



Town of Pleasant Valley

TOWN BOARD - AGENDA

Monday, December 16, 2024 @ 7:00 p.m.

1. Presiding Officer
Mary Albrecht
2. Council Members
Jennifer Chapman, Dan Degan, Michael Rifenburg
3. Call to Order
4. Pledge / Salute to the Flag
5. Roll Call
6. Adoption of the Agenda
7. Public Hearings
 - 7.A. 7:20PM - A Local Law of the Town of Pleasant Valley, Dutchess County, New York Amending Chapter 9 of the Code of the Town of Pleasant Valley Entitled, "Code of Ethics"
 - 7.B. Continuation of Public Comments for **PROPOSED LOCAL LAW C OF 2024 "A LOCAL LAW REPEALING AND REPLACING CHAPTER 44, DOGS"**
 - 7.C. Continuation of Public Comments for **PROPOSED LOCAL LAW D OF 2024 "A LOCAL LAW CREATING A NEW CHAPTER 75 OF THE TOWN CODE TITLED "SHORT-TERM RENTALS"**
8. Receipt and Acceptance of the Minutes
 - 8.A. Workshop Meeting/(2) Public Hearings - 12-02-24
 - 8.B. Special Town Board Meeting - 12-06-24
9. Correspondence
All Official Correspondence is on file in the Town Clerk's Office
10. Presentations

10.A. Pleasant Valley Citizens "Making A Difference" Award - The Kiggins Family (Supervisor Albrecht & Town Clerk)

11. Public Comment
Agenda Items Only (One Time Only, 3 Minutes Per Person)

12. New Business Discussion
12.A. County Legislator, Deidre Houston- Update
12.B. Accept Resignation of Court Constable, Tyler Becvar
12.C. Accept Resignation of Account Clerk, Sylvia Burke

13. Old Business Discussion
13.A. Discussion and Presentation of **PROPOSED LOCAL LAW C OF 2024 “A LOCAL LAW REPEALING AND REPLACING CHAPTER 44, DOGS”** (Presentation by Councilman Degan)
13.B. Discussion and Presentation of **PROPOSED LOCAL LAW D OF 2024 “A LOCAL LAW CREATING A NEW CHAPTER 75 OF THE TOWN CODE TITLED “SHORT-TERM RENTALS”** (Presentation of Councilman Degan)

14. Resolutions
14.A. Resolution 1209/2024 Amending Resolution 1206/2024 Authorizing a Reduced Expenditure from the Infrastructure Reserve Fund for Road Paving
14.B. Resolution 1210/2024 Amending the 2024 General Fund Budget
14.C. Resolution 1211/2024 Amending the Helen Aldrich Park Project Budget
14.D. Resolution 1212/2024 Authorizing Payment of Abstract 12 of 2024
14.E. Resolution 1213/2024 Authorizing Payment of Abstract No. 12P of 2024

15. Items for Special Consideration

16. Public Comment
(New Items Only/Non Agenda Items, One Time Only, 3 Minutes Per Person)

17. Executive Session
17.A. 105.1(F) Personnel

18. Adjournment

Note: Agenda items are subject to change without notice. Board members reserve the right to go into executive session at any time.

TOWN OF PLEASANT VALLEY

LOCAL LAW NO. E OF 2024

**A LOCAL LAW OF THE TOWN OF PLEASANT VALLEY, DUTCHESS COUNTY,
NEW YORK AMENDING CHAPTER 9 OF THE CODE OF THE TOWN OF
PLEASANT VALLEY ENTITLED "CODE OF ETHICS"**

BE IT ENACTED by the Town Board of the Town of Pleasant Valley as follows:

SECTION 1. TITLE.

This Local Law shall be known and may be cited as the "A Local Law of the Town of Pleasant Valley, Dutchess County, New York Amending Chapter 9 of the Code of the Town of Pleasant Valley Entitled 'Code of Ethics'".

SECTION 2. THE PURPOSES OF THIS LOCAL LAW.

Chapter 9 of the Pleasant Valley Code is hereby repealed in its entirety and in its stead, a new Chapter 9, Code of Ethics, is hereby adopted as follows:

§9-1 The purposes of this Ethics Law are:

- A. To establish and maintain a standard of uniform ethical conduct for elected and appointed officers, paid and contractual employees, agents, appointees and consultants of the Town (hereinafter "officers and employees");
- B. To provide the officers and employees with clear guidance and specific recommendations for adherence to these standards;
- C. To facilitate the prevention of any intentional or unintentional infraction of the ethical standards of conduct enacted by the Town, and avoid and prevent the appearance of any such infractions or unethical behavior by officers and employees;
- D. To promote public confidence and trust in the Town's officers and employees and to provide ethical oversight of the processes and actions of the Town of Pleasant Valley;
- E. To facilitate a wider understanding and recognition of ethical problems or conflicts of interest before they arise, and to enhance the accountability of local government to the citizens of the Town by requiring public disclosure of financial interests, associations or involvements, and personal and familial relationships that may influence, or be perceived to influence, the actions of Town officers and employees;

- F. To implement these objectives through the establishment of clear and reasonable ethical standards of conduct;
- G. To provide and define clear response and to recommend fair and standard legal sanctions or corrective disciplinary action in the event the Town's Ethics Law is found to be breached by a Town officer or employee; and
- H. To create a Board of Ethics for the Town of Pleasant Valley to render advisory opinions and to investigate and act on complaints and provide counsel on the fair and effective administration of this Ethics Law.
- I. This Ethics Law is enacted pursuant to §806 of the General Municipal Law and §10 of the Town Home Rule Law and is not intended to authorize any conduct prohibited by Article 18 of the General Municipal Law. Any standards, prohibited acts or conflicts of interest prescribed herein shall be in addition to those required by Article 18, any related New York State statutes and all other legal restrictions, standards and provisions pertaining to Town officers and employees.

§9.2 DEFINITIONS.

"Appear" and **"Appear Before"** means communicating in any form, including, without limitation, personally through another person, by letter, by electronic communication, or by telephone.

"Board" means the governing board of the Town and any Town administrative board (e.g. planning board, zoning board of appeals), commission, or other agency or body comprised of two or more Town officers or employees.

"Code" means the Pleasant Valley Town Code.

"Contractual Goods/Services" means any work performed or goods delivered by a Town officer or employee to another person under mutual agreement of the two parties. Retail sales are excluded from this provision.

"Customer" or **"Client"** means any person or entity for whom a Town officer or employee has directly supplied contractual goods/services during the previous twenty-four (24) months. Retail sales are excluded from this definition.

"Board of Ethics" means the Board of Ethics of the Town of Pleasant Valley established pursuant to §9.5 of this Ethics Law.

"Gift" and **"Financial Benefit"** shall include any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof, or anything of value. A financial transaction may be a financial benefit but shall not be a gift unless it is on terms not available to the general public. "Gift" and "Financial Benefit" do not include campaign contributions permitted by law.

"Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Town or an area of the Town. A Town officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock or membership certificates.

"Legislation" means a matter which appears on the agenda of the Town Board or on a committee thereof on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances and/or resolutions.

"Ministerial Act" means an action performed in a given state of facts in a prescribed manner without regard to or the exercise of judgment or discretion as to the propriety of the act. For example – issuance of a fishing license.

"Officer or Employee" means an elected or appointed officer or employee of the Town of Pleasant Valley whether paid or unpaid. No person shall be deemed to be an officer or employee of the Town solely by being a volunteer firefighter or EMT volunteer, except a fire chief or assistant fire chief.

"Outside Employer or Business" means:

1. Any activity, other than service to the Town, from which the Town officer or employee receives compensation for services rendered or goods sold or produced;
2. Any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee and from which he/she receives compensation for services rendered or goods sold or produced; or
3. Any entity in which the Town officer or employee has an ownership interest, except a corporation or limited liability company of which the Town officer or employee owns less than five percent (5%) of the outstanding stock or membership certificate, as the case may be. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

"Person" means both individuals and entities.

"Relative" means a spouse, parent, stepparent, sibling, stepsibling, sibling's spouse, child, stepchild, uncle, aunt, nephew, niece, first cousin, or household member of a Town officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

"Significant Other" means an individual of the opposite or same sex living in shared quarters for the purpose of constituting a family unit.

"Spouse" means the husband or wife of an officer or employee, unless living separate and apart pursuant to: (i) a judicial order, decree or judgment of separation; or (ii) a legally binding written agreement of separation in accordance with the New York State Domestic Relations Law.

"Subordinate" of a Town officer or employee means another Town officer or employee over whose activities he/she has direction, supervision or control, except those who serve in positions that are in the exempt classification under §41 of the Civil Service Law of the State of New York or in the unclassified service under subdivision (a) through (f) of §35 of that law.

"Town" means the Town of Pleasant Valley but shall not include the Town Justice Court.

"Town Officer or Employee" means any official, officer or employee of the Town, whether paid or unpaid, and includes, without limitation, all members of any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, consultant or committee of the Town. "Town officer or employee" shall not include:

1. A judge, justice, officer, or employee of the court system; or
2. A volunteer firefighter or civil defense volunteer, except fire chief or assistant fire chief.

§9-3 STANDARDS OF CONDUCT.

Every officer or employee of the Town shall be subject to and abide by the following standards of conduct:

A. General Prohibition.

1. Town officers and employees shall conduct themselves in an ethical, fair and unbiased manner so as to fulfill in good faith the public trust placed upon them by the Town and its citizens.
2. Each Town officer or employee shall avoid conduct or actions that give the appearance of unethical behavior or which tend to suggest: (i) that any person or entity could improperly influence the officer's or employee's position or decision-making, or unduly enjoy his/her favor in the performance of his/her official duties; or (ii) that he/she may be inappropriately affected in the execution of his/her official duties by

any factor of kinship or influence by any other private professional entity or relationship or business.

3. A Town officer or employee shall not use his/her official position or office, or take or fail to take any action in any matter he/she knows or has reason to know may provide a personal financial benefit or secure unwarranted or unfair exemptions for him/her or for any of the following persons or entities:
 - (i) Fellow town officers, employees or entities;
 - (ii) A relative or significant other;
 - (iii) His/her outside employer, employer business relations or fellow members of unrelated committees, boards or corporate affiliations;
 - (iv) A past, current or future client or customer from private business affiliations.

B. Conflicts of Interest. No Town officer or employee shall have, or give the appearance of: (i) any personal or professional interest, financial or otherwise, direct or indirect; (ii) engage in any business or transaction or professional activity; or (iii) incur any private business or professional obligation of any nature, which is in substantial conflict with the proper, unbiased execution of his/her official Town duties. Town officers and employees shall not knowingly acquire, solicit, negotiate for, or accept any interest, employment or anything of value which would put him/her in violation of this Ethics Law.

C. Recusal.

1. A Town officer or employee shall promptly recuse himself/herself from participation, involvement and/or acting on any matter involving, or before, the Town, when such participation, involvement, deliberations and/or act may benefit himself/herself, or any of the persons referred to in §9.2 of this law or may give the reasonable appearance of such benefit.
2. Whenever a Town officer or employee is required to recuse himself/herself pursuant to this law, he/she shall: (i) immediately recuse himself/herself and refrain from further participation in the matter; and (ii) fully disclose the grounds for such recusal in writing to the chairperson of the board on which such person sits, such person's immediate supervisor (if an employee). In the event the recusal occurs after the commencement of, and during, a meeting or public hearing, the recusal of the member shall not

deprive the Board of a quorum for purposes of continuing the meeting or public hearing. However, the recused board member may not further participate in that portion of the meeting relating to the matter causing the recusal.

3. Any person who claims that an officer or employee of the Town is required to recuse himself/herself pursuant to this law, shall submit such claim to the chairperson of that person's Board, or to that person's immediate supervisor (if an employee), and in writing to the chairperson of the Board of Ethics. In the event the issue of the recusal of the officer or employee cannot be resolved by the board or immediate supervisor, as the case may be, the matter shall be referred by the Board, or immediate supervisor, to the Board of Ethics for further proceedings as provided by this law.
4. Any officer or employee of the Town who is uncertain as to whether recusal is required of him or her shall submit such question to the Chairperson of that person's Board or to the person's immediate Supervisor (if an employee). In the event the issue of the recusal of the officer or employee cannot be resolved by the Board or immediate Supervisor, as the case may be, the matter shall be referred by the Board or immediate Supervisor to the Board of Ethics for further proceedings to determine if recusal is required as provided by this law.

D. Gifts. A Town officer or employee shall not directly or indirectly accept or solicit any gift valued over seventy-five dollars (\$75.00), whether in the form of cash, check, credit, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence any Town officer or employee in the performance of their official duties or that such gift was intended as a reward for any officer action or inaction on the part of a Town officer or employee.

E. Confidential Information. A Town officer or employee, or any former officer or employee of the Town, shall not disclose confidential information acquired during the course of his/her official duties or use such information to further his/her personal interests or to unduly affect or influence the outcome of considerations before the Town. This provision does not prohibit disclosures protected under federal Whistleblower's laws, or any comparable state laws.

F. Representation. A Town officer or employee shall not represent any private interest before any Town Board or agency or in any litigation in which the Town of Pleasant Valley is a party, or complainant against, the private interest represented. Additionally, a Town officer or employee shall not receive or enter into any agreement, express or implied, for compensation for

services, or opinion to be rendered, in relation to any matter before any Town of Pleasant Valley board or agency.

G. Appearances or Public Representation. A Town officer or employee shall not appear before any board agency of the Town except on his/her own behalf, his/.her spouse or minor children's behalf, or on behalf of, or concern for, the Town. No Town officer or employee shall use his/her position to officially present, or advocate for, a person or entity that could be considered in actual, or potential, conflict of interest with the Town.

H. Representation before any Agency for a Contingent Fee. No officer or employee shall receive or enter into any agreement, expressed or implied, for compensation, direct or indirect, for services to be rendered in relation to any manner before any board or agency of the Town, whereby his or her compensation is to be dependent or contingent on any action by such board or agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based on the reasonable value of the services rendered.

I. Disclosure of Interest in Legislation. To the extent known, any officer or employee of the Town who participates in the discussion, gives an official opinion to the Town Board and/or votes on any legislation before it shall publicly disclose on the official record, the nature and extent of any direct or indirect financial or other private interest he or she may have in such legislation.

J. Disclosure of Interest in Contracts. To the extent known, any officer or employee of the Town who has, will have, or subsequently acquires any interest in any contract with the Town, shall publicly disclose the nature and extent of such interest in writing to the Board of Ethics and Town Board, as well as to his or her immediate supervisor, as soon as he or she has knowledge of such actual or prospective interest.

K. Political Solicitation. A Town officer or employee shall not direct, request, or authorize anyone else to direct, request or authorize any subordinate of the officer or employee to participate or contribute to any election campaign or political committee. No Town officer or employee shall permit political materials to be placed on Town property, except where permitted by official policies adopted by the Town Board. Town officers and employees shall comply with all local, State and federal laws, rules and regulations governing political campaign contributions.

L. Future Employment.

- a. No Town officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Town officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- b. No Town officer or employee, for a one-year period after serving as a Town officer or employee, may represent or render services to a private person or entity in connection with any matter involving the exercise of discretion before the Town office, board, department or comparable organizational unit for which he or she served.
- c. No Town officer or employee, at any time after serving as a Town officer or employee, may represent or render services to a private person or entity in connection with any particular transaction in which he or she personally and substantially participated while serving as a Town officer or employee.

M. Investments. A Town officer or employee shall not invest or hold any interest, directly or indirectly, in any business, financial, commercial or other private transaction, which would create a conflict with his/her official duties.

N. Inducement of Others. No Town officer or employee shall intentionally induce, encourage, compel or conspire with another Town officer, employee or person to violate any of the provisions of this Ethics Law.

O. Nepotism.

- a. Every officer and employee related closer in degree, by blood or marriage (including significant others), than first cousin to any persons seeking employment within any department, section or function of the Town shall disclose such relationship as provided herein.
- b. Such disclosure shall be made in writing to the Town Clerk, and shall be made at the earliest opportunity next following the date upon which such officer or employee first learns or has knowledge of the application.

P. Use of Public Property. No Town officer or employee shall request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit except when such services are available to the

public generally or are provided as Town policy for the use of such officers or employees in the course or conduct of their official duties.

Q. Contracts Rendered Null and Void. Pursuant to existing State laws, any contract entered into by the Town, or by any Town officer or employee on behalf of the Town, may be rendered null and void, either in whole or in part, if any, of the sections or elements of this Town Ethics Law are found to have been violated in the course of that contract's negotiation, development and/or implementation.

R. Private Employment. No officer or employee shall engage in, solicit, negotiate for, or promise to accept private employment, or render services for private interest, when such employment or service creates a conflict with, or impairs, the proper discharge of his or her official duties.

S. Prohibited Conflicts of Interest. No Town officer or employee shall have an interest in any contract between the Town and a corporation or partnership of which he or she is an officer or employee, which such Town officer or employee has the power to negotiate, prepare, authorize, or approve the contract, or authorize or approve payment thereunder; audit bills or claims under the contract; or appoint an officer or employee who has any of the powers of duties set forth above; and no chief fiscal officer, treasurer, or his or her deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Town of which he or she is an officer or employee. The provisions of this section shall not be construed to preclude the payment of lawful compensation and necessary expenses of any Town officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

T. Certain Interests Prohibited.

- a. No officer or employee of the Town who has an interest in any real property, either individually or as an officer or employee of a corporation or partnership, shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by the Town. The term "participation" shall include the promotion of the site, as well as the negotiation of the terms of acquisition.
- b. No municipal officer or employee shall use or permit the use of property, owned or leased to the Town, for other than official purposes or for activities not otherwise officially approved by the Town Board.

§9.4 APPLICANT DISCLOSURE: LAND USE APPLICATIONS.

A. Disclosure. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of the Town shall state the information required, to the extent required, by §809 of the General Municipal Law of the State of New York.

B. Violations. Any person who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by §809 of the General Municipal Law.

§9.5 BOARD OF ETHICS

A. Establishment.

1. The Board of Ethics shall consist of no less than three (3) members, and no more than five (5) members appointed by the Town Board.
2. The term of office for each member shall be five (5) years, running on a calendar year basis. In the event of a three (3) member board, one (1) member shall serve until December 31 of the year in which the Board is established; one (1) shall serve until the second December 31st; one (1) shall serve until the third December 31st. In the event of a five (5) member board, the fourth member shall serve until the fourth December 31st; and the fifth member shall serve until the fifth December 31st.
3. Members of the Board of Ethics may serve up to three (3) consecutive five (5) year terms provided that they adhere to all other provisions of this law.
4. In the event of a vacancy, the Town Board shall solicit recommendations for appointment to the Board of Ethics from the Board of Ethics and from the citizens of the Town.
5. The Town Clerk shall keep on file all records pertaining to the appointments, terms and/or resignations of Board of Ethics members.
6. There shall be support staff and sufficient funds (but no less than \$1,000.00) appropriated annually by the Town Board for the operation of the Board of Ethics. Additional funds may be allocated as determined by the Town Board.

7. The Board of Ethics shall be advised by the Town Attorney or Attorney to the Town, as the case may be. However, in the event of a conflict of interest by the Town Attorney or Attorney to the Town in any matter before the Board of Ethics, the Board of Ethics shall be advised by an attorney selected by the Board of Ethics, and appointed by the Town Board. Said attorney shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties.
8. Members shall serve without compensation, but will be reimbursed for all reasonable and necessary expenses, provided they receive prior approval from the Town Board and proper documentation of those expenses have been submitted to the Town Board.
9. The Board of Ethics shall elect a chairperson from among its members. The term of the chairperson shall be for one (1) year. There shall be no limitation placed upon the number of consecutive or subsequent terms a chairperson may serve.
10. The chairperson or a majority of the Board may call a meeting of the Board. The Board of Ethics shall meet a minimum of once per year.
11. A person appointed to fill a vacancy shall serve the unexpired term of the member he/she replaces.
12. A quorum of the Board (two [2] members for a three [3] member Board and three [3] members for a four [4] or five [5] person Board) is required for the purpose of conducting a meeting. A vote of the quorum shall be required for the Board to take action including, but not limited to, initial, preliminary and final determinations.

B. Qualifications for Board of Ethics Members.

1. All members of the Board of Ethics shall reside in the Town of Pleasant Valley.
2. No more than three (3) members of the Board of Ethics shall be registered within the same political party in the case of a five (5) member Ethics Board, and no more than two (2) members of the Board shall be registered within the same political party in the case of a three (3) or four (4) person Ethics Board.
3. No member of the Board of Ethics shall hold office in a political party committee, or be an officer of, another member's election campaign or committee; be a member of the Pleasant Valley Town Board; or serve as a Town Justice during his or her tenure on the Board of Ethics.

4. An appointed officer, employee or agent of the Town of Pleasant Valley may be a member of the Board of Ethics as long as his or her position is determined not to constitute an actual or implied conflict with his or her duties and responsibilities as a Board of Ethics member.
5. The Town Board may, by Resolution, prescribe initial and/or annual training requirements for Board of Ethics members and minimum meeting attendance requirements. Such requirements shall be established by the Town Board with the advice and consent of the Board of Ethics.
6. Members of the Board of Ethics shall record and file their Oaths of Office with the Town Clerk.

C. Removal of Board of Ethics Member.

1. The Town Board shall have the power to remove, after hearing for cause, any Board of Ethics member. Cause for such removal shall include, but not be limited to:
 - a. failure to adhere to the rules and regulations and the provisions of this Ethics Law with regard to the organizations and procedures of the Board of Ethics;
 - b. habitual failure to attend Board of Ethics meetings as prescribed by the Town Board;
 - c. failure to attend training sessions, as prescribed by the Town Board; and
 - d. failure to comply with applicable provisions of this Ethics Law.
2. Prior to the conduct of any hearing for the removal of a Board of Ethics member for cause, the Town Board shall provide the Board member with a statement setting forth the alleged grounds for such removal at least 30 days prior to the conduct of the hearing. During the hearing, the Town Board shall have the power to hear testimony and receive evidence presented by the Town Attorney, or the Attorney to the Town, the attorney to the Board of Ethics, the chairperson of the Board of Ethics, and/or any other person in support of the grounds for such removal. The Board member shall have the right to present witnesses or evidence in defense of the removal action and the Town Board shall have the power to hear other witnesses or members of the public and receive documentation and evidence relevant to the issue of the alleged cause for the Board member's removal.

3. Any determination of the Town Board with regard to removal of a Board member shall be made by the Town Board in writing and a copy shall be provided to the Board member and filed in the office of the Town Clerk and with the chairperson of the Board of Ethics within five (5) business days after the Town Board determination.

D. Powers and Duties of the Board of Ethics.

1. To administer and enforce all the provisions of this Ethics Law and Article 18 of the General Municipal Law.
2. To prescribe and promulgate rules and regulations governing its own organization and procedures.
3. To review, index, maintain on file, and hear all signed complaints that the Board determines to have merit alleging a violation of this Ethics Law upon the written request of any person. Any such complaint shall be signed by the complainant, and must include the complainant's address.
4. Upon the written request of any Town officer or employee, the Board of Ethics may render a written advisory opinion with respect to the interpretation or application of this Ethics Law or Article 18 of General Municipal Law of the State of New York. The Board shall render, index, and maintain on file advisory opinions on the requirements of this Ethics Law.
5. To investigate, conduct inquiry and act on any complaint from any person, or any Town officer or employee, that alleges that a violation of this Ethics Law has been committed by a Town officer or employee. Such complaints shall be submitted to the Board of Ethics on a form prescribed by the Board of Ethics. Complaint forms shall, at a minimum, bear the legible signature of the person filing the complaint, must include that person's address and telephone number, and set forth in reasonable detail, with supporting documentation, if appropriate, of the conduct alleged to have violated the Ethics Law. The completed form and support materials must be either mailed by certified mail, or personally filed with the Town Clerk. Upon receipt of the complaint, the Town Clerk shall file the complaint and supporting documentation, and promptly provide the Chairperson of the Board of Ethics with a copy of the same. The Town Clerk shall notify the person filing the complaint that the complaint has been received by the Town. A copy of the complaint and supporting material shall also be supplied to the officer or employee named in the complaint. A report shall be filed with the Town Board on a monthly basis of all complaints received and the disposition of the same.

6. The Board of Ethics shall also have the power upon resolution enacted by a majority of its members to initiate on its own and conduct an inquiry of any Town officer or employee who may have in the course of his/her official duties violated the provisions of the Ethics Law.
7. In fulfilling its functions, the Board of Ethics shall have the power to:
 - (a) request and record testimony under oath (under penalty of perjury);
 - (b) request from the officer or employee who is the subject of the investigation, and/or from the Town Board or Clerk, or from the appropriate board agency or subdivision of the Town, such additional materials and records as the Board of Ethics deems necessary to conduct its inquiry;
 - (c) refer to the Dutchess County District Attorney for further action any violation of criminal law which it uncovers during the course of its investigation; and
 - (d) issue subpoenas and subpoenas duces tecum.
 - (e) exercise such other and further powers as may be reasonably required to fulfill the Ethics Board's duties.
8. All procedures and inquiries conducted by the Board of Ethics shall be conducted in a manner that preserves to the extent reasonably practical, the confidentiality of affected persons and complies with the requirements of due process of law.
9. If the Board of Ethics preliminarily finds pursuant to its review of: (i) a request for an advisory opinion, (ii) receipt of a complaint alleging a violation of this Ethics Law, or (iii) pursuant to an investigation initiated by the Board of Ethics that a possible violation of this Ethics Law exists, the Board of Ethics may schedule a meeting with the person who is the subject of the complaint, inquiry or investigation for purposes of providing that person with a reasonable opportunity to cure any such violation, or to clarify or gather additional information concerning the substance of the alleged conduct. Such a preliminary finding shall be confidential and not subject to public disclosure. Prior to issuing the preliminary finding, the Board may also schedule a meeting with the person who has filed the complaint to elicit more information concerning the substance of the complaint. If the Board of Ethics determines that there is reasonable cause to believe that a violation of this Ethics Law has occurred, or after any grace period for cure granted by the Board of Ethics has expired and such violation remains uncured, the Board of Ethics shall send a notice of its

reasonable cause determination to: (a) the subject of the complaint, investigation or inquiry; (b) the complainant, if any; and (c) the Town Supervisor and the Town Board.

10. Before any such "reasonable cause" determination shall be made the Board of Ethics shall: (a) notify in writing the subject of the complaint inquiry or investigation ("subject") as to the possible or alleged violation of this Ethics Law; (b) afford the subject an opportunity to submit a written response setting forth such information as said subject deems relevant to the alleged violation of this Ethics Law; and (c) upon written request of the subject, afford the subject a meeting wherein the subject may submit a written or oral response setting forth such information as the subject deems necessary or appropriate in response to the actions by the Board of Ethics.
11. After its preliminary review of the complaint and supporting information and documentation and/or investigation, if the Board of Ethics should find no reasonable cause for the inquiry or complaint, the Board may dismiss the action and so notify the complainant, the subject, the Town Supervisor and the Town Board of its findings.
12. In the event the Board of Ethics should find reasonable cause for the request or complaint, it shall forward its written findings to the Supervisor and the Town Board, together with copies of all information and documentation gathered by the Board of Ethics in its reasonable cause determination. The Board of Ethics shall then pursue the additional investigation and fact finding, as set forth herein:
 - (a) The Board shall schedule a hearing on the matter under consideration.
 - (b) The Board of Ethics shall have the power to request such additional documentation or evidence from any person, and shall have subpoena power.
 - (c) All witnesses testifying before the Board of Ethics shall be sworn under oath, subject to penalty of perjury.
 - (d) The subject shall be entitled to appear before the Board and be represented by an attorney or other representative of his/her own choosing.
 - (e) At the request of the subject, the subject may be permitted to provide a written sworn response to questions from the Board of Ethics in lieu of an appearance before the Board.

- (f) The inquiry of the Board of Ethics shall be confidential, and no member of the Board shall communicate directly or indirectly with any party or persons about any issue of fact or law regarding any investigation, inquiry or complaint before the Board. This shall not, however, prevent the Board from obtaining legal advice from its legal counsel.
- (g) Any improper inquiry or attempt to influence a member of the Board of Ethics regarding an ongoing complaint, investigation or inquiry shall be immediately reported to the Board of Ethics chairperson and to the Supervisor and Town Board, in writing.
- (h) All testimony, documents and materials gathered by the Board of Ethics during the course of its investigation and/or hearing shall remain confidential until the investigation has been completed and the Board's findings are issued.
- (i) In fulfilling its functions, the Board of Ethics shall have the right to obtain additional opinions from other qualified agencies or persons with regard to issues before the Board.
- (j) At the conclusion of its investigation, inquiry and proceedings, the Board of Ethics shall render its written findings and disposition, with recommendations to the Town Board, of appropriate sanctions, discipline or other action to be taken by the Town Board with regard to any violation of the Ethics Law. The recommendation may include, but shall not be limited to, a warning, reprimand, suspension, fine, or civil penalty or removal from office and/or termination of employment.
- (k) Any person compelled to appear in person, or who voluntarily appears before the Board of Ethics shall be accorded the right to be accompanied, represented and advised by legal counsel or representative of his/her own choosing.
- (l) In acting on a request for an advisory opinion, the Board of Ethics, where it deems appropriate, may conduct a hearing following all of the procedures prescribed herein for such hearings. The Board of Ethics may, however, in its discretion, where appropriate, render an advisory opinion after its own investigation and consultation without the conduct of a hearing, render its advisory opinion to the person requesting the same. A copy of the advisory opinion shall be supplied to that officer or employee or person requesting the advisory opinion and the subject, if any, and a copy of the advisory opinion shall be filed with the Town Clerk, Town Supervisor and Town Board within

five (5) business days after the rendering of the advisory opinion.

- (m) The Board of Ethics may also, if requested to do so by the Town Board, make recommendations to the Town Board regarding amendments to the Ethics Law.

E. Waivers. The Board of Ethics shall also have the following powers:

- 1. Upon written application and proof of compelling need by a current or former officer or employee, the Board of Ethics may grant a waiver of standards of conduct and disclosure requirements of this Ethics Law, provided that no such waiver shall permit conduct otherwise prohibited by Article 18 of the General Municipal Law of the State of New York and shall not be adverse to the best interests of the Town of Pleasant Valley.
- 2. Waivers shall be in writing and state the reasons for granting the waiver and be made part of the public record.

F. Public Disclosure of Proceedings: To provide for public inspection of records:

- 1. The only records of the Board of Ethics that shall be available for public inspection are those whose disclosure is required by Article 6 of the Public Officers Law of the State of New York or by some other State or Federal law or regulations.
- 2. No meeting or proceeding of the Board of Ethics concerning an officer or employee shall be open to the public, except upon the request of that officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.

§9.6 DISTRIBUTION, FILING AND MAINTENANCE OF CONFLICT DISCLOSURE STATEMENT.

A. All officers and employees holding the positions set forth below shall be responsible to complete and file a conflict disclosure statement in accordance with the requirements of this chapter. On or before March 15 or each year, the Town Clerk shall cause to be distributed to those persons holding the positions set forth below, said conflict disclosure statement.

- (1) Supervisor's Office:
 - (a) Supervisor
 - (b) Deputy Supervisor

- (c) Supervisor's Secretary
- (d) Supervisor's Confidential Secretary

- (2) Members of the Town Board

- (3) Town Clerk's Office:
 - (a) Town Clerk
 - (b) Deputy Town Clerks

- (4) Highway Department:
 - (a) Superintendent
 - (b) Deputies

- (5) Receiver of Taxers:
 - (a) Receiver
 - (b) Deputies

- (6) Law Department:
 - (a) Attorney for the Town
 - (b) Deputy Attorney for the Town
 - (c) Planning Board Attorney

- (7) Assessing Department:
 - (a) Assessor

- (8) Building Department:
 - (a) Building Inspector
 - (b) Deputy Building Inspector

- (9) Courts:
 - (a) Town Justices
 - (b) Clerks to the Justices

- (10) Engineering:
 - (a) Town Engineer
 - (b) Planning Board Engineer

- (11) Historian:
 - (a) Town Historian

- (12) Recreation Department:
 - (a) Recreation Director

- (13) Zoning Department:
 - (a) Zoning Administrator
 - (b) Deputy Zoning Administrator
 - (c) Stormwater Management Officer

- (14) Inspector:
 - (a) Fire Inspector
 - (b) Deputy Fire Inspector

B. Each of the members of the following boards and commissions shall be responsible to complete and file a conflict disclosure statement within 30 days of their initial appointment, and annually thereafter. The disclosure statement shall be substantially the form set forth herein and in accordance with the requirements of this chapter. On or before March 15 of each year, the Town Clerk shall distribute such disclosure statement forms to the members of the specified boards or commissions, which shall be completed and filed by May 15 of each year:

- (1) Board of Assessment Review
- (2) Conservation Advisory Council
- (3) Board of Ethics
- (4) Planning Board
- (5) Fire and Life Safety Review Board
- (6) Zoning Board of Appeals

C. Disclosure statements filed pursuant to this Code of Ethics shall be sealed, indexed, and maintained on file for five years in an appropriate manner by the Board of Ethics. Such disclosure statements shall be available for public inspection in accordance with the New York State Freedom of Information Law. Such disclosure statements shall be destroyed upon the expiration of this five-year term

§9.7 CONFLICT DISCLOSURE STATEMENT. The annual conflict disclosure statement should be in substantially the same form as annexed hereto as Exhibit “A”.

- A. Any such person required to file an annual statement of conflict disclosure pursuant to this chapter, shall file such completed statement on or before May 15, of each year for the preceding calendar year directly with the appropriate body.
- B. Any person required to file such statement, who is employed after May 15 of any year, shall file such statement within 30 days of such employment.
- C. Any person who is subject to the reporting requirements of this chapter, and for justifiable cause or undue hardship cannot file his/her disclosure statement by May 15th, may request a reasonable extension of time to file from the Ethics Board. Such person shall be required to submit such conflict disclosure statement on or before the expiration of the period of such extension of time granted by the Board.

- D. Each official or employee required to file a conflict disclosure statement shall be provided with a time-dated receipt of such filing.
- E. Any person who is required to file an annual disclosure statement, and who fails to file on or before May 15 of any year, shall be notified by certified mail by the Town Clerk and shall file such statement within 15 days of such notification, subject to the penalty provided for in §9.8 below.
- F. Any person required to file a disclosure statement may request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or relatives, which item or items which would otherwise be required to be reported will have no material bearing on the discharge of the reporting individual's official duties.
- G. All annual disclosure statements shall be filed with the Town Clerk. After receipt of the same, the Town Clerk shall forward the filed disclosure statements to the Board of Ethics for its review in accordance with the provisions herein. The Town Clerk shall also provide the Board of Ethics with the names and addresses of each officer or employee who failed to file the disclosure statement within the prescribed time period. The Ethics Board shall review the disclosure statements and the list of officers and employees who have failed to file a disclosure statement and shall notify the officer or employee, in writing, of his or her failure to file, or shall detail any deficiency in the officer's or employees' disclosure statement, and shall provide the officer or employee with a 15 day period to make such filing or to cure such deficiency. In addition, the Ethics Board shall advise the person the penalties for failure to comply with the disclosure statement requirements set forth in this chapter. If the person fails to make such filing, or fails to cure the deficiency, within the specified time period, the Ethics Board shall send a Notice of Delinquency to the officer or employee and to the Town Board. The Town Board shall take such appropriate action against the officer or employee, as set forth in §9.8 of this chapter.

§9.8 PENALTIES FOR OFFENSES.

- A. Any officer or employee who is required to complete and file an annual disclosure statement, and has failed to file within 15 additional days after having been given a notice by the Ethics Board, as set forth in §9.7 of this chapter, may be assessed a civil penalty by the Town Board not to exceed \$250 for the first such failure, and not to exceed \$500 for a second such failure, and not to exceed \$1,000 for any failure to file thereafter. In assessing any penalty, the Town Board shall consider any

mitigating circumstances offered by the officer or employee at a hearing held before the Town Board. In addition to these penalties, a persistent violator shall be subject to a fine not to exceed \$2,500 and/or reprimand, suspension, fine, civil penalty and/or removal from office. A persistent violator is one who fails to file the annual statement of conflict disclosure for three years.

- B. Any officer or employee who knowingly and willfully, with intent to deceive, makes a false statement, or gives information on such statement, which such individual knows to be false, shall be assessed a civil penalty in an amount not to exceed \$3,500 and/or reprimand, suspension, fine, civil penalty or removal from office by the Town Board after conduct of a hearing.
- C. Any officer or employee who knowingly and willfully violates any other provisions of the Town Ethics Law, or of Article 18 of the General Municipal Law, or any other law establishing rules of conduct for public officers and employees, may be assessed a civil penalty not to exceed \$3,500 and may be subject to disciplinary action by the Town Board after the conduct of a hearing by the Town Board.

§9.9 JUDICIAL REVIEW.

Any person aggrieved by a decision of the Ethics Board or Town Board may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York filed within four (4) months after the filing of the decision in the Town Clerk's office.

§9.10 MISCELLANEOUS PROVISIONS.

- A. No existing right or remedy shall be lost, impaired, or affected by reason of this Ethics Law.
- B. Nothing in this Ethics Law shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself/herself or any member of his/her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

§9.11 DISTRIBUTION AND POSTING.

- A. Within sixty (60) days of the adoption of this Ethics Law, the Town Board shall cause the distribution of this Ethics Law to all Town officers and employees and shall post the same conspicuously where public notices are generally posted within the Town as well as on the Town website. Copies of the Ethics Law shall be made available through the Town Clerk for distribution to the public upon request, and copies of this Ethics Law shall be

provided by the Town Clerk to all subsequent officers and employees, and to any contractual laborer or supplier receiving a contract from the Town valued over the sum of \$2,500.00. The Town Clerk shall keep a record of every officer and employee to whom a copy of this law has been distributed.

- B. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this Ethics Law shall have no effect on the duty of an officer or employee to comply with this Ethics Law or on the enforcement of its provisions.

SECTION 3. SUPERSESSION.

This Ethics Law shall supersede any existing Pleasant Valley Code of Ethics. Wherever the requirements of this Ethics Law are inconsistent with the provisions of §808 of the General Municipal Law, this law shall supersede those provisions.

SECTION 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. EFFECTIVE DATE.

This Ethics Law shall take effect immediately upon filing in the Office of the Secretary of State in compliance with all applicable provisions of law.

My Thoughts on Dog Law

December 16, 2024

Councilman Degan

This is a story about 3s.

3 paths to take and 3 groups to consider

3 Paths

1. Do Nothing
2. Enact Proposed Law As Written
3. Modify the Law

3 Groups to Consider

1. Noncompliant Dog Owners
2. Compliant Dog Owners
3. Soccer families/ users of field

What happens if we do nothing and return to the status quo regarding dogs in parks?

- Noncompliant-dog-owners will continue to ignore the law and let their dogs run loose, leaving feces on field
- Soccer field will be used in spring of '25 and this will lead to complaints from soccer parents
- Paths at Bower are not able to just be freely used by town since much of them are on private property
- Creates Unsafe and unsanitary condition
- Leaves us open for multiple terrible scenarios
 - Dog fights
 - Dog bites or scares a child/adult
 - Children/Adult stepping/falling in dog feces
- **Impact on 3 Groups:**
 1. Noncompliant dog owners
 - Are happy and learn that if one doesn't follow rules there are no consequences
 2. Compliant dog owners
 - Are happy since they never did anything wrong and won't be punished for others
 3. Soccer parents
 - Are unhappy because of feces on soccer fields

This is not a viable option.

What happens if we enact proposed law as is?

- We know some people will still ignore the law & continue to run their dogs loose and leave feces on field
- Fines must be levied and must be **severe** to ensure compliance
- **Impact on 3 Groups:**
 1. Noncompliant dog owners will be unhappy and will be forced to comply or be fined/arrested
 2. Compliant dog owners will be unhappy and punished for the bad acts of others
 3. Until we have 100% compliance, soccer field will be used by soccer/ etc and this will lead to complaints from soccer groups etc.
 - This means that until the new law starts to work, 3 of 3 groups will be unhappy. (noncompliant dog owner, compliant dog owners + soccer groups)
- Once enforcement works, Soccer parents will be happy (so now we would have 1 of 3 groups happy)
- Assuming fines are enforced and/or noncompliant dog owners change their actions:
 - We avoid risk of dog fights
 - We avoid risk of dog bites of children and adults
 - We avoid risk of children/adults falling/stepping in feces

What happens if we modify proposed law?

SUGGESTED CHANGES:

- **Change 1:** Allow dogs in park, conditional on following new rules with a 90-day **provisional approval**
 - Town reserves the right after 90 days to revert back to original proposed law and ban all dogs in park.
- **Change 2:** Add 6' maximum leash requirement + heavy fines. All dogs must be on leash at all times.
- **Change 3:** Add feces clean-up language + heavy fines. All feces must be cleaned up. Re-install clean-up stations and signage. **Make it easy to follow the law**
- **Change 4:** Specify where dogs are NOT allowed + heavy fines
 - Not allowed on playground or on athletic fields. Everywhere else is fine on a leash.

(ADDITIONAL OPTION)

- Could add a caveat that this is during soccer seasons only. (spring, summer, fall)
- Winter field access could be allowed on a leash since not used as soccer field then
 - Dogs must stay off field during soccer seasons
 - During winter, for soccer people it's buyer-beware. If you step on feces in January, not town's problem because it's not a soccer field then
 - Free fertilizer. 😊

What changes with these modifications to proposed dog law?

- We know some will still continue to run their dogs loose + leaving feces on field → No Change to proposed law
- Fines **MUST** be levied and must be severe to ensure compliance → No Change to proposed law
- Revert back to higher fine amounts from prior law. Penalty must be severe → Improvement
- How would we implement the new law?
 - Issue a crystal-clear 30-day warning and post it all over the park, website, signs etc.
 - **MANDATORY** 6' dog leash law goes in effect in 30 days. All dogs must be on 6' max leash **AT ALL TIMES.**
 - Any and all dog feces must be cleaned up by dog owners at all times. Bags/ trash cans provided in park in multiple locations.
 - Dogs not permitted on soccer fields or playground
 - Failure to comply results in a documented warning then fines of \$250, \$500, \$750 , arrest- > Improvement
- Until it works, fields will be used by soccer, leading to complaints from soccer. → No Change to proposed law
- Once enforcement works, soccer parents happy → No Change to proposed law
- Noncompliant dog owners will be unhappy and will be forced to comply or be fined → No Change to proposed law
- Compliant dog owners will be happy → Improvement
 - This means once the law works 2 of 3 groups are now happy. With current proposed law it's 1/3 → Improvement
- Compliant dog owners may personally advocate for respecting the law and/or report violators → Improvement
- Assuming fines are enforced and people change their actions
 - Avoids dog fights → no change to proposed law
 - Avoid dog bites → no change to proposed law
 - We avoid risk of children/adults falling/stepping in feces → no change to proposed law

Short Term Rentals

Analysis of the impact on rental cost and housing prices

Councilman Degan

12.16.24

Dutchess County site and study used for reference

- <https://www.dutchessny.gov/Departments/Planning/docs/Effect-of-Home-Sharing-on-House-Prices-Rents-Evidence-from-Airbnb.pdf>
- <https://www.dutchessny.gov/Departments/Planning/Docs/SeptOct2019eNewsletter-ShortTermRentals-printerfriendly.pdf>

Popular Opinion going into the study

Negative – (page 2 of study)

“Home-sharing, in particular, has been the subject of intense criticism. Namely, critics argue that home-sharing platforms like Airbnb raise the cost of living for local renters while mainly benefitting local landlords and non-resident tourists. It is easy to see the economic argument. By reducing frictions in the peer-to-peer market for short-term rentals, home-sharing platforms cause some landlords to switch from supplying the market for long-term rentals—in which residents are more likely to participate—to supplying the short-term market—in which non-residents are more likely to participate. Because the total supply of housing is fixed or inelastic in the short run, this drives up the rental rate in the long-term market.”

Positive- (page 3 of study)

“Alternatively, it is possible that home-sharing simply does not cause much reallocation from the long-term rental stock to the short-term rental stock. Owner-occupiers—those who own the home in which they live—may supply the short-term rental market with spare rooms and cohabit with guests or they may supply their entire home during temporary absences, but either way, the participation of owner-occupiers in the short-term rental market may not cause a reallocation from the long-term rental stock if these housing units are still primarily used as long-term rentals in the sense that the owners are renting long-term to themselves. Another type of participation in the short-term rental market that would not result in reallocation is vacation homes that would not have been rented to long-term tenants anyway, perhaps due to the restrictiveness of long-term leases causing vacation home-owners to not want to rent to long-term tenants. In this case, the vacation home units were never part of the long-term rental stock to begin with. In either case, whether owner-occupiers or vacation-home owners, these homes would not be made available to long-term tenants independently of the existence of a home-sharing platform. Instead, home-sharing provides these owners with an income stream for times when their housing capacity would otherwise be underutilized.”

***Also noted that because of the nature of STRs and owners of STRs seeking positive reviews, they are inclined to maintain the property at a high level. Perhaps higher than some traditional home-owners do.**

Airbnb Impact on Rent and house prices

- *“For zipcodes with the median owner-occupancy rate (72%), a 1% increase in Airbnb listings leads to a 0.018% increase in the rental rate and a 0.026% increase in house prices.”*
- *“We also find that the effect of Airbnb listings on rental rates and house prices is **decreasing** in the owner-occupancy rate. For zip codes with a 56% owner-occupancy rate (the 25th percentile), the effect of a 1% increase in Airbnb listings is 0.024% for rents and 0.037% for house prices. For zip codes with an 82% owner-occupancy rate (the 75th percentile), the effect of a 1% increase in Airbnb listings is only 0.014% for rents and 0.019% for house prices.”*

Meaning:

- More unhosted STRs = higher rent, higher home prices
- Less unhosted STRs = rent and home prices also go up, but at a lower %

More detail into what this means

- An increase in Airbnb listings leads to an increase in the number of units held vacant for recreational or seasonal use
- An increase in Airbnb listings leads to a decrease in the number of units available to long-term renters
- The above effects on supply are smaller for zip codes with a higher owner-occupancy rate
- These results are consistent with the hypothesis that Airbnb increases rents and house prices by causing a reallocation of housing supply from the long-term rental market to the short-term rental market. Moreover, the size of the reallocation is greater in zip codes with fewer owner-occupiers because, intuitively, non-owner-occupiers may be more likely to reallocate.

Now in English: Hosted STRs have a lower impact on rental costs and housing prices than unhosted STRs

Ways to Regulate Hosted vs Unhosted STRs

- Limit STRs ownership to 1 primary residence and 1 non-primary residence
 - This protects against real estate speculators from overwhelming the market
- Require hosted owners to sign a sworn affidavit that they are compliant. Subject to a \$1,000 fine if violated.
 - Puts the onus and responsibility on the hosted owner to prove they comply.
 - Done by the City of Denver in 2019
- Limit unhosted rentals to 90-120 days per year, with no limit on hosted STR
- Exempt Hosted STR from some of the rules required for Unhosted STRs

Appendix- Other Sources

Granicus

- “This conclusion is consistent with other independent academic studies which like this recent paper published by researchers at the National Bureau of Economic Research, the University of California, Los Angeles (UCLA) and the University of Southern California concluded that on a national basis “a 10% increase in Airbnb listings leads to a 0.42% increase in rents and a 0.76% increase in house prices. Moreover, we find that the effect of Airbnb is smaller in zip codes with a larger share of owner-occupiers, a result consistent with absentee landlords taking their homes away from the long-term rental market and listing them on Airbnb. Given that the short-term rental industry has grown by 800% since 2011, it is therefore not hard to see why many people are concerned about this industry’s impact on the affordability and availability of long-term rental housing. Just think about, if a 10% increase in the number of short-term rental listings was found to lead to a 0.42% increase in rents, the actual 800% increase in short-term rental listing since 2011, would be responsible for a 33.6% rent increase over that same time period! For comparison the median household income in the U.S. grew only 18.0% between 2011 and 2016.”

<https://granicus.com/blog/are-short-term-vacation-rentals-contributing-to-the-housing-crisis/>

Harvard Business Review

- *“Despite fears that Airbnb may lead to rent increases, our research has found that short-term rentals are not the biggest contributor to high rents, especially when it comes to the most vulnerable segments of a city’s residents. Put simply, restricting Airbnb is not going to be an effective tool for solving the housing-affordability problems in many U.S. cities. (Disclosure: One of us, Andrey, worked for Airbnb but left in 2016 and has no material financial interest in the company. The exponential growth of Airbnb, combined with [building restrictions](#) that have severely limited the growth of housing supply, have led to the widespread perception that short-term rentals must be swallowing housing units at the expense of local residents, who now face higher rents. One of us (Sophie) [has studied this issue in the context of New York City](#), arguably one of the most successful Airbnb markets and one where the housing supply is constrained by regulation and even geographic constraints like the ocean. Her finding: The presence of short-term rentals increases the annual rent of the median tenant by \$125. While this aggregates to a material sum across all renters, it is dwarfed by the overall rise in housing costs in the recent past. Considering that the average rent in New York City was over \$1,800 per month in 2021 and that rents had increased by 32% over the previous decade, our findings imply that Airbnb contributed to about 1% of aggregate rent growth. Overall, it’s much more likely that the tight housing market in major cities is a bigger contributing factor to increases in annual rents than short-term rentals.*
- *Given the large widespread benefits and the limited concentrated costs of short-term rentals, how should cities regulate short-term rentals? By striking a balance, so that travelers and hosts gain without short-term rentals overwhelming entire neighborhoods or significantly reducing the housing units allocated to long-term renters. This can be accomplished with limits — rather than outright bans — on when and where housing units can be rented out to travelers. Limits on when units can be rented out on a short-term basis can take the form of caps on the number of nights for which a property can be rented. For example, [in London](#) short-term rentals are capped at 90 days per year; [in Amsterdam](#) the cap is 30 days. Because travelers mostly benefit from Airbnb in periods of peak demand, allowing them to book short-term rentals in those periods seems especially valuable. At the same time, it allows occasional hosts to take in extra earnings during periods of high demand, while making it much less profitable for investors to take units away from long-term renters. Limits on where housing units can be rented on a short-term basis often take the form of caps on the number of neighborhood-specific licenses for such rentals. For example, [in San Diego](#)’s touristy Mission Beach neighborhood, the city has imposed that no more than 30% of housing units can operate in the short-term rental market. In other parts of San Diego, the limit is as low as 1% of housing units. These limits are imposed by requiring residents to apply for licenses to operate in the short-term rental market. One concern with these forms of regulations is how to enforce them. After all, most cities don’t have resources needed to investigate the permissions of each short-term rental. The remedy may be to make it easy for regulators to monitor short-term rentals by requiring intermediary platforms like Airbnb and VRBO to disclose the necessary information to city governments and directly enforce the regulation. Both platforms collect detailed information on each transaction and can remove properties that lack a valid permit or exceed the maximum number of nights.”*

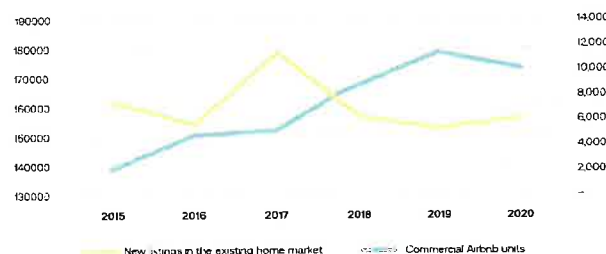
<https://hbr.org/2024/02/what-does-banning-short-term-rentals-really-accomplish>

Altus Group

- *“It’s important to note that STRs pose a great benefit to the local economy: tourism is, after all, a key economic driver and brings international exposure and investments to local jurisdictions. At the same time, STRs like Airbnb and Vrbo offer tourists and residents more variety when they are in need of temporary accommodations and have represented an attractive investment opportunity for homeowners to subsidize their mortgage payments. But this leads us to the penultimate question – is there a long-term cost to renters, the housing supply, and communities at large and, if so, does that cost outweigh the benefits? **There doesn’t (yet) appear to be a clear answer to that question.**”*
- *At the same time, however, is the importance of “relieving pressure” on the tight rental market across Canadian cities. Specifically, Freeland cited estimates from McGill University in 2019 that 31,000 units could be freed up from short-term rental platforms — particularly in Toronto, Montreal, and Vancouver — through further regulation of the space. The study cited illustrated STRs as potentially problematic for the housing affordability juggernaut because they “incentivize the further financialization of real estate, whereby people buy homes not to live in, but to rent out in the hopes of gleaning better returns than they would generate from a long-term rental. Similarly, a [new Desjardins report](#) indicates that the proliferation of short-term rentals on platforms such as Airbnb and Vrbo reduces the number of units available for long-term rentals and resale markets. The report suggests that every one-percentage-point increase in the share of Airbnbs was associated with a 2.3 per cent increase in rents.*
- *“The complete elimination of the STR is an unrealistic (and perhaps misinformed) goal for any jurisdiction. To this effect, [the Desjardins report](#) suggests that policy crackdowns on STRs have had mixed results in different jurisdictions around the world, but **restricting the use of second or third properties for short-term rentals has seemingly been the most successful measure in bringing more units back into the long-term rental market.** Desjardin proposes the government partly restricts commercial non-principal short-term rentals, strictly enforces penalties for non-compliance, and holds STR platforms accountable to help ease the housing crisis.”*

https://www.altusgroup.com/insights/the-impact-of-short-term-rentals-on-housing-affordability/?utm_source=google&utm_medium=organic

Figure 1: The rise of commercial Airbnb units in the City of Toronto and the fall of new listings in the resale market



Desjardins report

- *“Over the past year, Canada has had over 235,000 listings on popular short-term rental (STR) platforms. That’s equivalent to roughly 1.4% of Canada’s housing stock or 4.9% of its long-term rentals. At the same time, would-be renters across the country are struggling to find an apartment as the vacancy rate stands at just 1.9% and skyrocketing asking rents further erode affordability.*
- ***Studies overwhelmingly show that neighborhoods with a high prevalence of STR listings have faster-rising rents, lower vacancy rates for long-term rentals, and higher home sale prices.***
- *To help alleviate Canada’s housing crisis, governments should place some restrictions on commercial non-principal residence STRs. This would increase the number of owner-occupied units and units with long-term tenants. Moreover, policies should be widely communicated and strictly enforced with penalties to ensure high rates of compliance. And finally, STR hosting platforms should be held accountable and required to disclose their data.*
- *Renters are struggling to find an apartment. In 2022, the national rental vacancy rate was just 1.9%—significantly below the long-term average of 2.7% and what is considered the balanced market rate of 3%. And this isn’t just a Toronto and Vancouver story. Cities across the country are facing similar challenges. When the vacancy rate is above 3%, inflation-adjusted rents tend to flatten and go negative; when it drops below 3%, rents tend to climb (Jens von Bergmann, 2018).”*

Source: <https://www.desjardins.com/qc/en/savings-investment/economic-studies/short-term-rentals-dec-4-2023.html>

Desjardins (continued)

- “A significant amount of research has gone into determining the impacts of STRs on local housing markets.
- *Lee (2016)* found that in Los Angeles, rents in neighborhoods with high concentrations of STR listings increased 33% faster than rents citywide, even just a few years after Airbnb launched.
- *The City of New York (2018)* reported that the eight neighborhoods with the highest concentration of Airbnb listings experienced higher rent increases between 2009 and 2016. Rental rates in those neighborhoods rose by 1.58% for every 1% share of all residential units listed on Airbnb.
- *Barron, Kung and Proserpio (2020)* found that in the US, a 1% increase in Airbnb listings led to a 0.018% rise in rents and a 0.026% bump in home prices for zip codes with median owner occupancy rates. This was equivalent to annual increases of US\$9 in monthly rent and US\$1,800 in home prices at the median. Moreover, the total supply of housing was not impacted by the entry of Airbnb—implying that commercial STR investment did not drive additional construction. Instead, an increase in listings in the STR market meant a decrease in the supply of long-term rental units.
- *Cox and Haar (2020)* noted that in Barcelona, Airbnb drove up rents by 7% and property prices by 19%. Commercial investors accounted for an estimated 75% of listings.
- *Conference Board of Canada (2023)* found that there was a correlation between Airbnb activity and higher rents. A one percentage point increase in the share of Airbnbs was associated with a 2.3% increase in rents. While their methodology could not demonstrate a meaningful causal link between STRs and average rents, they found that the number of commercial STR units decreased by almost 50% after principal residence restrictions were introduced.
- *Wachsmuth (2023)* found that STRs removed almost 17,000 housing units from BC's long-term housing stock. Furthermore, a one percentage point increase in dedicated STR units in a neighborhood resulted in an average rent increase of \$49 per month.
- *Franco and Santos (2021)* found that on average, a one percentage point increase in the share of Airbnb listings resulted in a 3.7% increase in home prices in Portugal. In contrast, a recent literature survey (*AirDNA, no date*) found a small effect from STR on housing prices, often localized in tourist areas, and most likely to affect up-market assets and renters.

In summary, research has established that there is a relationship between the prevalence of STRs in a community and higher rents for LTRs. The impact on home prices is less well established, but the data points in the same direction. That means STRs are likely contributing to the erosion of housing affordability in Canada and around the world. The rise of STR platforms has had a significant impact on affordability and availability in housing markets around the world, removing units from the rental and resale markets. Regulations have been implemented to address these challenges, with mixed success. Effective future policies will require several key components: specific and measurable goals, sufficient financial and human resources to implement and enforce regulations, accountability from STR hosting platforms, and disclosure of detailed, non-aggregated data by hosting platforms. Only then can governments expect high rates of compliance. As hosting platforms evolve, STR policies aimed at non-principal residence units will need ongoing monitoring, evaluation and adaptation. This could help ensure the future stability of the long-term rental and housing markets in cities large and small nationwide.”

Source: <https://www.desjardins.com/qc/en/savings-investment/economic-studies/short-term-rentals-dec-4-2023.html>

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO. 1209/2024

AMENDING RESOLUTION 1206/2024 AUTHORIZING A REDUCED EXPENDITURE FROM THE INFRASTRUCTURE RESERVE FUND FOR ROAD PAVING

WHEREAS, the Town Highway Superintendent has recommended repair and repaving of certain Town roads; and

WHEREAS, the funds currently allocated in the Highway budget were insufficient to cover these improvements; and

WHEREAS, the Town Board determined that it is appropriate to use funds from the Town's Infrastructure Reserve Fund for this purpose; and

WHEREAS, the Town Board by Resolution 609/2024 authorized the expenditure of \$715,836 from the Infrastructure Reserve Fund for road repair and improvements in accordance with the Town's 284 Agreement; and

WHEREAS, the Town Board, by Resolution No. 1115/2024 increased the expenditure from the Infrastructure Reserve Fund for road repair and improvements in accordance with the Town's 284 Agreement to \$757,709.35; and

WHEREAS, the Town Board by Resolution No. 1205/2024 reduced the needed expenditure from the Infrastructure Reserve Fund to \$445,584.84

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby authorizes the reduced expenditure of up to \$445,584.84 from the Infrastructure Reserve Fund for road repair and improvements in accordance with the Town's amended 284 Agreement; and be it further

RESOLVED, that the Town Supervisor and Bookkeeper are authorized to take necessary actions to allocate such funds; and be it further

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on December 16, 2024 which resulted as follows:

Date: December 16, 2024

MOTION: _____

SECOND: _____

ROLL CALL:

AYE

NAY

Supervisor Albrecht

Councilwoman Chapman

Councilman Degan

Councilman Rifenburg

DRAFT

Town of Pleasant Valley Town Board
 Town Board Resolution No.: 1210/2024
 RE: Amending the 2024 General Fund Budget

WHEREAS, the Town Board of the Town of Pleasant Valley has an expenditure for the 2024 Adopted budget line items that will adjust the amounts in such Budget lines, and

WHEREAS, the Town Supervisor finds it necessary to amend the 2024 Adopted budget to meet this adjustment; and

RESOLVED, the Town Board of the Town of Pleasant Valley Hereby authorizes, empowers, and directs the Town Supervisor to amend the 2024 Adopted budget:

Expenses:

<u>Account</u>	<u>Department</u>	<u>Increase</u>
A.1010.4	Legislative Board - Conferences	\$ 700.00
A.1110.4	Justices- interpreter/conferences/supplies	\$ 1760.00
A.1355.4	Assessor – school & conference	\$ 120.00
A.1410.4	Town Clerk – Supplies	\$ 100.00
A.1420.452	Special Prosecutor	\$ 3000.00
A.1460.4	Records Management	\$ 900.00
A.1620.4	Repair & Maintenance	\$ 4400.00
A.1650.4	Contractual Expense	\$ 195.00
A.1670.4	Office Supplies -General	\$ 200.00
A.1910.4	Insurance – town	\$ 100.00
A.3510.440	Dog Control	\$ 800.00
A.6410.4	Publicity	\$ 200.00
A.8540.4	Misc	\$ 50.00
A.7110.2	Parks improvements	\$ 930.00
A.9010.800	State Retirement Fund-General	\$ 16,326.00
DA.9010.800	State Retirement Fund-Highway	\$ 20,747.00

Revenue:

<u>Account</u>	<u>Department</u>	<u>Increase</u>
A.2401	Interest & Earnings	\$29,781.00
DA.2401	Interest & Earnings	\$20,747.00

Motioned by: _____

Seconded By: _____

Date: December 16, 2024

Roll call:	AYE	NAY
Councilwomen Chapman	_____	_____
Councilman Degan	_____	_____
Councilman Rifenburgh	_____	_____
Supervisor Albrecht	_____	_____

Town of Pleasant Valley Town Board
 Town Board Resolution No.: 1211/2024
 RE: Amending the Helen Aldrich Park Project Budget

Whereas, the Town Board of the Town of Pleasant Valley has an expenditure for the Adopted budget for the Helen Aldrich Park Project line items that will adjust the amounts in such Budget lines, and

Whereas, the Town Supervisor finds it necessary to amend the Helen Aldrich Park Project budget to meet this adjustment; and

Resolved, the Town Board of the Town of Pleasant Valley Hereby authorizes, empowers, and directs the Town Supervisor to amend the Helen Aldrich Park Project budget:

Expenses:

<u>Account</u>	<u>Department</u>	<u>Increase</u>
H19.1440.400	Engineer Contractual Expense	9200.00

Expenses:

<u>Account</u>	<u>Department</u>	<u>Decrease</u>
H19.1440.200	Parks Capital Outlay	\$9200.00

Motioned by: _____

Seconded By: _____

Date: December 16, 2024

Roll call:	AYE	NAY
Councilwomen Chapman	_____	_____
Councilman Degan	_____	_____
Councilman Rifenburgh	_____	_____
Supervisor Albrecht	_____	_____

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 1212/2024

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 12 OF 2024

WHEREAS, the Town of Pleasant Valley Town Board has audited the bills presented by the Town Clerk and an abstract has been compiled; now therefore be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to pay all claims as follows:

1. Abstract 12 of 2024	Pre-Paids	\$ 6,144.72
2. Abstract 12 of 2024	General Fund Claims	\$ 87,809.74
3. Abstract 12 of 2024	ARPA Fund Claims	\$ 778,431.50
4. Abstract 12 of 2024	Highway Fund Claims	\$ 277,398.44
5. Abstract 12 of 2024	Ambulance	\$ 40,327.58
6. Abstract 12 of 2024	Light District	\$ 4,924.68
7. Abstract 12 of 2024	H20-New Town Hall	\$ 3,282.50

Total \$1,198,319.16

Sweeps from Checking Account

Paychex Time Clock Lease for Highway	\$ 120.00
JP Morgan Chase Credit Card Statement	\$ 1,914.70

MOVED: _____

SECOND: _____

Dated:

ROLL CALL:

AYE

NAY

Councilwoman Chapman

Councilman Degan

Councilman Rifenburgh

Supervisor Albrecht

TOWN OF PLEASANT VALLEY TOWN BOARD

TOWN BOARD RESOLUTION NO.: 1213/2024

RE: AUTHORIZING PAYMENT OF ABSTRACT NO. 12P OF 2024

WHEREAS, the Town of Pleasant Valley Town Board has audited the bills presented for consultant escrow fees as specified by Town Code § 82-15, §98-91, etc., by the Town Clerk, and an abstract has been compiled; now therefore be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to pay all claims as follows:

- | | | |
|---------------------------------------|---------------------------------|--------------------|
| 1. Abstract <u>12P</u> of 2024 | Planning/Zoning Escrow Invoices | \$ 5,920.00 |
| 2. Abstract 12P of 2024 | Planning/Zoning Escrow Refunds | \$ 2,000.00 |

MOVED: _____

SECOND: _____

DATED: Monday, December 16, 2024

ROLL CALL:	AYE	NAY
Councilwoman Adams	_____	_____
Councilman Degan	_____	_____
Councilman Rifenburgh	_____	_____
Supervisor Albrecht	_____	_____