

Special Village Board Meeting Minutes
Room 202, Village Hall, 111 Elm Street, Penn Yan, New York
Wednesday, January 3rd, 2024 at 9:00 a.m.

Present: Mayor **D. Condella**, Trustees **D. Henries**, **T. Hoban**, **D. Irwin**, **N. Koek**, **R. Stewart**, Attorney **E. Brockman**; Clerk/Treasurer **H. Easling**; Police Chief **T. Dunham**; Deputy Director of Public Works **B. McMichael**; Deputy Clerk **D. Withrow**; Code Enforcement Officer **J. Marshall**; Code Enforcement Secretary **K. Tomlinson**.

Absent: Trustee **K. McLoud**; Fire Chief **D. Christensen**; Director of Public Works **M. Gerhardt**; Deputy Clerk/Treasurer **S. Fredenburg**.

Public: Robert Hawley, Minnie Groom

Call meeting to order at 9:00 a.m.

At 9:00 a.m. Mayor Condella called the Special Village Board Meeting to order, followed by the Pledge of Allegiance

Request for Closed Session

E. Brockman made a request for a closed session for the purpose of Legal Counsel.

Guests, Public Requests and Comments

Robert Hawley questioned what is happening on Champlin Ave. and whether it's ok to go down there now. Mayor Condella responded it is a public road. We are looking over the survey now. T. Dunham commented that it is important for the Board to make a decision on the status of the road in order to enforce the law we need to know clearly who owns the street. Mr. Hawley has done a great deal of research on the history of this road and informed the Board of that history. Mayor Condella informed Mr. Hawley we do have Code Enforcement going by tomorrow.

Attorney

E. Brockman has made modifications and proposed Local Law A of the year 2024 with regard to Short Term Rentals. Under section 2 we have identified the need for modification to the current law. Under section 3 a major change will be limiting the number of permits to 36 short-term rentals in (R1, R2). A minor change will be that the permit is not transferable. The next major change will be under Section I. The owner will provide the Clerk, Village Code Officer and Village Police Department the name, address, phone number and email of the property manager. With that, it is a pre-requisite to act as a property manager for an STR the person or entity is an authorized representative on behalf of the owner and must execute "Acknowledgment of Responsibility" filed with the clerk. These requirements apply to any replacement of a property

manager. Under section K it has been added that denial or revocation of a permit requires notice to the Owner and Property Manager with reasons and “Due process” shall apply to appeal procedure. The short-term owner must also keep up with property taxes, utility bills and occupancy tax. Under penalties and fines community service will be imposed for violating provisions. The final major change will be that the short-term rental regulation will be reviewed every year in January.

N. Koek questioned why there are no fees included and about the size of rental. E. Brockman responded that the fees will be set by resolution by the Board of Trustees and that they will be based on tax map parcels.

T. Hoban had a question under the Appeal section. Can the Code Enforcer revoke a license mid-year or only at the end of the year. E. Brockman stated that he will add that a license may be revoked at any time.

D. Henries questioned why the purpose and intent section was in place. E. Brockman stated that if left out it might imply that they don’t apply and are no longer a concern.

R. Stewart questioned where the short-term rental occupants above the businesses on Main street will park. E. Brockman said that is a concern that will need to be addressed.

Motion by T. Hoban, seconded by N. Koek to authorize Legal Counsel to draft a resolution to amend Village of Penn Yan Short-Term Rental Law.

Adopted 6 Ayes – D. Condella, T. Hoban, D. Irwin, N. Koek, R. Stewart, D. Henries
0 Nays, 0 Abstain, Absent: K. McLoud

Minnie Groom expressed concern about people from other states coming in and buying STR’s. Is the 36 unit limit on first come first serve basis and when purchased by out of state people the money is not staying in the community.

Mayor Condella responded that it is first come first serve, however out of state owners do have to have a local property manager. Fees and taxes do stay in the community.

At 9:35 a.m. **Motion** by Mayor Condella, seconded by D. Henries to move to closed session for legal counsel. Included were: Mayor Condella, T. Hoban, R. Stewart, D. Henries, D. Irwin, D. Henries, H. Easling, E. Brockman, T. Dunham, J. Marshall, B. McMichael.

Adopted 6 Ayes – D. Condella, T. Hoban, D. Irwin, N. Koek, R. Stewart, D. Henries
0 Nays, 0 Abstain, Absent: K. McLoud

At 10:24 am. **Motion** by Mayor Condella, seconded by D. Henries to exit closed session.

Adopted 6 Ayes – D. Condella, T. Hoban, D. Irwin, N. Koek, R. Stewart, D. Henries
0 Nays, 0 Abstain, Absent: K. McCloud

Other business if needed

Comments

Adjournment

At 10:25 a.m. **Motion** by D. Henries, seconded by N. Koek to adjourn Special Village Board Meeting.

Adopted 6 Ayes – D. Condella, Henries, Irwin, Stewart, Koek, Hoban
Nays 0 Abstain 0 Absent 1 McCloud