

**Town of Andes**  
**Public Hearing**  
**April 12<sup>th</sup>, 2022 6:45PM**  
**Andes Town Hall and via Zoom**

**Present:**

Councilman Shayne Moshier  
Councilman Thomas Hall  
Supervisor Wayland 'Bud' Gladstone  
CEO/Building Inspector Alfred Mohr

Councilman Ritchie Gabriel  
Councilman Dale Cole  
Town Clerk Kimberly Tosi  
Highway Superintendent John Bouton

**Others:**

Peter Calvert-Andes Gazette  
Eric VanBenschoten  
Liz Ratto

Sally VanBenschoten  
Wilson Keenan  
Robert Abbate

**Others via Zoom:**

Vinny Lopez  
Jason Frank  
Pia Dehne  
Travis Balcom  
Asa Hammes

Cristina M. Rincon  
Mark Pezzati  
Ryann Holmes  
Bill Palmer  
(Participants titled) CMR and Supamakenzi

**Call to Order:**

The public hearing was called to order at 6:46PM.

**Public Comments/Questions:**

Cristina Rincon, owner of a rental property in Andes, spoke regarding the local manager section of the law being unfair and burdensome to the property owners who live out of town. Also stated that the manager is unnecessary and does not meet the stated goals of the proposed law.

Lengthy discussion took place regarding this including individuals personal experiences (Cited by Robert Abbate, Peter Calvert, Eric and Sally VanBenschoten and Vinny Lopez) with situations of property damage, out of control parties, flooding, lockouts, power outages, etc.

Wilson Keenan asked why the board would decide to regulate transient rentals, as it seems that issues are rare events.

Liz Ratto stated that the Town may wish to include contact information in the rentals house rules to prevent any issues with a manager.

Asa Hammes spoke regarding the implementation of the law being problematic and the difficulty of guaranteeing 24/7 access to owner or manager.

Supervisor Gladstone thanked everyone for their input and stated that if passed the local law can be amended at any time if issues are found in implementation.

The public hearing ended at 7:24PM.

**Town of Andes  
Regular Meeting  
April 12<sup>th</sup>, 2022 7:00PM  
Andes Town Hall**

**Call to Order:**

The meeting was called to order by Supervisor Gladstone at 7:24PM.

**Pledge:**

The pledge of allegiance was led and recited by Councilman Cole.

**Minutes:**

Motion to approve the March 2022 Regular Town Board Meeting Minutes, made by Councilman Moshier, Seconded by Councilman Hall. All in favor, Motion carried.

**Privilege of the Floor:**

N/A

**Reports:**

Supervisor's report

\*March 10<sup>th</sup>- I sent a letter to Senator Martucci asking for support to help Andes get cellular service.

\*March 16<sup>th</sup>- The potential gas station which has been spoken about in previous months is still in the works. The gentleman who is interested has been looking at prospective sites and has met with NYC DEP and will be meeting with NYS DEC in the coming weeks. All looks promising, more information will be made available as it is known.

\*April 5<sup>th</sup>- I received notice from NYS DEC regarding summer jobs available at the Little Pond State Campground. This information has been posted on our website.

\*April 10<sup>th</sup>- I received notification of the award of the request for \$3,000 from the County Tourism grant for the Kiosk upgrade, planned through the Streetscape Committee. The Andes Chamber also received an award.

\*I reached out to Sue McIntyre of Delaware County DPW regarding Air Brake certifications for the Highway employees. This is through the NYS DMV and she will be looking into the process for the Town.

\*I spoke with Scott Nowalk of NYS DOT regarding the direct inlets on State Route 28. They are keeping an eye on any build up in them and will clean out as necessary.

<b>Date Ck Rec'd</b>	<b>Check Details</b>	<b>Amount</b>
3/10/22	JCAP Grant	\$776.96
3/15/22	NYS CHIPS Reimbursement	\$473,569.72
3/16/22	Margaret Moshier, Tax Collector	\$148.57
4/4/22	Otsego Auto Crushers	\$196.04
4/5/22	Auctions International (Surplus sales)	\$8,350.00
4/5/22	Williams Lubricants (overpayment)	\$2,151.99
4/5/22	Margaret Moshier-Tax Collector	\$2,144.21
4/7/22	Thomas Joyce-Justice	\$879.00
4/7/22	Nicholas Burton-Justice	\$899.00

Respectfully,  
Wayland 'Bud' Gladstone, Supervisor

Highway Report  
(Attached)

\*Highway Superintendent Bouton spoke in regards to the repair of truck #328. To date, they have spent roughly \$8,000. The box is being repaired currently but will only last another year or two. Received a quote from Viking, for a 14' stainless steel box for \$56,628.10.

\*Attended a PESH meeting. The Town must ensure that the employees have proper boots when cutting brush and completing other work.

CEO/Building Inspector Report

CEO Mohr provided an oral report stating, for March 2022 10 permits were issued, 4 violations, and 5 municipal searches. This included two new homes and one major addition.

**Old Business:**

\*\*\*Clean Heating & Cooling Campaign

The Town of Andes is assuming a climate leadership role as it works to bring safe, energy-efficient heating to its homes and businesses.

Come to a "Lunch and Learn" webinar on **Wednesday, April 13<sup>th</sup> at noon**, and get your questions answered about clean heating and cooling options. In this presentation, you'll learn how efficient heat pump technology has become, the importance of proper insulation, and all about incentives and financing available to Andes residents.

Register here for this free Zoom call:

<https://www.eventbrite.com/e/heatsmart-delaware-tickets-258205819557>



**New Business:**

\*Town's Official Newspaper- Discussion took place regarding the steep increase of the prices of legal ads by The Reporter. Supervisor Gladstone will seek to negotiate these prices before any changes are discussed.

**Town Calendar:**

## April

<b>Date</b>	<b>Item</b>	<b>Department</b>
4/5	2021 Hauling Bids Due 12:00PM	Highway Superintendent/ Town Clerk
4/5	2021 Hauling Bids Opening 12:01PM	Town Clerk/Supervisor
4/11	Planning Board Meeting 7:00PM	Planning
4/12	Town Board Meeting 7:00PM	Town Board
4/12	Public Hearing Proposed Local Law "Transient Rentals" 6:45PM	Town Board
4/25	Zoning Board Meeting (if needed) 7:00PM	Zoning
4/30	April Water Bills Due	District Clerk

## May

<b>Date</b>	<b>Item</b>	<b>Department</b>
5/9	Planning Board Meeting 7:00PM	Planning
5/10	Town Board Meeting 7:00PM	Town Board
5/12	Sewer Bills Mailed	District Clerk
5/23	Zoning Board Meeting (if needed) 7:00PM	Zoning
5/30	Town Hall Closed Memorial Day	Building, Assessor, and Town Clerk

## June

<b>Date</b>	<b>Item</b>	<b>Department</b>
6/13	Planning Board Meeting 7:00PM	Planning
6/14	Town Board Meeting 7:00PM	Town Board
6/28	Primary Election 6:00AM-9:00PM	
6/27	Zoning Board Meeting (if needed) 7:00PM	Zoning

**Motions:**

Motion to approve the March 2022 Tax Collector, Town Clerk, Justices' and Supervisor's Financial Reports, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Motion carried.

Motion to authorize the reimbursement of up to \$150 per year for a pair of boots, which must meet the American Society for Testing & Materials (ASTM) Standard F2413, for each highway



employee upon furnishing a receipt and proper proof of the boots standard rating, made by Councilman Gabriel, Seconded by Councilman Hall. All in favor, Motion carried.

**Resolutions:**

Resolution 18 of 2022 Resolution to Confirm Participation in the Process of Developing a Nomination to Extend the Catskill Mountains Scenic Byway

WHEREAS, the Catskill Mountains Scenic Byway (CMSB), consisting of portions of State Routes 28, 214, and 42, spanning 58 miles and involving six municipalities, was signed into law by the Governor in 2015; and

WHEREAS, the Central Catskills Collaborative, comprised of representatives from each involved municipality, have worked together successfully to develop the scenic byway nomination and promote the region through numerous tourism and partnership efforts; and

WHEREAS, the CMSB Corridor Management Plan identifies the intrinsic values that comprise the special designation and includes recommendations to protect and enhance the historic, scenic, recreational, and cultural resources along the CMSB for economic benefit; and

WHEREAS, the CMSB, along with regional stakeholders have worked to strengthen cooperation and the scenic byway system in the Catskill Region; and

WHEREAS, the Towns of Roxbury, Hurley, and Middletown, and the Village of Margaretville have adopted resolutions to extend the scenic byway within their municipal jurisdictions; and financial support has been secured to pursue the planning process to meet state guidelines for a nomination to extend the scenic byway;

NOW, THEREFORE, BE IT RESOLVED that the Town of Andes supports extension of the CMSB within Roxbury, Hurley, Middletown, and will, through its Collaborative representatives advise and assist in the revision of the CMSB Corridor Management Plan, which will be put forth for a nomination to extended CMSB on Route 30 in the Towns of Roxbury and Middletown and the Village of Margaretville; and on Route 28 in the Town of Hurley.

Proposed by: Councilman Moshier  
Seconded by: Councilman Hall

Roll Call:

Councilman Cole---Aye

Councilman Moshier---Aye

Councilman Hall---Aye

Councilman Gabriel---Nay

Supervisor Gladstone---Aye

Resolution 19 of 2022 Hauling Bids (2022)

Be it resolved, that the Andes Town Board hereby accepts the following bids:

1.) BANK RUN GRAVEL, SCREENED GRAVEL, SCREENED SAND, CRUSHED GRAVEL, AND COBBLES HAULING ONLY (STOCKPILE & MAINTENANCE)

Price per yard delivered to the Town of Andes Tremperskill Pit and/or site from Clark Companies-Rowman Pit, Bloomville, NY

**DG Construction \$12.50/yard**

2.) BANK RUN GRAVEL, SCREENED GRAVEL, SCREENED SAND, CRUSHED GRAVEL, AND COBBLES HAULING ONLY (PUBLIC WORKS PROJECTS) \*Prevailing Wage must be paid. Price per yard delivered to the Town of Andes Tremperskill Pit and/or site from Clark Companies-Rowman Pit, Bloomville, NY

**DG Construction \$12.50/yard**

3.) CRUSHER RUN HAULING ONLY (STOCKPILE & MAINTENANCE)

Price per ton delivered to the Town of Andes Tremperskill Pit and/or site from Carver Sand & Gravel- Ashland

**Gerster Trucking \$10.00/ton**

Price per ton delivered to the Town of Andes Tremperskill Pit and/or site from Carver Sand & Gravel- Schoharie

**Gerster Trucking \$12.25/ton**

4.) CRUSHER RUN HAULING ONLY (PUBLIC WORKS PROJECTS) \*Prevailing Wage must be paid Price per ton delivered to the Town of Andes Tremperskill Pit and/or site from Carver Sand & Gravel- Ashland

**Gerster Trucking \$12.65/ton**

Price per ton delivered to the Town of Andes Tremperskill Pit and/or site from Carver Sand & Gravel- Schoharie

**Gerster Trucking \$14.90/ton**

5.) Tri-axle dump truck with operator on an hourly basis, minimum of 15 yard box

**DG Construction \$140/hour**

Proposed by: Councilman Gabriel

Seconded by: Councilman Hall

Roll Call:

Councilman Cole---Aye

Councilman Moshier---Nay to #4

Councilman Hall---Aye

Councilman Gabriel---Aye  
Supervisor Gladstone---Aye

#### Resolution 20 of 2022 Coalition of Watershed Towns Ballot

BE IT RESOLVED, that the Andes Town Board hereby authorizes Supervisor Gladstone to complete the ballot on behalf of the Town of Andes for the Executive Committee of the Coalition of Watershed Towns

Proposed by: Councilman Hall  
Seconded by: Councilman Gabriel

Roll Call:  
Councilman Cole---Aye  
Councilman Moshier---Abstain  
Councilman Hall---Aye  
Councilman Gabriel---Aye  
Supervisor Gladstone---Abstain

#### Resolution 21 Of 2022 Planning Board Member

Be it resolved, that the Town Board of the Town of Andes, hereby appoints Katherine “Cricket” Keys to serve as Member of the Planning Board with a term of April 12<sup>th</sup>, 2022 to December 31<sup>st</sup>, 2025.

Proposed by: Councilman Hall  
Seconded by: Councilman Cole

Roll Call:  
Councilman Cole---Aye  
Councilman Moshier---Aye  
Councilman Hall---Aye  
Councilman Gabriel---Aye  
Supervisor Gladstone---Aye

#### Resolution 22 of 2022 Advertisement of Resolution 13 of 2022 Sale of 29467 State Highway 28, Andes, NY for Permissive Referendum

Be it resolved by the Town Board of the Town of Andes to accept the bid of \$80,000.00 from TAB Construction for the purchase of the Town property at 29467 State Highway 28, Andes, NY (tax map number 238.-1-22) as is and to authorize the Town Attorney to prepare a quit claim deed and to authorize the Supervisor to close on the property. Closing costs are to be paid by the bidder.



Proposed by: Councilman Gabriel  
Seconded by: Councilman Moshier

Roll Call:

Councilman Cole---Aye  
Councilman Moshier---Aye  
Councilman Hall---Aye  
Councilman Gabriel---Aye  
Supervisor Gladstone---Aye

**Local Law:**

Resolution 23 of 2022 A Local Law titled “Local Law No. 1 of 2022: Transient Rental Regulations”

In the Matter of the Adoption of Local Law No. 1 of 2022 entitled “Local Law No. 1 of 2022: Transient Rental Regulations”

WHEREAS, the Town Board has reviewed and considered the proposed Local Law No. 1 of 2022;

WHEREAS, the Local Law was presented to the Town Board at least 10 days prior to the Town Board meeting on April 12<sup>th</sup>, 2022;

WHEREAS, the public hearing on the proposed Local Law was held on April 12<sup>th</sup>, 2022 at 6:45PM at the Town Hall and Via Zoom;

WHEREAS, the Town Board reviewed and considered all public comments received on the proposed Local Law;

WHEREAS, the proposed Local Law was on file for inspection at the Town Clerk’s office prior to the hearing and during the public review process;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANDES, DELAWARE COUNTY, NEW YORK:

THAT THE Town Board of the Town of Andes hereby determines that proposed Local Law No. 1 of 2022, attached hereto and made a part hereof, is hereby adopted as a Local Law entitled “Local Law No. 1 of 2022: Transient Rental Regulations”; and

IT IS FURTHER RESOLVED, that the Town Clerk is hereby directed to take such actions as are necessary to implement this resolution and effect adoption of the Local Law

Proposed by: Councilman Moshier

Seconded by: Councilman Hall

Roll Call:

Councilman Cole---Aye

Councilman Moshier---Aye

Councilman Hall---Aye

Councilman Gabriel---Aye

Supervisor Gladstone---Aye

**Approval of Bills:**

Motion to approve General Warrants #72-105 totaling \$55,786.75

Highway Warrants #71-109 totaling \$40,055.72

CHIPS Warrants #6-20 totaling \$96,402.92

WWTP Warrants #39-47 totaling \$29,686.43

Water Warrants #21-27 totaling \$2,715.34, made by Councilman Hall, Seconded by Councilman Gabriel. All in favor, Motion carried.

**Districts:**

**Water-**

**Sewer-**

**Public Comment/Questions:**

Mr. Calvert thanked Highway Superintendent Bouton for the highway department's clearing of the roads this winter. He also commented that the clearing of the bridges in the hamlet was better than previous years.

**Executive Session:**

**RE: Union**

Motion to enter executive session made by Councilman Hall, Seconded by Councilman Moshier. All in favor, 8:08PM

Motion to exit executive session made by Councilman Gabriel, Seconded by Councilman Moshier. All in favor, 8:48PM

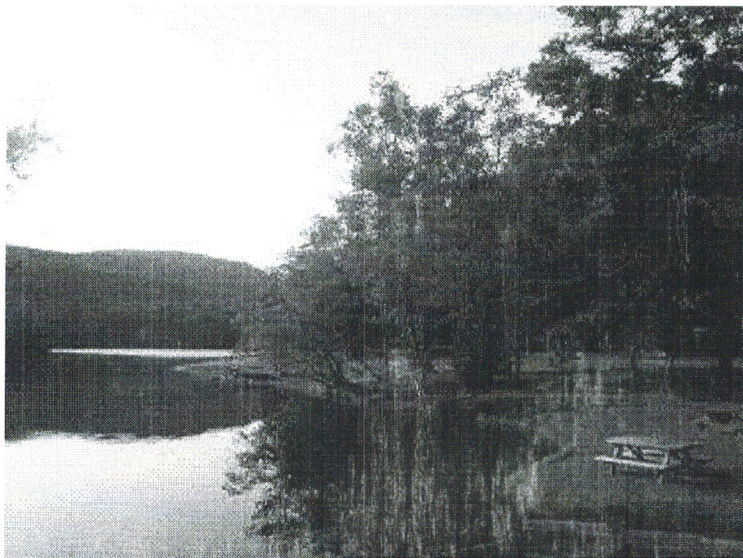
**Adjourn:**

Motion to adjourn made by Councilman Moshier, Seconded by Councilman Hall. All in favor, 8:49PM.



# SUMMER JOBS AT NYSDEC!

## Little Pond State Campground



**For More Information, Please Contact:**

**Lisa Jensen (607) 652-2032 or (518) 589-5956**  
**[Lisa.Jensen@dec.ny.gov](mailto:Lisa.Jensen@dec.ny.gov)**

### AVAILABLE POSITIONS

**Facility  
Supervisor -**

**\$21.24/hr**

**Assistant  
Supervisor -**

**\$17.98/hr**

**Park  
Worker -**  
**\$16.75/hr**

**POSITIONS  
RUN MAY -  
OCTOBER**

**ON SITE  
HOUSING  
AVAILABLE**



Department of  
Environmental  
Conservation





## April Highway Report 2022

March consisted of plowing sanding. Checking roads taking care of brush clearing pipes.

I ordered crusher run for road maintenance most of it is now on site.

Weight limit signs have been placed on roads they will be removed when roads and ground dry up.

We are still working on cleaning out old shop. We worked on truck 328

April 1<sup>st</sup> spent day cleaning shop

On Sunday called in 4 people to plow and sand, Monday sand some cold spots along road.

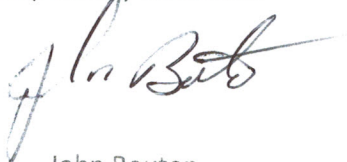
The men have been painting plows wings and boxes along with some trucks being taken apart for spring work.

8<sup>th</sup> repair roads from heavy rains on the night of the 7<sup>th</sup> 3 plus inches of rain recorded at the shop.

Most of our roads had some sort of damage. Repairs are being made.

We are now waiting on a few more parts for truck 328 that project is coming along well.

Respectfully submitted

A handwritten signature in cursive script, appearing to read 'John Bouton', written in dark ink.

John Bouton

Company/Name: DG Construction Service, LLC

1.) Hauling Materials from Clark Companies-Rowman Pit (Bloomville)-  
Stockpile \$12.50 / yard

2.) Hauling Materials from Clark Companies-Rowman Pit (Bloomville)-  
Public Works \$12.50 / yard

3.) Hauling Crusher Run from Carver Sand and Gravel (Ashland)-  
Stockpile No Bid

Hauling Crusher Run from Carver Sand and Gravel (Schoharie)-  
Stockpile No Bid

4.) Hauling Crusher Run from Carver Sand and Gravel (Ashland)-Public  
Works No Bid

Hauling Crusher Run from Carver Sand and Gravel (Schoharie)-Public  
Works No Bid

5.) Tri-axle dump truck with operator on a per hour basis

\$140 / hour

\*Please remember to include a copy of your insurance with this bid or it will be rejected.

Company/Name:

Gensler Trucking Inc

1.)	Hauling Materials from Clark Companies-Rowman Pit (Bloomville)- Stockpile	
2.)	Hauling Materials from Clark Companies-Rowman Pit (Bloomville)- Public Works	
3.)	Hauling Crusher Run from Carver Sand and Gravel (Ashland)- Stockpile	\$ 10.00 per ton
	Hauling Crusher Run from Carver Sand and Gravel (Schoharie)- Stockpile	\$ 12.25 per ton
4.)	Hauling Crusher Run from Carver Sand and Gravel (Ashland)-Public Works	\$ 12.65 per ton
	Hauling Crusher Run from Carver Sand and Gravel (Schoharie)- Public Works	\$ 14.90 per ton
5.)	Tri-axle dump truck with operator on a per hour basis	

\*Please remember to include a copy of your insurance with this bid or it will be rejected.



## **Local Law No. 1 of the Year 2022**

### **Transient Rental Regulations**

**BE IT ENACTED** by the Town Board of the Town of Andes, as follows:

**Section 1 – Purpose:** With the increase in tourism over the past several years in the Town of Andes and adjacent areas, there has been an increase in the number of property owners renting to tourists on a transient basis. The following local law imposes mandatory requirements on all Town of Andes property owners that desire to rent on a transient basis. The purpose of such requirements is to protect the property owners, occupants of such housing and the residents of the Town of Andes.

**Section 2 – Authority:** This local law is enacted pursuant to the provisions of the Municipal Home Rule Law and the Town Law of the State of New York.

**Section 3 – Title:** The title of this local law shall be “Local Law No. 1 of the Year 2022: Transient Rental Regulations.”

**Section 4 – Definitions and Application:** As used in this local law:

- a) Bedroom: Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.
- b) Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c) Local Manager: The person specifically named on the application and permit who is responsible for the day to day operation of the Transient Rental Unit (as defined below), and who may be contacted, day or night, if there is a problem at the Unit. The local manager may be either the owner or an agent of the owner. The local manager must reside within thirty (30) miles of the Transient Rental Unit.
- d) Non-Resident Owners: Owners whose primary residence is further than twenty (20) miles from the Transient Rental Unit.
- e) Parking Space: A parking space is an area at least ten (10) feet by twenty (20) feet with direct access or legal right-of- way to a public street or highway, intended for the temporary storage of motor vehicles. Off street parking shall not be utilized for any RV parking or camping unit during the permit period.
- f) Transient Rental Unit: Any dwelling unit that is rented or leased for a period of thirty (30) days or less shall be considered a Transient Rental Unit. Motels, hotels and bed & breakfasts are excluded from this definition.
- g) Renewal Applications: The process by which an owner of a dwelling unit that received a transient rental permit the previous year may apply for the short-term rental permit for the next

consecutive year. A renewal application will be accepted only when the applicant can document receipt of a transient rental permit the previous year.

- h) Sleeping Room: An interior room other than a bedroom having at least one operable window and furnishings that may serve to afford sleep to a person; however, sleep shall not be the primary function of the room. Examples include a living room, family room, den or great room furnished with a futon or convertible couch.

**Section 5 – Authorization:** The Town Board of the Town of Andes (‘Town Board’) authorizes the Town of Andes Code Enforcement Officer (‘CEO’) to issue permits to property owners to operate Transient Rental Units according to the provisions of this local law. Applications for a permit to operate a Transient Rental Unit shall be processed under the procedures set forth in this local law. In the event the CEO is unavailable to perform any of the requirements of this local law, the Town Board may appoint the Code Enforcement Office of a neighboring municipality to perform such functions.

**Section 6 – Application:** All property owners desiring to rent or lease on a transient basis must comply with the regulations of this local law. However, nothing in this local law shall alter, effect, or supersede any regulations or requirements of the Town of Andes Zoning Ordinance, any regulations or requirements imposed by the County of Delaware, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

**Section 7 – Fee:** A nonrefundable permit fee set by Town of Andes Town Board for each Transient Rental Unit shall be submitted with each new application and each annual renewal application. The amount of such permit fee may be changed from time to time by resolution of the Town Board.

**Section 8 – Application Forms:** Applications for a permit to operate a Transient Rental Unit shall be available from either the Town Clerk or the Code Enforcement Officer. Applicants must file a separate application and tender a separate application fee and obtain a separate permit for each dwelling unit to be used for transient rentals.

**Section 9 – Application Process:**

- a) The initial permit application to operate a Transient Rental Unit shall be submitted to the Town of Andes Town Clerk along with the application fee. The applicant shall be notified of any additional information required within twenty (20) days of receipt of the application and application fee.
- b) The initial permit application must include the following:
  - 1) Contact information: The names, addresses and day and night telephone numbers of the property owner and local manager must be included on the application. The contact information for the local manager may be made public as part of a municipally-maintained database.



- 2) Parking: The number of off street parking spaces must be indicated on the application. Off street parking shall be provided to accommodate the occupancy of the structure. Vehicles shall not be parked on lawns, nor shall they be parked at a private, off-premise location without express written permission of the property owner. Such written permission must be provided along with the application. Any vehicles parked along the New York State highway will be subject to winter-related parking restrictions as per New York State Department of Transportation.
  - 3) Occupancy: The occupancy level will be indicated on the application. Occupancy of the entire premises is limited to no more than two persons over the age of two per bedroom, unless further restricted by fire and safety codes. The CEO may also limit the number of occupants in a specific dwelling unit based on the number, size, configuration, and furnishings of the bedrooms and sleeping rooms, and according to the provisions of state laws.
  - 4) Description: Either a floor plan or a written indication of the number of bedrooms, bathrooms, and kitchens associated with the property.
  - 5) House rules: The applicant shall submit a copy of the house rules. At a minimum, house rules must contain the contact information for all emergency services and the local manager; plus information concerning relevant local laws.
  - 6) Jurisdiction: If a property owner does not reside in the Andes area, then he or she must designate a Local Manager as an agent for the purpose of conferring criminal jurisdiction to the local criminal court upon the property owner. Service of an appearance ticket as defined in the New York State Criminal Procedure Law upon the Local Manager, as agent, shall constitute good and sufficient service as if the property owner had been personally served within Delaware County.
  - 7) Insurance and Bed Tax: Applicant shall provide proof of liability insurance coverage and a bed tax identification number.
- c) Upon receipt of the application and fee, the Town Clerk shall refer the application to the CEO to determine if the applicant has complied with all of the requirements of this local law. If the applicant has fully complied, then the CEO shall issue the property owner a transient rental permit. However, if an applicant is required to obtain any other permits required by the Town of Andes, County of Delaware, or State of New York in order to rent or lease their dwelling unit on a transient basis, then the CEO shall not issue the applicant a permit under this local law without sufficient proof that such other requirements imposed by the Town of Andes, County of Delaware, or State of New York have been satisfied. The CEO shall have forty-five (45) days to determine whether the applicant has complied with the requirements of this law. Failure of the CEO to act within forty-five (45) days shall constitute an approval unless the applicant and the CEO mutually agree to extend this time limit.
- d) Renewal Permits: To obtain a renewal permit, the applicant will provide the Town of Andes with (i) an affidavit that no change has taken place to the dwelling unit that would affect its eligibility to operate as a Transient Rental Unit; or (ii) an amendment to the initial application



that sets forth any changes to the original underlying application for a Transient Rental Permit, together with such required additional documentation as determined by the CEO, along with the current application fee. The applicant will be notified within twenty (20) days of any required additional information. If the applicant has fully complied with the above, the CEO shall issue a permit to operate a Transient Rental Unit. Any applicant who applies for a Transient Rental Permit, and did not hold a permit for the immediate prior year, shall be considered an initial applicant and not a renewal applicant.

**Section 10 - Inspections:** Each unit shall be inspected by the CEO to determine fire and safety code compliance. Proof of inspection in the form of the certificate of compliance must be included with the application form.

**Section 11 – General Permit Regulations:**

- a) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.
- b) The permit to operate a short-term rental unit in any given year will expire on December 31.
- c) A permit for operation of a Transient Rental Unit may be assigned, pledged, sold or otherwise transferred to any other persons, businesses, entities or properties upon written notification to the CEO, indicating the name, address and telephone number of the new owner and local manager, if applicable, proof of insurance and bed tax number, as well as certification that the balance of the information required under Section 9(b) has not changed.
- d) All Transient Rental Units shall have posted on or about the inside of its front or main door a card listing emergency contact information. Such information shall include, but not be limited to: the name, address and phone number of the building owner, if local, or a local manager, who will be available for problems or emergencies that may arise, and instructions on dialing 911 for emergency/fire/ambulance assistance. A local agent shall be able to arrive at the Transient Rental Unit in person within forty-five (45) minutes of being notified an emergency.
- e) All applicants, both renewal and new, must notify, in writing, via regular first class mail, all property owners within a 200-foot radius of the proposed Transient Rental Unit and must include in such notification the name, phone numbers and addresses of the property owner and local manager, if any, who will be available for problems or emergencies that may arise and whom neighbors may contact in the event of complaints or problems with the Transient Rental Unit. This will not serve as an official complaint.
- f) In all zoning districts, no person or persons may be housed separately or apart from the Transient Rental Unit in any tent, trailer, camper, lean-to, recreation vehicle or non-dwelling unit.

**Section 12 - Complaints:**

- a) Complaints regarding the operation of a Transient Rental Unit shall be in writing and shall be delivered to the Code Enforcement Officer.

- b) In the event of a complaint alleging violation of this Local Law, the CEO shall investigate to determine the presence of a violation. Upon finding to his or her satisfaction that a violation was or is currently occurring, the CEO shall issue to the Transient Rental Unit owner and the local manager a notice detailing the alleged violation(s) as determined by the CEO. Such notice shall also specify what corrective action is required, and the date by which action shall be taken.
- c) Notices required by this section shall be issued by the CEO either by personal service to the owner or the local manager, or by certified mail to the address of the property owner or local manager as shown on the permit application.
- d) If the landowner does not comply with corrective action by the date given by the CEO, the Town of Andes may initiate procedures to revoke the permit, or the Town of Andes may begin a criminal action against the property owner or pursue any other relief permitted by law.

### **Section 13 – Violations:**

- a) Any person or entity found to be renting or leasing a Transient Rental Unit without a permit issued shall be in violation of this law.
- b) The CEO shall issue a ticket to any dwelling unit owner that, after having been notified of non-compliance, fails to become compliant with this Local Law by the end of the time period set by the CEO. In the event the health and safety of individuals are at risk, the CEO shall take immediate action to rectify the violation, including but not limited to, initiating proper legal steps to discontinue the operation of said Transient Rental Unit and the removal of the occupants from the premises until such time the violation is rectified.
- c) A violation of this local law is an offense punishable by a fine not exceeding three hundred fifty dollars (\$350.00), for conviction of a first time offense.

Conviction of a second offense committed within a period of five years of the first offense, is punishable by a fine not less than three hundred fifty dollars (\$350.00) and not more than seven hundred dollars (\$700.00).

Conviction of a third or subsequent offense committed within a period of five years of the first offense is punishable by a fine not less than seven hundred dollars (\$700.00) and not more than one thousand dollars (\$1,000.00).

For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- d) Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this chapter shall also be subject to a civil penalty of not more than \$500, to be recovered by the Town of Andes in a civil action.

- e) In the event that the Town of Andes is required to take legal action to enforce this chapter, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the dwelling unit.

**Section 14 – Enactment:** This Local Law shall take effect immediately.

**Section 15 – Severability:** If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.



# CEDARWOOD ENVIRONMENTAL SERVICES

PO Box 1360, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

**TOWN OF ANDES, NY  
TOWN BOARD MEETING  
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES Ja  
March 10, 2022**

**1. Water System**

Daily usage of treated water from the water system averaged 41,800 gallons per day for the month of February 2022.

**2. Plant Purchases**

**3. O&M**

Changed some filters in February 2022.

**4. Equipment**

**5. Distribution System**

Clark Construction \$2000.00 for work done at 246 Delaware Ave.

**6. Library Well**

Ran well on February 1-3, 2022..

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**TOWN OF ANDES, NY  
TOWN BOARD MEETING  
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES  
April 8, 2022**

**1. Water System**

Daily usage of treated water from the water system averaged 39,500 gallons per day for the month of March 2022.

**2. Plant Purchases**

**3. O&M**

Changed some filters in March 2022.

**4. Equipment**

**5. Distribution System**

**6. Library Well**

Ran well on March 25, 2022..

# **CEDARWOOD ENVIRONMENTAL SERVICES**

PO Box 1360, Oneonta NY 13820 • Phone 607-441-3246 • FAX 607-441-3251

## **TOWN OF ANDES, NY TOWN BOARD MEETING REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES March 10, 2022**

### **1. WWTP Plant**

Plant effluent flow averaged 67,000 gallons per day (gpd) for the month of February 2022.

### **2. SPDES Compliance/NYSDEC, NYCDEP**

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in violation of permitted average daily flow of 62,000 gpd with our average daily flow of 67,000 gpd for February 2022..

### **3. Collection System.**

Still inflow and infiltration (I&I) issues.

### **4. Plant Purchases.**

### **5. Plant O&M**

All running well.

### **6. Plant Equipment**

### **7. Gladstone Hollow Septic System**



# CEDARWOOD ENVIRONMENTAL SERVICES

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**TOWN OF ANDES, NY  
TOWN BOARD MEETING  
REPORT BY CEDARWOOD ENVIRONMENTAL SERVICES  
April 8, 2022**

**1. WWTP Plant**

Plant effluent flow averaged 56,000 gallons per day (gpd) for the month of March 2022.

**2. SPDES Compliance/NYSDEC, NYCDEP**

The plant discharges treated effluent to the Tremper Kill Brook. The WWTP was in compliance for March 2022.

**3. Collection System.**

Still have inflow and infiltration (I&I) issues.

**4. Plant Purchases.**

**5. Plant O&M**

All running well.

**6. Plant Equipment**

**7. Gladstone Hollow Septic System**