ship, along with drug paraphernalia. The NYS Police were called and the incident is under investigation, therefore she could say nothing further regarding that aspect. She did continue to report that the following day, Scooter's Cleaning thoroughly cleaned the Pirate Ship with decontaminates and the Pirate Ship was corded off-limits the following three days in order for the cleaning chemicals to dissipate. After the three days, the Pirate Ship was determined to be safe and was made available for play.

Comprehensive Plan – Supervisor Winemiller reported on the progress of the Comprehensive Plan steps with AES Northeast. Committee members have been selected to include: Ben Kline, Rebecca Law, Ray and Stacy Tempestelli, Erin Venne-Volrath, Kelly Hass, and Ed Lewis. A list will be distributed to the Board members, along with contact information. There will be a kick-off meeting with an advisory committee, and the anticipated commitment for meetings in once a month in the evening.

Volunteer Firefighters and EMS Personnel Property Tax Exemption – Supervisor Winemiller presented the Local Law for Volunteer Firefighters and EMS Personnel Property Tax Exemption drafted by Essex County. Supervisor Winemiller asked the Town Board to review the draft and we would have a Resolution prepared at next month's meeting to formally introduce the proposed law.

Supervisor Winemiller reported that the YMCA Summer Program sent a thank you letter to the Town of St. Armand for our donation this past summer. The program was well attended.

## NEW BUSINESS

Supervisor Winemiller announced that it was time to start preparing the 2024 Town Budget and asked Board members to look at their calendars in order to schedule Budget Work Sessions. Discussion ensued and the following dates were

selected: Wednesday, October 4th, Tuesday, October 10th, and Tuesday, October 17th at 5:30 pm. A Public Notice will be generated for the Adirondack Daily Enterprise.

Association of Towns of the State of NY – fliers were distributed from this organization announcing a 2023 Winter Planning and Zoning School training offering in October in Albany, NY.

The Village of Saranac Lake sent out a Public Notice regarding a Public Hearing to be held on September 25, 2023 at 5:30 pm. The purpose of the Public Hearing was to amend the Unified Development Code in the Village, which may affect housing that is located in other Townships; IE: Harriestown, North Elba, and St. Armand.

Supervisor Winemiller distributed a flier and gave a brief introduction regarding CAP and the CAP application.

#### QUESTIONS, COMMENTS OR CONCERNS FROM GUESTS AND STAFF

Supervisor Winemiller asked if there were any comments, questions or concerns from the Board or the audience. There were no questions, comments or concerns.

#### MOTION TO MOVE INTO EXECUTIVE SESSION

Supervisor Winemiller asked for a Motion to move into Executive Session for a personnel matter and a legal issue.

Councilperson Stephanie Mikesell make a Motion to enter into Executive Session. The Motion was seconded by Councilperson Sheridan Swinyer. The Executive Session began at 9:01 pm.

#### MOTION TO ADJOURN EXECUTIVE SESSION

Councilpersons Sheridan Swinyer made a Motion to adjourn the Executive Session. The Motion was seconded by Deputy Supervisor Karl Law. The Executive Session ended at 9:31 pm.

#### MOTION TO ADJOURN REGULAR BOARD MEETING

Councilperson Stephanie Mikesell made a Motion to adjourn the Regular Board Meeting. The Motion was seconded by Councilperson Donald Amell. The Regular Board Meeting adjourned at 9:32 pm.

I, Barbara J. Darrah, Town Clerk for the Town of St. Armand, do hereby certify that the above is a true and correct transcript of the Regular Board Meeting minutes held on the above-referenced date.

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Barbara J. Darrah  
St. Armand Town Clerk

Dated: September 19, 2023