

# Village of Canton, New York

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## VILLAGE BOARD MEETING

Meeting Minutes: August 21, 2017

### **Board Present:**

Michael Dalton, Mayor

Dwight Stevenson, Trustee

Beth Larrabee, Trustee

Carol Pynchon, Trustee

Sean O'Brien, Trustee

### **Others Present:**

Gerald Ducharme, Village Attorney

Caitlin Boreyko, Rec. Director

Brien Hallahan, Superintendent

Sally Noble, Clerk/Treasurer

Leigh Rodriguez, Village Econ. Dev.

Cara Adams, Deputy Clerk

**PUBLIC HEARING:** The Mayor opened the Public Hearing at 5:00pm and read the hearing notice.

Public Hearing the Village Board will review and obtain public comment on a proposed local law that would replace Chapter 248 of the Canton Village Code ("*Rental Property*") with a new Chapter titled "*Rental Housing Law*". The proposed local law would apply to single-family and two-family rental properties in the Village of Canton, and would set forth requirements for registration and rental permits, and procedures for inspection or self-certification of such rental properties. A copy of the proposed local law may be reviewed on the Village's website, and is available at the office of the Village Clerk.

Mayor Dalton thanked Gerry for his efforts and Trustee Pynchon for the final push to get this law in final form. Many changes have been made after the last public hearing. Every comment made and email received was given consideration as this law was narrowed down. The supplemental forms have also been modified to reflect accurately the laws wording.

The Mayor stated at the last public hearing, considerable effort has been made putting this together. Village Board members, Planning Board members, representatives from SUNY Canton and SLU, a rental property owner, members from the public, code officials, and the Village Attorney all contributed.

The Goal(s) of the Rental Housing Law were:

- To maintain and improve Village Neighborhoods
- To Increase Safety
- To have current contact information for Landlords, Absentee Landlords and their Managers
- To improve communication between landlords & the Village of Canton
- To Reduce Complaints
- To be Proactive and Not Reactive in the Village approach to Rental Housing

The highlights of the new law are:

- The Law is organized in an orderly fashion using plain language
- Applies to single-family and two-family dwellings with certain exceptions like:
  - An owner-occupied dwelling or owner occupied for at least 9 months

- 14-day exclusion for community activities
- Exclude OFPC inspected dwellings
- Where mixed use buildings include a rental, then that rental dwelling is included
- Requires a Rental Permit application and a separate Rental Property Registration form with no cost to file if done within 90 days of the law taking effect or within 30 days of change of ownership
- Allows for Self-Certification which avoids inspection fees and time commitments by landlords
- Establishes how Enforcement will proceed, which includes:”
  - Violations
  - Penalties
  - Permit revocation
  - Appeals
  - Emergencies

Mayor Dalton reviewed recent questions and comments that were addressed by the Board.

The board, at the conclusion of this hearing, will have ninety days to act on this law. Guidance on this will come from the Village Boards legal counsel.

Mayor Dalton opened the floor for public comment.

Tim Morse, 9 Pine Street stated he is in favor of the law. He stated that the concerns from other folks have been addressed. He was in favor last time and is in favor with the changes.

Dan Fay, 30 Clark Street asked the Board how many units are included in the self-inspection? Mayor Dalton stated that if you have a single family or two-family it is included in the self-inspection. The law only addresses those two occupancies. Anything that has over two units falls under a different law. Mayor Dalton gave him a copy of the self-certification form.

Dan Fay states that we have be conscious that is going to increase the cost for the renters that are only making minimum wage.

Mayor Dalton explained that there is no expense if they are registered within ninety days (90) of the law and if it is self-certified then there is no cost for the inspection. The fee would be when the property has to be re-certified in three (3) years. The cost is being kept low at this time.

Tom Jenison, 26 Goodrich St. had a question about condo and townhouses, wanted to know where they are covered under single family units. He wanted to know if this law applies to them?

Mayor Dalton stated that if it is a rental then it does apply.

Mr. Jenison stated that it states single family and duplexes are a legal term. He wanted to bring it up and thinks the condo and townhouses are legal terms need to be addressed.

Mr. Jenison had a question about the ninety days. He stated that local landlords will know about the law. He stated that people (not local) might not know that they need to register within ninety days. He asked how the Board is going to let the owners know that do not live locally.

Mayor Dalton stated that Attorney Ducharme will look into the legal terms and the notifications would be able to be added to water bills in the new water bill system.

John McCloskey, 876 Maple Ridge Road Richville stated that there is a difference between a condo/townhouse and a single/two family dwelling.

Mayor Dalton stated that is it based on single/two family dwelling.

Trustee Pynchon clarified stating that the definitions at the beginning of the law. Dwelling is broken down in the definition.

Attorney Ducharme stated that this law covers one single dwelling unit and two dwelling unit. The dwelling unit is defined in the law. Townhouse/Condo is covered under dwelling unit or two dwelling units rented out. He stated that Mr. Jenison's issue is worth looking into it. Buildings with three or more dwelling units is covered under the Building Maintenance Law which was passed ten years ago.

Attorney Ducharme stated that since there is confusion regarding one and two-family dwelling units, it is worth correcting in the law.

Diane Exoo, 36 State St. stated that she owns four properties on State St. She is for identifying code violations on rental properties. She asked about the fees. Asked to have the perjury language taken out.

Attorney Ducharme explained the fees: Registration fee is intended to cover the lifetime of the ownership of the property. The registration fee will be waived if the property is registered within ninety (90) days of the law. There is no new registration fee until the title of the property changes. The new property owner will need to register the property, if it is within the grace period the registration fee is waived. It is possible to not have a registration fee on the property as long as the registration is done timely. The rental permit fee is assessed every three (3) years.

Mayor Dalton stated that the rental permit fee has not been set yet. The certification fee is \$20.00 per unit.

Ms. Exoo thanked the Board for looking out of the safety of rental properties.

Amber Davis and Kenneth Williams, 7 College Court stated that they support the proposed law. He stated that the fees are low and the self-certification is fair.

Matt Carotenuto, 9 Elm St. asked the Board how does this allow for an easier check on the houses that are in violation.

Mayor Dalton stated that this law allows us to file for administrative search warrant to allow Code access to check.

Trustee O'Brien stated that a managing agent will be listed that resides in St. Lawrence County.

Linda Fay, 30 Clark St. asked the Board what happens when there is a new tenant. Mayor Dalton stated the registration will change when the property has a new owner and the permit can be modified if the number of resident's changes. The names of the tenants are not listed on the forms.

Charles Rouse, 24 East Main St. asked the if this is going to be handled the same way the multi-family if they choose to have the Code Officer Lawrence and Tim Nolan do the inspection. Mayor Dalton told them that it will be handled the same.

JoAnn Pfeil, 16 Elm St. thanked the Board for their efforts. She had a question about the definition of the owner. She asked if she is living on the property and rents rooms out or if she moves to Florida and her son is living on the property and rents rooms out. Attorney Ducharme stated according to the law she would be exempt from the registration since she would be living

there. If she moves away and her son rents rooms out then she would be subject to the rental registration since it is no longer owner occupied.

John McCloskey, asked for clarification regarding the people who currently have lease agreements on their properties with five (5) people, with the new law this is now illegally rented out since the old law was not enforceable [not sure what that means]. Attorney Ducharme stated whether there is a rental registration law in effect or not, if an owner of a house has a rental in an R-1 Zone and is renting to five (5) unrelated people who are not a definition of the functional family; it is against our zoning code. We are discussing rental registration and permit law. Attorney Ducharme stated that the current wording in the Village Code states that before you can rent you have to "submit to an inspection," the wording has been held unconstitutional in the state. The provisions that the owner can agree to a self-certification or an inspection by the Code Officer, if not the Code Officer can obtain a warrant, is in the proposed law. This is the model that has been adopted in the City of Cortland and other college communities. Attorney Ducharme stated that renting to more than three (3) unrelated people in an R-1 Zone is a different issue. Interpreting the zoning code, three (3) unrelated people can legally reside in a single-family dwelling. If this law passes, the owner still has ninety (90) days to register the property. Mr. McCloskey asked for clarification if someone is renting to four people if something can be done about it now before the law is passed. Attorney Ducharme stated that something can be done about it now because it is in violation of the zoning provision. Mr. McCloskey stated that nothing has been done about it and people have been complaining for years. Mayor Dalton informed Mr. McCloskey that if someone makes a complaint then we try to work with the owner to resolve the issue. If we are unable to resolve the issue than we have to see where those people are going in and out of. Unfortunately, we are unable to get access to some of those homes and that is where the problem is with the current law. The new law will be able to help enforce the law.

Christopher Marquart, 7 Maple St. is the assistant Dean of Student Life at St. Lawrence University. Discussed the impact on student housing. When students at SLU want to move off campus they have to write a statement. St. Lawrence University holds a meeting every Spring and Code Officer Lawrence gives them information on local code. The challenges come when they are not able to work with the landlords. With the registration policy, they will be able to be aware of law. He thinks there will be a decrease in the student housing problems, and when issues come up they will be able to be addressed.

Linda Fay, suggested a statement "to the best of my knowledge" to help protect the landlords from the lessees.

Charles Rouse agreed with what Linda Fay stated, but he thinks with the current multi-family registration leaves room if there is a mistake that they find during the inspection it gives you the opportunity to make it right, so he doesn't think this will be different.

Mary Ann Ashley, 1 East Drive asked the Board if the staffing of Code Officer Rusty Lawrence a full time Town employee and Tim Nolan a part-time Village employee is still the same and if they are still sharing the same space. She asked about who will manage the work load. Mayor Dalton stated that the staffing is correct and the managing will be done between the Clerk's Office and Code Office. She asked if someone is aware that the law is being broken, how to file a complaint. Mayor Dalton stated that if someone has a complaint they can contact the office or send an e-mail. It is important to have documentation.

Amber Davis expressed concerned about the self-certification language. If you make it too weak then it is an enforcement issue.

Trustee Larrabee read an e-mail that she received from Adam Todd, 37 Farmer St. He expressed his concerns about the law being unconstitutional. He referenced a case law that would support a challenge to the law and stated that he has spoken with two attorneys who agree that there is a good chance that this law could be overturned. He doesn't understand how this is going to make Canton better or safer. He suggested completing a registry of all properties, including owner-occupied and making sure that the existing zoning is enforced.

Kenneth Williams- Thanked the Board for the work.

Mayor Dalton explained that they listen to every both pro and con. He thanked everyone for their help and comments.

Public Hearing was closed at 6:15pm.

**ORDER OF BUSINESS:** The Mayor opened the regular meeting at 6:30pm.

- a. **Approve minutes of July 17, 24 & 28, 2017-** Trustee Pynchon made a motion to approve the minutes of July 17, 24 and 28, 2017; seconded by Trustee Stevenson. All voted in favor. Motion carries.

**ACCEPTANCE OF DEPARTMENT HEAD REPORTS:**

Trustee Larrabee made a motion to accept the Department Head Reports; seconded by Trustee O'Brien. All voted in favor. Motion carries.

Economic Developer Rodriguez informed the Board that the next round of Restore New York Funding has been announced. She stated that she wants to pursue it this year.

Recreation Director Boreyko asked the Board if additional lifeguards could be approved for hire due to the shortage. She is hoping to have enough life guards to be open Labor Day weekend.

Mayor Dalton stated that they are still working on extending the hours of Taylor Park but will probably not be until the Spring.

Clerk Noble informed the Board that the Sales Tax was received and is up 3% from the same time period last year.

Superintendent Hallahan added that the paving came in well under budget that he has added Stevens Street and upper Grove Street to the paving list.

**COMMITTEE REPORTS:**

**Website Committee-** Trustee O'Brien stated that the Website Committee is moving forward with the new website.

**Complete Streets Committee-** Trustee O'Brien informed the Board that Complete Streets is looking to enhance pedestrian safety between Park St. and Morgan's Ice Cream. The bike fix station has been installed and they are looking to add push button crosswalks and crosswalks on Harrison Street and Crescent Street.

**COMMUNICATIONS AND INFORMATION:**

**Mayor's Meeting-** Mayor Dalton informed the Board that the Mayor's Meeting is being held on September 7<sup>th</sup> at 6:00pm at Fobares.

**Restore NY Grant-** Mayor Dalton informed the Board the Governor Cuomo has announced \$80 million in round five of the Restore New York Fund.

**PUBLIC COMMENT:**

Klaus Proemm stated that he was unable to attend the Public Hearing on the Rental Registration but from the Planning Board, it is a step in the right direction and he appreciates it.

**OLD BUSINESS:**

- a. **County Shared Services Update-** Mayor Dalton informed the Board that the County is moving forward with the proposal for shared fuel and courts. The County will be holding Public Hearings at the end of the month.
- b. **Rental Registration-** Attorney Ducharme stated that the Board has sixty-two (62) days after the close of the Public Hearing to make a decision on the Rental Registration Law. He stated that if the law is not changed, then another Public Hearing is not necessary but if the law is changed substantially then another Public Hearing will need to be held.

Attorney Ducharme outlined the following issues that were raised during the Public Hearing:

1. Resolve the confusion on the definition of one-family, two-family, condos and townhomes.
2. Consider language other than perjury.
3. Whether we should adopt any further language regarding whether more than three people residing together in a dwelling unit constitute a functional family unit. Definition might be covered under another zoning code.
4. Format in the property maintenance code to correct issues. The owner gets the opportunity to correct the issues before getting shut down, period of abatement.
5. Constitutionality of the code, is there case law?

The Board decided to table the subject until the September meeting.

- c. **Ethics Code-** Trustee O'Brien stated that he has a solid list of people that are interested in the Ethics Code Committee. He will be holding a meeting to discuss the committee and who is interested. He will have a full report at the September meeting.
- d. **Chamber of Commerce-** Mayor Dalton circulated a letter from the Chamber of Commerce regarding the Chamber looking for a commitment from the Village and Town of Canton in contributing an extra \$33,000 (split between Village and Town) to the Canton Chamber of Commerce; for a full-time Chamber Director. The Chamber of Commerce is in

the process of searching for a replacement for Sally Hill. Trustee Pynchon stated that this should be a topic at the next Town/Village Joint Meeting on September 13<sup>th</sup>.

Trustee Pynchon suggested discussing with the Chamber to have them hire a part-time person and see how the position grows before moving to a full-time position or contact the larger businesses in Canton to help contribute.

Trustee O'Brien stated that since the Chamber has not acknowledged a relationship with the Village of Canton and since the contribution comes from the tax payers. Suggested that the Village and Town and Economic Developer Rodriguez be involved in the hiring process.

Mayor Dalton explained that the Town of Canton is currently underway in the Budgeting process but the Village's budget has been approved and it is not a budgeted amount in the Village budget.

Trustee Larrabee agreed that this should be discussed at the Joint Town/Village Meeting.

Trustee Pynchon suggested that this should be discussed at the Consortium meeting.

- e. **Comprehensive Plan Update-** Trustee Pynchon stated that they have selected a consultant. The Town of Canton has approved the contract and the Village will be billed. The first meeting with the consultant will be held on September 20<sup>th</sup>. Trustee O'Brien will be joining Trustee Pynchon to represent the Village. The amount of the consultant is \$37,000 over the grant. They are looking into having the Village of Rensselaer Falls contribute.

**NEW BUSINESS:**

- b. **Request by Gabriella Schuckers to keep Chickens at 7 Pine St.-** Gabriella Schuckers presented the Board with the chicken coop details and signatures from the neighbors per the Village Code.

Trustee Pynchon made a motion to approve Gabriella Schuckers request to keep chickens at 7 Pine St. Trustee Larrabee seconded the motion. All voted in favor. Motion carries.

- a. **Authorize payment of vouchers & transfer of funds –** Trustee O'Brien made a motion to authorize payment of vouchers & transfer of funds for abstract #3 of 2017-2018. Trustee Pynchon seconded the motion. All voted in favor. Motion carries.

General Fund	\$189,480.16	Golf Course	\$44,478.29
Water Fund	\$39,163.08	Joint Activity	\$31,528.64
Sewer Fund	\$32,432.00		

- f. **Resolution for Second Notice Fees for Real Property Taxes-** Trustee Pynchon made a motion to approve the resolution for second notice fees for real property taxes. Trustee Larrabee seconded the motion. All voted in favor. Motion carries.
- g. **Authorize Bids for Winter Towing–** Trustee Stevenson made a motion to authorize bids for winter towing. Trustee O'Brien seconded the motion. All voted in favor. Motion carries.

- h. Appoint Provisional Sergeant Andrew Dow to Permanent Sergeant** – Sergeant Andrew Dow successfully passed the Sergeant Civil Service exam.

Trustee Larrabee made a motion to appoint Provisional Sergeant Andrew Dow to Permanent Sergeant. Trustee O'Brien seconded the motion. All voted in favor. The motion carries.

- i. Approve Anthony Romano and two additional as a Lifeguard for Recreation Department-** Trustee Pynchon made a motion to approve the hire of Anthony Romano and two additional lifeguards for the Recreation Department at the Lifeguard rate. Trustee Larrabee seconded the motion. All voted in favor. The motion carries.

- j. Change September Meeting to September 25<sup>th</sup>-** Mayor Dalton changed the September meeting to September 25<sup>th</sup>.

- c. Resolution to Sign Documents for the RVRA Grant-** Trustee Pynchon made a motion to approve the resolution to sign documents for the RVRA Grant. Trustee O'Brien seconded the motion. All voted in favor. The motion carries.

- d. Resolution to Sign NY Main Street Documents-** Trustee Pynchon made a motion to approve the resolution to sign documents for the NY Main Street Grant. Trustee Larrabee seconded the motion. All voted in favor. The motion carries.

- e. Resolution to Sign Microenterprise Documents-** Trustee Stevenson made a motion to approve the resolution to sign documents for the Microenterprise Grant. Trustee Larrabee seconded the motion. All voted in favor. The motion carries.

- k. Letter of Resignation from Trustee Stevenson-** Trustee Stevenson read his letter of Resignation effective at the end of the Board Meeting on August 21, 2017. The letter is on file in the Village Clerk's Office.

Mayor Dalton thanked Trustee Stevenson for his service.

**PUBLIC COMMENT:**

Trustee Pynchon informed the Board of the Welcome to the North Country event at TAUNY on September 14, 2017 at 5:30pm

No Public Comment

Trustee Stevenson made a motion to adjourn the meeting at 7:33PM. Trustee Larrabee seconded the motion. All voted in favor. The motion carries.

Respectfully submitted,

Cara Adams  
Deputy Clerk