

DONNA AKERLEY

*Town Clerk, Registrar
Tax Collector
and Marriage Officer*

www.townoffallsburg.com



TOWN CLERK'S OFFICE
TOWN OF FALLSBURG

P.O. Box 2019
19 Railroad Plaza
South Fallsburg, New York 12779
Phone: (845) 434-8810 Ext. 1
Fax: (845) 434-8809

Monday, November 8, 2021
6:00 pm

Town of Fallsburg Town Board
Legislative Meeting
Community Center, 12 Laurel Avenue,
South Fallsburg, New York 12779

<https://www.google.com/maps/search/12+Laurel+Avenue,+South+Fallsburg,+New+York+12779?entry=gmail&source=g>

Following COVID-19 guidelines;

The public may participate via Zoom or be present at the Community Center.

Face masks are required and social distancing guidelines set forth by the Town of Fallsburg while present at the Community Center.

This meeting will also be available as follows:

Link to be posted to main page of website: www.townoffallsburg.com

Join Zoom Meeting

<https://zoom.us/j/548420343>

Meeting ID: 548 420 343

One tap mobile

+19292056099, 548420343# US (New York)

Present:

Supervisor Steven Vegliante
Councilperson Nathan Steingart
Councilperson Mike Weiner
Councilperson Joe Levner
Councilperson Rebecca Pratt

Town Clerk Donna Akerley
Attorney for the Town Paula Kay
Supervisor's Secretary Melissa Melko
Comptroller Scott DuBois
Code Enf. Officer Mollie Messenger

Salute to the Flag:

BY: Supervisor Vegliante

Supervisor's Report:

By Supervisor Vegliante: "I am pleased to announce to the public that for the second year in a row we have been able to present a zero increase of our budget. All of our departments are starting to transition into winter mode. Our Highway Department is getting ready for snow and ice control. Our parks are closing down and our golf courses are shuddering their operations as well but will remain open weather permitting. I would remind everyone that overnight parking rules are being enforced once again.

Liaison's Reports:

BY: Councilperson Levner: "I want to wish all the Veterans out there a Happy Veterans Day this Thursday. Thank you for your service. Don't forget to thank a Vet.

Supervisor Vegliante stated that several of us were at the Veterans Day parade in Woodbourne this past weekend. They always do a very nice job with the parade and ceremonies at the Fire House. I would like to recognize them publically and to thank them for putting on this event each year.

Correspondence:

By Town Clerk Donna Akerley and attached to the official filing of these minutes.

Citizens' Comments:

***** Under discussion portion of these minutes *****

Operations

Motion #270

Motion to approve Meeting Minutes dated:

August 23, 2021,
October 18, 2021.
October 25, 2021
November 1, 2021.

Motioned by Councilperson Pratt, Seconded by Councilperson Steingart

Motion Carried 5 AYES

Motion #271

Motion to authorize Supervisor Vegliante to sign the agreement between the Town of Fallsburg and the Humane Society of Middletown, Inc. for the period beginning January 1, 2022 and ending December 31, 2022

Motioned by Councilperson Weiner, Seconded by Councilperson Pratt

Motion Carried 5 AYES

Motion #272

Motion to authorize Supervisor Vegliante to sign Axon Enterprise Inc. agreement for a 5 year agreement to a Body Camera and Taser lease agreement.

Motioned by Councilperson Steingart, Seconded by Councilperson Pratt

Motion Carried 5 AYES

Motion # 273

Motion to extend the Grandview Palace Public Hearing written comment submission period until January 25, 2022

Motioned by Councilperson Weiner, Seconded by Councilperson Steingart

Motion Carried 5 AYES

Personnel:

Motion #274

Motion to approve Timothy Douglas as the position of Full-Time Laborer II, Non-CDL in the Water Department effective October 25, 2021

Motioned by Councilperson Steingart, Seconded by Councilperson Levner

Motion Carried 5 AYES

Finance:

Motion #275

Motion to approve Warrant #11A21 dated November 3, 2021 in the amount of \$221,339.31.

Motioned by Councilperson Steingart, Seconded by Councilperson Levner

Motion Carried 5 AYES

Motion #276

Motion to approve Warrant #1121 dated November 3, 2021 in the amount of \$110,320.21.

Motioned by Councilperson Pratt, Seconded by Councilperson Steingart

Motion Carried 5 AYES

Motion #277

Motion to Adopt the Final 2022 Town of Fallsburg Budget

Motioned by Councilperson Steingart, Seconded by Councilperson Weiner

VOTE POLLED

Supervisor Vegliante	AYE
Councilperson Steingart	AYE
Councilperson Weiner	AYE
Councilperson Levner	AYE
Councilperson Pratt	AYE

Motion Carried 5 AYES

Discussion:

Discussion relative to Possible Revocation of STR (Short Term Rental) Agreement for 14 Dogpatch Road, South Fallsburg; SBL#: 56.-1-34.16.

COMMENTS:

**** Supervisor Vegliante opened the discussion and invited any interested parties to speak regarding same as follows. ****

Attorney Paula Kay stated the revocation wouldn't be an act of the Board. This Town Board will make a recommendation to the Code Enforcement Officer and the Code Enforcement Officer may revoke the short term rental privilege.

Attorney Ivan Kalter stated that he was not aware this was an evidentiary hearing but does have two witnesses to speak. I was under the impression that the hearing was closed.

Attorney Paula Kay stated that essentially the Town Board revoked the privilege of your client to rent the property under our Air B & B Law. Tonight your client was to come back in and provide whatever evidence you had and then this Board would make a final recommendation to the Code Enforcement Officer. Essentially the hearing was closed but this Board wanted to give your client the ability to speak again before final action was recommended to the Code Enforcement Officer. There are also members of the public here and we think it is important to hear from them.

Attorney Ivan Kalter stated that he has foiled the records and currently has copies of police reports and other documents relating to the complaints against his client. Since I was not present at the previous hearings I am unaware of what testimony was given. He is however aware that there were significant code violations in the past and I also know that those violations were substantially cured. It was my intent for my client to discuss measures for remediation going forward.

Attorney Paula Kay reminded everyone that the permit is an annual one and the end of this year is approaching soon. The whole process starts again at the beginning of January.

Supervisor Vegliante stated that we have pictures and police blotters and a lot of other items of evidence provided here. This was a final opportunity for Mr. Rabinowich to provide us with anything he wanted before we make our recommendation to the Code Enforcement Office.

Mr. Rabinowich stated he first acquired this property in 2017. He stated that he unfortunately got divorced and decided to rent the property. He stated that he did not personally solicit advertisements to rent; rather a sales agent took the liberty to write up something for nine or ten bedrooms. He stated that Greg did an inspection even before the first meeting and I passed. He stated that he rents whatever the number of bedrooms and occupancy he allowed to under the law.

Discussion back and forth between Mr. Rabinowich and Attorney Ivan Kalter was conducted in an effort to determine what has been happening at the property address in question.

Code Enforcement Officer Mollie Messenger stated the problem is that the reason Mr. Rabinowich is here again is because there are continual code violations. This is a pattern which is well documented. There is an extensive file.

Attorney Paula Kay stated that the Town Board and the Code Enforcement Office is not only looking at the rights of the neighbors to be free of this type of situation but also to the protection of the tenants. If there are code violations and health and safety issues; that is a significant issue.

Supervisor Vegliante stated that he is happy to once again adjourn this hearing for another meeting and give Mr. Rabinowich and his Attorney another opportunity to speak with Greg from the Code Enforcement office at that meeting to go over all the documents in the file. I will happily give you this time to also have it re-inspected.

Councilperson Steingart stated that we have only met Mr. Rabinowich a few times and from my perspective he hasn't owned up to any of the issues presented to him. He keeps making excuses that it is everyone else's fault but his own. It is very difficult for me to have any confidence after all this time for him to make any remediation for anything because of his lack to own up to any of the issues. We have many other rentals in the Town and this one in particular stands out like a sore thumb.

Attorney Paula Kay stated that it seems there is a consistent pattern going on here which is disturbing. Mollie has records upon records of issues at this property. Noise is only one of those issues.

Attorney Ivan Kalter stated that he can come up with some legal practices like drawing up an official contract so that clients would be held to its contents. I can also envision a contact person who would handle all complaints and be in contact directly with Mr. Rabinowich so he has an opportunity to contact the tenants and have them either removed or controlled in some way.

Johnathan Jacobs stated that he has been associate manager of this property for the last eight months or so. I see the owner making efforts on the Code Enforcement Level trying to fix things.

Councilperson Levner asked for the records where Mr. Jacobs resides.

Mr. Jacobs stated that he lives 260 Lake Street. My son has a house which is sort of across the street and I stay there because of my leg problems.

Councilman Weiner asked Mr. Jacobs how long he has been employed by Mr. Rabinowich.

Mr. Jacobs stated approximately eight or ten months.

Moshe Friedman stated this is the first time I have seen anyone on this board and I know there is a history of problems but there is a hostility to the point where I don't think you are listening to what is going on. The point is it seems there was negligence a long time ago. As far as I know, behind closed doors Mr. Rabinowich is very concerned about these issues. He does not want to be in this situation. I think the board is not really hearing that there is a change. There is a lot of hostility because of the neighbors but, understand that he's not just talking, there are real efforts to stop it.

Supervisor Vegliante asked Mr. Friedman if in the first week of August he was managing the property. We received a complaint from Colleen Brown with a lot of pictures that showed a propane tank in the kitchen, a bed next to a hot water heater with a piece of wood against it, broken refrigerator with food in it, cracked table, a broken panel with wood on it under the tub, open holes leading to electrical wires, no smoke detector in the basement and other things. I bring this up to say that this is not just about noise, this is about public safety. This is about neighbors being able to enjoy their homes just like we all want to enjoy our own. I understand that Air B & B is a big part of the economy up here and we support it. This is a pattern and a problem from our records going back three years. The only time it really ended was from August 4th when we began this action.

Mr. Friedman stated yes he was but he was a little bit in and out.

Councilperson Levner asked Mr. Friedman where he resided.

Mr. Friedman stated that he lives in Pinewood Estates.

Ruth Stratton stated that she finds it hard to believe that the owner has no knowledge of the problems going on at this property. She went on to express her concerns over the noise and safety issues that have been going on at this location for years which has created an unbearable living environment for the surrounding property owners. She is greatly concerned about the safety of the tenants who rent this property as well.

Perry Stratton asked for an apology for being called a Taliban at the last meeting. Also he heard that Attorney Ivan Kalter state that he would start drawing up a contract but he thought that the property owner already had a contract with the renters.

Supervisor Vegliante thanked everyone for their input and stated that this hearing will be adjourned until Monday, November 22, 2021 at the end of the night's meeting agenda for final discussion before the Town Board makes their official recommendation to the Code Enforcement Office. During this time he suggests the owner get together any remaining materials he wishes to present and to also make arrangements with the Code Enforcement Office for another inspection.

EXECUTIVE SESSION:

7:04 p.m. Motion to enter into Executive Session as set forth in Public Officers Law

Sec. 105 (1) regarding: **Two Personnel Matters and a Pending Litigation issue.**

**** Supervisor Vegliante stated that he does not expect to return for further business. ****

Motioned by: Councilperson Steingart, Seconded by: Councilperson Levner

7:52 p.m. Motion to adjourn Executive Session

Motioned by: Councilperson Pratt, Seconded by: Councilperson Weiner



Donna Akerley, Town of Fallsburg Town Clerk