



VILLAGE OF COLONIE

VILLAGE HALL
2 THUNDER ROAD
COLONIE, NY 12205
(518) 869-7562 FAX (518) 464-0389

JAMES M. RUBINO
MAYOR

villagehall@colonievillage.org
www.colonievillage.gov

FRANK A. PREVRATIL
DEPUTY MAYOR

PATTY SCHWARZ LOCKART
TRUSTEE

JASON M. DEPAULO
TRUSTEE

MARK STEVENS
TRUSTEE

JAMIE L. BLOT
VILLAGE CLERK

**NOTE: THERE IS A PUBLIC HEARING TAKING PLACE PRIOR TO THE
REGULAR BOARD MEETING WHICH WILL BEGIN AT 6:30 P.M. FOR
RESOLUTION 2026-40 "PURCHASE OF AIR PACKS FROM CAPITAL
RESERVE – FIRE EQUIPMENT FUND"**

**MEETING OF THE MAYOR AND BOARD OF TRUSTEES
AGENDA
MONDAY, AUGUST 3, 2026
6:30 P.M.**

6:30 p.m. Mayor opens the meeting – pledge of allegiance – Exit signs noted

ROLL CALL

Mayor Rubino
Deputy Mayor Prevratil
Trustee Lockart
Trustee DePaulo
Trustee Stevens

MINUTES

1. Regular meeting minutes 7/20/2026
2. Public hearing minutes 7/27/2026

NEW BUSINESS

1. Vote on Local Law #2 of 2026 "A local law repealing and replacing chapter 133 of the code of the Village of Colonie, entitled Hotels and Motels"
2. Vote on Resolution 2026-40 "Purchase of air packs from capital reserve – fire equipment fund"



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MINUTES

MINUTES OF THE MAYOR AND BOARD OF TRUSTEES MONDAY, JULY 20, 2026 6:30 P.M.

The meeting of the Mayor and Board of Trustees was held on Monday, July 20, 2026, at 2 Thunder Road, Albany, NY 12205. Mayor Rubino opened the meeting at 6:30 p.m. with the Pledge of Allegiance.

Roll Call:	Mayor Rubino	Present
	Deputy Mayor Prevratil	Present
	Trustee Lockart	Present
	Trustee DePaulo	Excused
	Trustee Stevens	Present
	Clerk Blot	Present

Minutes of the regular meeting held on July 6, 2026, were reviewed by the present members of the board.

A motion was made by Deputy Mayor Prevratil to approve the minutes, as presented. The motion was seconded by Trustee Stevens.

Vote: Unanimous to approve.

Motion passed.

Minutes of the executive session held on July 6, 2026, were reviewed by the present members of the board.

A motion was made by Trustee Lockart to approve the minutes, as presented.

The motion was seconded by Deputy Mayor Prevratil.

Vote: Unanimous to approve.

Motion passed.

Clerk Blot requested authorization to advertise for a public hearing for Local Law #2 of 2026, to be held on Monday, July 27, 2026, at 6:30 p.m. she added that this is just a public hearing, and the local law will not be voted on until the regularly scheduled board meeting to be held on August 3rd, at 6:30 p.m. She stated that the local law is to repeal and replace Chapter 133 of the code of the Village of Colonie, entitled "Hotels and Motels". Mayor Rubino stated that they have been working closely with the Town of Colonie, and the Town just passed this code as well, ours has a few slight differences. He added that this local law is to help clean up all the issues that are happening within the hotels and motels. He said that he is not proud of the fact that the Village of Colonie 1600 block is the highest issues with the Colonie police department due to the hotels along that

area. He commended our code enforcement department for their diligence with getting this code underway, adding that since he's been Mayor, Chief Code Enforcement Officer Meservey has been working on this. He added that we will try to have Lt. Herbst of Colonie PD present at the public hearing in case there are any questions regarding this proposed law.

A motion was made by Trustee Stevens to authorize the Clerk to advertise, as requested. The motion was seconded by Trustee Lockart.

Vote: Unanimous to approve.

Motion passed.

Clerk Blot requested authorization to advertise for a public hearing to be held on Monday, August 3, 2026, at 6:30 p.m. for Resolution 2026-40 "Purchase of air packs from capital reserve – fire equipment fund".

Mayor Rubino stated that this purchase of air packs was made 5-years ago, through a lease agreement, and at the time the original amount was based on the principal amount, and the final payment is now due, and includes the interest, so more funds are needed to be expended out of the capital reserve to cover this final payment.

A motion was made by Trustee Stevens to authorize the Clerk to advertise, as requested. The motion was seconded by Deputy Mayor Prevratil.

Vote: Unanimous to approve.

Motion passed.

Clerk Blot requested a vote on Resolution 2026-41 "7 Nash Place – sewer request determination".

Mayor Rubino stated that after hearing the details of the request made by the resident regarding the sewer issue at 7 Nash Place, the Village investigated the nature of how the sewer situation came to be and determined that based on the Village code, and the timeframe of the sewer lines being installed, and the discussion with the department of public works and looking at the sewer lateral pictures in front of the residence, no relief was warranted. Deputy Mayor Prevratil added that he thought that there was ample time to connect to the sewer lateral, and the owner did not do so all these years. Mayor Rubino stated that it was the Village responsibility to run the sewer line, which we did, it was up to the contractor and homeowner to connect to it, in accordance with the Village Code.

A motion was made by Deputy Mayor Prevratil to approve Resolution 2026-41, as presented.

The motion was seconded by Trustee Stevens.

Vote: Unanimous to approve.

Motion passed.

Clerk Blot stated there was an additional item added to the agenda, Resolution 2026-42 "Authorize the Mayor to enter into an agreement with National Fitness Campaign in partnership with MVP and Albany County for a fitness center grant at no cost to the Village of Colonie", to which Mayor Rubino explained that Mr. Thomas Breslin has requested funding through this grant for a fitness center for Cook Park, it is funded by MVP and Albany County, and does not cost the Village anything. He stated similar fitness centers exist in parks in Berne, Tawasentha and Guilderland. He asked Mr. Breslin

to comment a little more on it, to which Mr. Breslin stated that it is an outdoor fitness center for all ages, but caters particularly to seniors, and they are looking to install it across from the playground area.

A motion was made by Trustee Lockart to approve Resolution 2026-42, as presented. The motion was seconded by Deputy Mayor Prevratil.

Vote: Unanimous to approve.

Motion passed.

Trustee Stevens stated that the fire department softball league starts with their games this week, Wednesday is their first game, to be held in Cook Park.

Deputy Mayor Prevratil mentioned that the Village streets look great, and everything looks good around the Village, he said driving through other areas, he can appreciate how well the Village is taken care of. He also added to the public present, that if they notice any hoarding issues or property maintenance issues in their neighborhoods, to please let someone at the Village know, adding we want everyone to be safe and we don't want out firemen to be put in an unknown, unsafe condition due to those types of conditions.

Mayor Rubino stated that our code enforcement officers are not police officers. He stated that our code enforcement personnel get inundated at times with calls and complaints that should be deferred to the Town of Colonie police. He has advised the staff, as well as the office staff in the Village Hall, that if phone calls come in regarding complaints about drugs, and other items that the are police matters, they should be directed accordingly. He also said that if they should persist, they can be directed right to him.

Trustee Lockart added that we all pay taxes to the Colonie police department, and that is who is supposed to handle situations like that. They are trained to handle those types of situations. Mayor Rubino added that if it is a property maintenance concern, then yes, our code enforcement employees are the ones to handle things like that, but all other complaints should be directed to the police department.

Mayor Rubino asked if anyone from the public say the speed sign on their way into the meeting, and added that we ordered 2 of them, and the idea is to install them on Sebring Avenue, who recently had some traffic concerns. He added that this is a nice alternative to the speed humps. He also said that it is a cheaper option, as they are \$500 per sign, and speed hump installation is about \$5,500-\$6,000, and it also can cause damage to our DPW vehicles and emergency response vehicles.

Resident Maria Nash, of 7 Nash Place was present and stated that her father was born on a farm on Nash Place in the Village in 1927, and worked for the fire department and police department, adding that the property was a dirt road and she was extremely disappointed in the decision of the board to offer no relief to her for the sewer lateral situation regarding the residence at 7 Nash Place. She stated her father was never given a grinder pump and her mother was never offered to hook up to the sewer, which the Village paid for, she also said the Village paid for the grinder pumps that were given out, to which Mayor Rubino stated he couldn't speak to what they did back then, and said it

wouldn't have been the Village's responsibility to give out grinder pumps to residents anyway, it would have been up to the contractor. She stated that 7 Nash Place was skipped. He stated that the Village has to run the trunk line, which was what was done, the hook up to the house is the responsibility of the contractor and homeowner. Mayor Rubino stated that it is like that in all municipalities, adding he doesn't know of any municipality that hooks up to the house, that's up to the contractor, landlord or homeowner to make that connection, the municipality just runs the main line, that is with any utility line (sewer/water). Ms. Nash asked about the sewer bills her mother has paid this whole time, to which Mayor Rubino said the Village code stated that any residence within the Village boundaries, whether connected to the sewer lateral or not, will have to pay the sewer tax. Resident Andrew Isom, of 7 Nash Place stated that Maria's mother paid for sewer all those years that she never used and never had access to, to which Mayor Rubino read from section 177 of the Village of Colonie code. He also stated that that section states that connection must be made to the sewer lateral, and connection should have been made by the contractor who put those houses in. The code stated that if you remain disconnected from the sewer lateral you are still responsible for the sewer tax. Mr. Isom asked when that became effective, to which Mayor Rubino stated that was in effect as long as the sewer lines were established, to which Clerk Blot said the late 60's, early 70's. A few of the board members stated when their houses were built, in the late 60's and recall having to hook up to the sewer at that time. Ms. Nash stated there was no sewer line on Nash Place, there was only two houses for a long time. Mayor Rubino said we sent the DPW over and they used the vac-all and found the sewer lateral in front of the house, to which Ms. Nash asked if that was there since 1962, to which Mayor Rubino said he doesn't know if that is when it hooked up, but it's there now, and they are still responsible to hook up and would have been responsible to pay the sewer tax regardless of connection status. Mayor Rubino stated that Section 177 of the Village of Colonie code states the details of the sewer connections that he is referring to, and all that information can be found online, to which Ms. Nash said thank you. Mayor Rubino stated that he called Ms. Nash to let her know that we reviewed the details of the sewer lateral, as he said he would but was unable to talk to her before tonight's decision. Unfortunately, based on the code and the lateral being in front of the house, with immediate access for hook up, there is no relief to be offered. Trustee Lockart stated she would give Ms. Nash a copy of the resolution.

Mayor Rubino stated he hoped that folks would be able to make the public hearing on the Hotel and Motel changes for Local Law #2 next week.

Reports Submitted:

Senior Center Expense vs. Revenue Report 6/29/2026 to 7/10/2026

Abstract #4

General: \$61,937.49

Water: \$3,752.95

Sewer: \$12,238.70

Total: \$77,929.14

Trustee Stevens made a motion to adjourn the meeting.
This motion was seconded by Trustee Lockart.
Vote: Unanimous to approve.
Motion passed.

Meeting adjourned at 6:54 p.m.
Respectfully submitted,

Jamie L. Blot
Village Clerk



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MINUTES

PUBLIC HEARING FOR LOCAL LAW #2 OF 2026

"A LOCAL LAW REPEALING AND REPLACING CHAPTER 133 OF THE CODE OF THE VILLAGE OF COLONIE, ENTITLED HOTELS AND MOTELS"

MONDAY, JULY 27, 2026

6:30 P.M.

Roll Call:	Mayor Rubino	Present
	Deputy Mayor Prevratil	Present
	Trustee Lockart	Present
	Trustee DePaulo	Excused
	Trustee Stevens	Present
	Village Clerk Blot	Present

A motion was made by Trustee Stevens to open the public hearing.
The motion was seconded by Deputy Mayor Prevratil.

Vote:	Deputy Mayor Prevratil	Yes
	Trustee Lockart	Yes
	Trustee Stevens	Yes
	Mayor Rubino	Yes

Motion passed.

Public hearing opened at 6:30 p.m.

The Clerk read aloud the public hearing notice as it appeared in the newspaper.

Mayor Rubino stated that we have been working with the Town of Colonie Police to try to control the issues and concerns surrounding the hotels and motels for some time now. He thanked the Town of Colonie Police Department, Town Supervisor Crummey, and our own building department for their diligence with this matter. He said that Chief Code Officer Meservey has been working on this issue since he became Mayor. He asked Chief Code Officer Meservey to speak on the matter.

Chief Code Officer Meservey stated that right now we currently have Chapter 133 "Hotels and Motels" in our code book, he said that focuses on the 28-day stay rule, but the hotel and motel owners have found ways around the current code. He said the proposed code we are looking to replace Chapter 133 with is what the Town of Colonie has just implemented, and it holds these hotel and motel owners more accountable. It would require more thorough inspections, and the hotel and motel owners would need to

register each year with the Village (and Town for the Town jurisdiction). He added that there are ongoing drug and prostitution problems going on in these hotels and motels, especially in the 1600 block of Central Avenue. He said he has been working on this for over a year and a half. Chief Code Enforcement Officer asked Lt. Herbst of Colonie Police to speak on the matter.

Lt. Herbst stated that he has been on the force for 21 years. He said for the past 2 years, he has been working on the hotel/motel issue. He said during his time on this effort, an overdose map was created, and the area of the 1600 block was bright red with activity during the analysis. He added that a lot of resources (ambulances/police) are being used in that area, and on the hotel/motel issue in general. He stated that on the midnight shift, the 1600 block has been designated as its own zone, which means it has an officer within the block at all times. He said the hotels/motels are for short-term stays, not to have individuals living there. He said this proposed law is adding to the existing law in place so more can be done. When something happens, we can know who owns these hotels/motels and hold them accountable. He said we also want to clean up these buildings. He noted that it is going to take a lot of work, but it will be a great improvement. He stated we have a major problem, and it's time we did something about it.

Mayor Rubino stated that this is the right avenue we need to take, we're all part of Colonie, whether the Village or the Town, and this affects us all, and it's time to clean it up, and this is a step in the right direction. He mentioned that he's lived here for 45 years, and these same hotels/motels were nice when he first moved here and overtime, they came apart, and now is the time to put things back together. Mayor Rubino said that what really opened his eyes, was attending a meeting recently at the Town of Colonie regarding this issue, and hearing that this biggest area of concern was the 1600 block of Central Avenue, which is in our Village.

Resident Harold Matthews asked about the panhandling, and if that is going to be dealt with, to which Lt. Herbst said the Colonie Police department is working on that as well.

Chief Code Enforcement Officer Meservey stated that once passed, we should be able to have the register up and running within a month and obtain the actual name of owners of these hotels/motels. He stated currently that they are moving occupants from room to room to avoid the 28-day rule and aren't being forthcoming with the daily registers being kept. With this proposed law, all owners, even partial owners, will need to be listed, and will be held accountable.

Resident Kathy Ogborn asked if the rooms in these hotels/motels were rodent/bug infested, to which Chief Code Enforcement Officer said that he can not get access to rooms at this time unless a guest says he can enter, or unless he gets a warrant. He can go into rooms that are unoccupied. Ms. Ogborn asked if these buildings should be condemned, to which Chief Code Enforcement Officer said that if we need to condemn the property after thorough inspection, then yes, we will condemn the property.

Resident Jan Potter asked if the employees and managers should be held accountable, to which Chief Code Enforcement Officer Meservey stated that is part of the law, they have

to have records on file and will have to change how they do some of their procedures to be compliant.

Mayor Rubino added that the Town of Colonie has already passed this law, and began implementing it, to which Lt. Herbst said that they have a 4-page application. He said so far, they have 2 hotels within the town that have fines upwards of \$20,000 - \$30,000 in fines for non-compliance. He said ultimately, they will be shut down, and that is where the application comes in, because any shareholders, even a small percentage owner, would be prevented from re-opening under a different LLC/name.

Mayor Rubino said that our proposed law reads that if fined, they have 10 days to appeal to a third-party person appointed by the Mayor.

Clerk Blot stated that tonight is the public hearing for Local Law #2, and the actual vote will take place at the next regularly scheduled board meeting, which will take place on Monday, August 3, 2026, at 6:30 p.m.

Trustee Lockart thanked the Town of Colonie staff and Village of Colonie staff who have been working on this. She reiterated that the current 28-day stay remains in the replaced Chapter, and the replaced Chapter just has enhancements to hold these hotel/motel owners accountable. She also added to the residents in the audience that if they see something, to say something, adding to direct it accordingly, if it's a police matter, contact the police, if it's a code matter, call our code officials, the Mayor interjected to contact him as well, that he is available daily. Trustee Lockart also mentioned that Albany County is no longer providing money to hotels as shelter options, as they once did years ago.

Trustee Stevens thanked everyone for attending tonight's meeting, adding that it is important to attend meetings like this to hear directly from the source of what is happening within the community. He added that so many people go on social media for their information, and to vent, and are misinformed. He added that tonight, we have the Colonie Police here, our Code officials, and our board to answer any questions you may have directly, and he added that if there is a question that any of us may not know, we will find the right answer for you.

Deputy Mayor Prevratil echoed the comments of his fellow board members, adding that he lives here, and wants to feel safe, and that is the main goal. He stated that we have to make sure we go about it by law, strategically, so it works. He added that he is tired of being pan-handled and approached when he is walking to his car throughout the Town and Village.

Mayor Rubino added that things take patience, especially in government, adding the most important thing is to help everyone remain safe, and to do everything we can to live like the sign says, "A place to be proud of", adding this is our last great hope to clean this issue up. He added that he recently talked to someone in our office who said she was at the gas station and was approached for money while getting her gas, and that should not

be happening, we should be able to go to the gas station without being bothered. He said this issue needs to be addressed and we have the means in our staff to get it done, with the help of the Town of Colonie.

He also added that our board meetings are the 1st and 3rd Mondays of each month, and encouraged people to attend, and he added that we're here to help the Village and its residents, stating that we can't help if you are getting the wrong information, adding not to rely on social media for your information.

Resident Kathy Ogborn asked how long a neighborhood has to deal with hoarders, to which, Mayor Rubino said we instituted the "rental of property" registrations so we can look at conditions of rental properties to ensure they are safe conditions, free of hoarding, and overcrowding, adding we had a fatal fire at Locust Park a few years ago, and the biggest issue with access was due to hoarding. He added the only way we can do something about hoarding, is if we get access to the building to which he asked Chief Code Officer Meservey to talk on.

Chief Code Officer Meservey said that the hoarding conditions are a difficult issue to approach, because people have the constitutional right to live how they want to live. If neighbors file a complaint, we can go inspect, but if the owner says we can't enter the property, we can't legally enter someone's home without a warrant. He said outside property maintenance concerns are an easier thing to approach because they are visible without entering private property, and they are a blight on the neighbors.

Deputy Mayor Prevratil mentioned that back in the day the hoarding problem was not made part of the law because it wasn't something that was acknowledged, to which Chief Code Enforcement Officer added that it is a mental health concern, and understands that it is frustrating to the neighborhood, and it can get out of control, and we all live here together, and we all need to work together on these issues, and we are working very hard to get these things addressed.

Resident Jan Potter stated that she knows people who live like that, and they know where everything is, and they live very comfortably like that.

Mayor Rubino added that we need to take on one issue at a time, then go from there. He added that he understands that the residents spend a lot of time and money on their homes and it is discouraging when someone else doesn't take care of their property, when it doesn't take much, sometimes the bare minimum of some soap and water.

Trustee Lockart added that Chief Code Enforcement Officer Meservey is correct, that people can live how they want, unless it is deemed a danger to themselves or others, adding it's a difficult situation.

Resident Jan Potter stated she received the newsletter in the mail, which was very nice, and asked about the water pipe article, to which Clerk Blot said that is to determine that there is no lead pipes within the house, to which Ms. Potter said, the article requested

access to the home, and Clerk Blot said that residents can send in their own picture if they wish, or if they don't have the means to do so, we can sent someone out to take the picture for them.

Mayor Rubino commended our building department on all their efforts over the years. He mentioned that there was an issue with basketball hoops when he first became Mayor, and there was a safety concern with children playing basketball in the roadway, and the code enforcement department handled that wonderfully, and most of the residents were compliant with that local law.

Mayor Rubino also mentioned that there are new speed signs on Sebring Avenue to help with the traffic concern those folks were having, and they seem to be working nicely, adding he knows speed is another concern in the Village.

Resident Jan Potter mentioned she is having an issue with buses speeding on her street, Forest Drive, on their way to Forest Park School, to which Mayor Rubino directed her to contact the South Colonie bus garage and let the Superintendent know.

Trustee Lockart made a motion to close the public hearing.
The motion was seconded by Trustee Stevens.

Vote:	Deputy Mayor Prevratil	Yes
	Trustee Lockart	Yes
	Trustee Stevens	Yes
	Mayor Rubino	Yes

Motion passed.

Meeting adjourned at 7:11 p.m.
Respectfully submitted,

Jamie L. Blot
Village Clerk



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VILLAGE CLERK

LOCAL LAW NO. 2 OF 2026
VILLAGE OF COLONIE
COUNTY OF ALBANY, STATE OF NEW YORK
A LOCAL LAW REPEALING AND REPLACING CHAPTER 133 OF THE
CODE OF THE VILLAGE OF COLONIE, ENTITLED "HOTELS AND
MOTELS"

Be it enacted by the Board of Trustees of the Village of Colonie as follows:

Section 1. Legislative Authority; Findings; Purpose.

- A. This Local Law is adopted pursuant to the New York State Constitution, the Municipal Home Rule Law, the Village Law, the General Municipal Law, the Public Officers Law, and the general police powers of the Village of Colonie to protect the public health, safety, and welfare.
- B. The Board of Trustees finds that hotels and motels serve important lawful lodging, tourism, business, emergency housing, and travel purposes within the Village. The Board of Trustees further finds that certain lodging establishments, when not properly managed or supervised, may become locations for sex trafficking, prostitution, drug-related activity, violent crime, exploitation of vulnerable persons, unsafe occupancy, and other conduct detrimental to guests, nearby residents, businesses, and the public.
- C. The purpose of this Local Law is to establish a licensing and permit structure for hotels and motels located within the Village; to require reasonable operational safeguards; to preserve lawful access to emergency services and good-faith reporting of suspected trafficking, prostitution, drug activity, violent crime, medical emergencies, and other unlawful or dangerous conditions; to provide fair administrative procedures; and to promote coordination with other municipalities and law enforcement agencies.

Section 2. Repeal and Replacement of Chapter 133.

Chapter 133 of the Code of the Village of Colonie, entitled "Hotels and Motels", is hereby repealed in its entirety and replaced with the following new Chapter 133:

CHAPTER 133. HOTELS AND MOTELS

ARTICLE I. Definitions and Intent

§ 133-1. Purpose and intent.

It is the purpose and intent of this Chapter to promote the public health, safety, and general welfare of the citizens of the Village and the Guests of Hotels located within the Village.

§ 133-2. Definitions.

A. As used in this Chapter, the following terms shall have the meanings indicated:

APPLICANT - Any Person who signs an application for a License, Permit, or both pursuant to this Chapter.

CALL FOR SERVICE - A request, complaint, report, dispatch, referral, self-initiated response, investigation, or other documented activity that results in police, fire, emergency medical services, code enforcement, or any Village representative, department, agency, or law enforcement agency having jurisdiction being dispatched, directed, or otherwise responding to a Hotel, including a response within the surrounding neighborhood that, through information or investigation, is fairly traceable to the Hotel, its Guests, visitors, employees, managers, owners, operators, or Licensed Premises.

CREDIBLE REPORT - A documented report, complaint, law enforcement record, code enforcement record, fire or emergency medical service record, sworn statement, written statement, or other reliable information that provides a factual and articulable basis to believe that a violation of this Chapter or other unlawful or dangerous condition occurred.

DRUG-RELATED ARRESTS - Arrests by a police department or other law enforcement agency involving the use, sale, distribution, possession with intent to sell, manufacture, or trafficking of any controlled substance or illegal drug at a Hotel, or, through information or investigation, that can be traced to the Hotel or its Guests, visitors, employees, managers, owners, operators, or Licensed Premises.

EXCESSIVE CALLS FOR SERVICE - A pattern of Qualifying Calls for Service at or fairly traceable to a Hotel that exceeds the thresholds set forth in this definition and is substantially related to the operation, management, supervision, condition, use, or occupancy of the Hotel.

For purposes of this definition, "Qualifying Calls for Service" means Calls for Service involving one or more of the following:

- (a) Conduct constituting, or reasonably suspected to constitute, a violation of Article 120, 125, 130, 135, 160, 220, 225, 230, or 265 of the Penal Law of the State of New York;
- (b) Sex trafficking, prostitution, promotion of prostitution, patronizing a person for prostitution, unlawful sexual conduct, drug-related activity, weapons-related activity, violent crime, assault, menacing, robbery, unlawful imprisonment, kidnapping, or the execution of a search warrant or arrest warrant arising from activity at the Hotel;
- (c) Repeated disorderly, threatening, harassing, or violent conduct by Guests, visitors, employees, managers, owners, or operators that presents a risk to public safety; or
- (d) Repeated fire, life-safety, building, zoning, property-maintenance, sanitation, or other code conditions that require Village response and are attributable to the Licensee's failure to correct conditions after notice.

Excessive Calls for Service shall exist when, based upon documented information, the Village determines that a Hotel has had:

- (a) Three or more Qualifying Calls for Service during any thirty-day period;
- (b) Five or more Qualifying Calls for Service during any one-hundred-eighty-day period; or
- (c) Eight or more Qualifying Calls for Service during any three-hundred-sixty-five-day period.

Calls shall not be counted as Qualifying Calls for Service for purposes of this definition when they are:

- (a) Made in good faith by a Licensee, High Managerial Agent, employee, contractor, Guest, victim, or witness to report, prevent, or seek assistance concerning suspected sex trafficking, prostitution-related activity, drug-related activity, violent crime, medical emergencies, fire emergencies, domestic violence, sexual assault, or other unlawful or dangerous conduct;
- (b) Made by or on behalf of a victim, witness, or person seeking protection, medical treatment, emergency shelter, or law enforcement assistance;
- (c) Solely medical, fire, or accidental emergency calls not caused by criminal activity, code violations, or the failure of the Licensee to maintain or supervise the Licensed Premises;
- (d) Unfounded, unsubstantiated, mistaken, duplicate, or cancelled calls after investigation; or
- (e) Neighborhood calls not fairly traceable to the Hotel or its Guests, visitors, employees, managers, owners, operators, or Licensed Premises.

Notwithstanding the exclusions above, repeated calls that initially are excluded may be considered in an administrative review or corrective action plan after written notice to the Licensee. Such calls shall not constitute Excessive Calls for Service unless, after notice and a reasonable opportunity to take corrective action, the Village determines by a preponderance of the evidence that the continued calls are substantially attributable to the Licensee's failure to take reasonable preventive, supervisory, or abatement measures.

GUEST - Any and all individuals who exercise Occupancy in a Hotel whether such Occupancy is by concession, agreement, or in exchange for compensation or other services, whether payment or services are made by the individual or a third party. The term Guest includes, but is not limited to, lodgers, tourists, transients, travelers, occupants, boarders, visitors, and Registered Sex Offenders.

HEARING OFFICER - A disinterested person appointed pursuant to § 133-17 of this Chapter to hear and determine appeals, denials, suspensions, revocations, and other matters arising under this Chapter.

HIGH MANAGERIAL AGENT - Any officer or director of a corporation; any member of a limited-liability company; any partner in a partnership; any sole proprietor; or any agent of any type of business entity in a position of authority with respect to the formulation of policy or the management of a Hotel, or who serves in a managerial capacity in any way.

HOTEL - Any commercial establishment within the Village of Colonie in which occupancy, lodging, or overnight accommodations are offered and provided in exchange for Rent, including motels, inns, tourist homes, trailer parks, trailer camps, boardinghouses, rooming houses, halfway houses, rehabilitation facilities, prison transitional facilities, extended-stay lodging facilities, or any other structure, building, or part of a building used in the business of renting rooms, individual or several, or any similar establishment where sleeping accommodations are furnished to Guests in exchange for Rent, whether or not kitchens are available or meals are served therein. Hotel includes the parking lot, exterior areas, interior common areas, and other real property and improvements appurtenant to the establishment.

LICENSE - A document issued by the Village pursuant to this Chapter authorizing the holder to own, operate, manage, or lease a Hotel in the Village of Colonie.

LICENSED PREMISES - Any Hotel as defined above, together with all other real property and improvements appurtenant thereto for which a License has been issued.

LICENSEE - Any Person granted a License to own, operate, manage, or lease a Hotel within the Village of Colonie.

LICENSEE'S DESIGNATED AGENT - The person at the Licensed Premises said to have the highest managerial authority at that particular time, as stated by any staff member or as otherwise identified to the Village in the License application or renewal materials.

OCCUPANCY - The use or possession, or the right to the use or possession, of any room in a Hotel.

PERMIT - A document issued by the Village pursuant to this Chapter allowing for the occupancy of a Registered Sex Offender at a Licensed Premises.

PERMITTED LICENSED PREMISES - Any Hotel as defined herein for which both a License and a Permit have been issued.

PERSON - Any individual, firm, partnership, corporation, limited-liability company, franchisee, association, trust, estate, receiver, lessee, operator, manager, or entity of any kind.

PROSTITUTION-RELATED ARRESTS - Arrests by a police department or other law enforcement agency involving sex trafficking, prostitution, promotion of prostitution, patronizing a person for prostitution, or any substantially similar offense at a Hotel, or, through information or investigation, that can be traced to the Hotel or its staff, Guests, lodgers, visitors, employees, managers, owners, operators, or Licensed Premises.

REGISTER - A paper document or digital record which must be maintained by a Licensee pursuant to § 133-15 of this Chapter.

REGISTERED SEX OFFENDER - A person who has been convicted of a violation of a sexual offense, as defined by the New York State Penal Law or federal law, and who has received a Level One, Two, or Three designation as described in Article 6-C of the New York State Correction Law, or under any other state or federal law which would require that individual to register as a sex offender under such respective state or federal law.

RENT - Consideration charged, whether or not received, for the occupancy of a room in a Hotel whether to be received in money, goods, vouchers, labor, services, or other means.

VIOLENT CRIME - Any violation of Article 120, 125, 130, 135, 150, 160, or 265 of the Penal Law of the State of New York that occurs at a Hotel or, through information or investigation, can be traced to a Hotel or its Guests, visitors, employees, managers, owners, operators, or Licensed Premises.

B. Unless specifically defined above, all terms used in this Chapter shall be interpreted to give them the meanings they have in common usage and to give this Chapter the most reasonable application.

§ 133-3. Interpretation.

This Chapter shall be liberally construed so as to effectuate the purposes described herein. Nothing herein shall be construed to abridge the powers and responsibilities of any police department, law enforcement agency, code enforcement officer, fire department, emergency medical services department, health department, or any other department or agency in enforcing the provisions of this Chapter, and nothing herein shall be construed to abridge the emergency powers of any such department or agency or their right to engage in any necessary or proper activities.

§ 133-4. Conflicts.

If any provision of this Chapter conflicts with any federal, state, county, or local law, the more restrictive or stringent provision shall apply, unless preempted by state or federal law.

§ 133-5. Severability.

If any part of this Chapter is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired or invalidated in any way.

§ 133-6. Recordkeeping by Village.

The Village shall keep a record of all applications and determinations for Licenses and Permits pursuant to this Chapter. Records shall include, at a minimum, the date(s) of issuance, date(s) of expiration, date(s) of suspension, termination, or revocation, if any, and a record of all reports of violations related to the Applicant, Licensed Premises, Licensees, or associates of same, subject to applicable record-retention, confidentiality, and disclosure laws.

ARTICLE II. Hotel - License to Operate Required

§ 133-7. License required to operate a Hotel.

No Person shall engage in the business of owning, operating, managing, or leasing a Hotel in the Village of Colonie without first obtaining a License to Operate ("License") from the Village for each Hotel owned, operated, managed, or leased by said Person.

§ 133-8. Application for License.

- A. Every Person desiring to own, operate, manage, or lease a Hotel in the Village shall make a written application for a License on a form supplied by the Village Clerk.
- B. Any Hotel in operation on the effective date of this Chapter shall apply for a License hereunder within thirty (30) days of such effective date.
- C. Applications for a License shall include all information required by the Village and must be signed by the owner, operator, or High Managerial Agent having full authority over the Hotel's operations.
- D. The application shall include, at a minimum, the legal name and address of the Applicant; the names and addresses of all owners, operators, managers, High Managerial Agents, franchisees, and Persons holding a five percent (5%) or greater ownership or voting interest; emergency contact information; the number and type of rooms or units; proof of authority to occupy, own, or operate the Licensed Premises; proof of any required New York State, county, or local permits; and certifications required by the Village regarding compliance with applicable fire, building, zoning, health, sanitation, temporary residence, and human trafficking awareness and training requirements.

§ 133-9. Administrative review and inspection for securing License.

- A. The Village, through its Code Enforcement Officer or other authorized official, shall inspect the Premises to be licensed within ninety (90) days of the application to review the property for compliance with all applicable health, fire, safety, building, property-maintenance, zoning, and other ordinances, laws, and regulations. If the property is not in compliance with any such laws or regulations, the Village shall notify the Applicant that the application is denied, setting forth the reasons for the denial. The Applicant shall have thirty (30) days to correct any deficient condition and request a reinspection for the purpose of securing a License, unless a longer or shorter period is required by applicable law or by written order of the Village.
- B. The Village shall conduct an administrative review of the Applicant's past and present business operations, including but not limited to Calls for Service, Excessive Calls for Service, Drug-Related Arrests, Prostitution-Related Arrests, arrests for or Credible Reports of Violent Crime, prior insolvency, foreclosure, suspension or revocation of licenses or permits in other locations, and compliance with applicable state and local requirements.

§ 133-10. Criminal convictions barring issuance of License.

No License shall be issued to any Applicant who has been convicted of any crime defined as a felony or a Class A misdemeanor under Articles 120, 125, 130, 135, 140, or 160 of the New York Penal Law, subject in each case to the rehabilitation procedures under Article 23-A of the New York Correction Law, nor shall any License be issued to any Applicant representing a partnership, limited liability company, corporation, franchisee, or other business entity in which any partner, member, officer, director, High Managerial Agent, principal, or stockholder holding five percent (5%) or more of the stock thereof, has been convicted of any crime defined as a felony or a Class A misdemeanor under Articles 120, 125, 130, 135, 140, or 160 of the New York Penal Law, subject in each case

to the rehabilitation procedures under Article 23-A of the New York Correction Law. In cases of franchise Hotels, this paragraph is applicable to the franchisee having an ownership interest in the Hotel seeking to be Licensed in the Village of Colonie.

§ 133-11. Term of License; annual renewal; License fee.

- A. Licenses issued under this Article shall be for a term of one (1) year commencing on the date of issuance, subject to the suspension and revocation provisions of this Chapter. Licenses must be renewed on an annual basis, subject to the Village's review and reinspection of the Licensed Premises.
- B. The License fee for calendar year 2026 shall be two hundred fifty dollars (\$250). Thereafter, fees shall be set by resolution of the Board of Trustees and shall be on file in the Village Clerk's office. The fee is due upon initial application and upon each annual renewal. All fees are nonrefundable.
- C. The Licensee shall notify the Village Clerk, in writing, of any change in information provided by the Licensee in the License application during the term of the License within fifteen (15) calendar days of such change.

§ 133-12. Display required.

All Licenses shall be prominently displayed in a conspicuous place in the lobby or registration area of the Licensed Premises. The License shall be referred to as the "Village of Colonie License to Operate a Hotel".

§ 133-13. Transfer of License prohibited.

A License shall be valid only to the Licensee to whom it is issued and only for the Licensed Premises stated on the License. No transfer of any License issued hereunder shall be permitted. Any sale of all or substantially all of the Licensed Premises, or any merger or other consolidation of, or any transfer of more than fifty percent (50%) in ownership or voting interest in any Licensee that is a corporation, partnership, limited-liability company, or other business entity shall be deemed a transfer for purposes of this Chapter.

§ 133-14. Ongoing inspections of Licensed Premises.

- A. In addition to inspections required during the initial application for a License or for a renewal, the Village may inspect any Licensed Premises at any time with written notice to the Licensee ten (10) or more calendar days in advance of the inspection.
- B. Nothing in this section shall limit the right of the Village or any department or agency having jurisdiction to inspect or enter by consent, in an emergency, pursuant to a warrant, pursuant to court order, or by any other lawful means.

§ 133-15. Keeping and inspecting of Register.

- A. Any Licensed Premises shall keep for a period of three (3) years a Register which shall show for every Guest or individual over the age of sixteen (16) who is provided with Occupancy the person's name, permanent residence, identification number of government-issued photo identification, date of arrival, date of departure, and room number or other symbol identifying the room assigned to each Guest or individual.

- B. The Village may request to inspect the Register for the purposes of investigating complaints and enforcing this Chapter.
- C. The Village may demand to inspect the Register and compel compliance through any lawful means.
- D. Nothing contained herein shall preclude the Village from obtaining access to the Registers by any lawful means including, but not limited to, consent, a duly issued subpoena, administrative order, warrant, or court order.

§ 133-16. Posting of provisions of this Chapter.

Every Licensee shall post in a public and conspicuous place and manner in the registration office or lobby of the Licensed Premises a notice that a printed copy of this Chapter is available for inspection by the public in such registration office.

§ 133-17. Hearing Officer; appeals; appeal fee; compensation.

- A. Appeals, hearings, and determinations required under this Chapter shall be heard and determined by a Hearing Officer appointed as provided herein.
- B. The Mayor may appoint a Hearing Officer, either for a particular matter or from a standing panel approved by the Board of Trustees, subject to approval or ratification by the Board of Trustees. If the Mayor is disqualified, unavailable, or has a conflict of interest, the Deputy Mayor or the Board of Trustees may make the appointment, subject to approval or ratification by the Board of Trustees.
- C. A Hearing Officer shall be independent and disinterested. Unless otherwise approved by the Board of Trustees for good cause, the Hearing Officer shall be an attorney admitted to practice law in the State of New York for at least three (3) years of experience. No current elected official of the Village, member of the Board of Trustees, employee of the Village, owner, operator, manager, High Managerial Agent, employee, contractor, or agent of a Hotel subject to this Chapter, or person with a financial interest in the matter shall serve as Hearing Officer.
- D. The Hearing Officer shall disclose any actual or potential conflict of interest before accepting appointment and shall have no *ex parte* communications concerning the merits of the matter with the Mayor, Board of Trustees, Village Clerk, Code Enforcement Officer, law enforcement personnel, Applicant, Licensee, Permittee, or any representative or witness, except for scheduling, administrative, or procedural communications disclosed on the record.
- E. An appeal from a notice of violation, denial of a License or Permit, suspension, revocation, immediate suspension, corrective action order, or any other appealable determination under this Chapter shall be commenced by filing a written notice of appeal with the Village Clerk within the time stated in the applicable notice or, if no time is stated, within ten (10) calendar days after personal delivery or mailing of the determination appealed from.
- F. Each notice of appeal shall be accompanied by a nonrefundable appeal filing fee of one hundred fifty dollars (\$150). The appeal filing fee shall be paid to the Village and deposited into the Village's general fund. The fee shall not be paid to, shared with, or otherwise remitted to the Hearing Officer. The appeal filing fee may be amended

from time to time by resolution of the Board of Trustees and shall be on file in the Village Clerk's office.

- G. The Hearing Officer shall provide the appealing party and the Village with written notice of the date, time, and location of the hearing. Except for expedited hearings following an immediate suspension, notice shall be mailed to the Licensee or Applicant at the Licensed Premises and any other address provided in the application and shall be postmarked or otherwise served at least ten (10) calendar days prior to the hearing.
- H. At the hearing, the appealing party shall have the opportunity to be heard, to present evidence, to call witnesses, and to cross-examine witnesses appearing against it, subject to reasonable procedural limits imposed by the Hearing Officer. The Hearing Officer may administer oaths, receive documents and testimony, regulate the course of the hearing, rule on procedural matters, and take such other action as is reasonably necessary to create a fair and complete record. Formal rules of evidence shall not apply, but the Hearing Officer may exclude irrelevant, immaterial, unduly repetitious, or unreliable evidence.
- I. Unless otherwise expressly provided in this Chapter, the Village shall bear the burden of proof by a preponderance of the evidence. The Hearing Officer shall issue a written decision with findings of fact and conclusions of law within ten (10) calendar days after the close of the hearing record, unless the parties consent to additional time. The decision may affirm, reverse, modify, or condition the determination appealed from; impose a corrective action plan; or grant other relief authorized by this Chapter and law. The Hearing Officer's decision shall constitute the final administrative determination of the Village, subject to review under Article 78 of the Civil Practice Law and Rules.
- J. The Hearing Officer shall be compensated by the Village only pursuant to a written engagement approved by the Board of Trustees. The Hearing Officer's compensation shall be a per diem fee not to exceed one thousand five hundred dollars (\$1,500) for each full day of service and seven hundred fifty dollars (\$750) for each half day of service, together with reasonable preapproved expenses, if any. A "day of service" may include hearing time, review of submissions and the administrative record, legal research, deliberation, decision drafting, and related work reasonably necessary to complete the assignment. The Hearing Officer shall not bill, charge, or receive payment on an hourly basis, shall not receive compensation from any Applicant, Licensee, Permittee, owner, operator, manager, or other private party, and shall not receive compensation that is contingent upon the outcome of any matter. The Board of Trustees may amend the per diem fee by resolution, provided that any amended fee remains fixed, non-contingent, and payable only by the Village.
- K. The rules of evidence shall not be applicable in any hearing conducted pursuant to this Chapter. The Hearing Officer may receive and consider any evidence that is relevant and material, including hearsay evidence, provided that the Hearing Officer shall determine the weight to be given to such evidence. Unless otherwise expressly provided in this Chapter, the Village shall bear the burden of proof by a preponderance of the evidence.

L. For purposes of defense and indemnification to the fullest extent permitted by law, the Hearing Officer shall be deemed an appointed Village officer or employee acting within the scope of Village service when performing duties under this Chapter. The Hearing Officer, Mayor, Board of Trustees, Village Clerk, Code Enforcement Officer, Village Attorney, and all Village officers, employees, agents, and representatives shall be entitled to all defenses, immunities, defense, and indemnification available under Chapter 37 of the Village Code, Public Officers Law § 18, and any other applicable law, subject to the conditions and limitations of such laws. To the fullest extent authorized by law, the Village shall provide defense and indemnification for such Persons for acts or omissions undertaken in good faith in the performance of duties under this Chapter. Nothing herein shall be construed to create any private right of action or to waive any defense, immunity, limitation on liability, notice of claim requirement, or other protection otherwise available to the Village or its officers, employees, agents, or representatives under law.

§ 133-18. Suspension or revocation of License; hearing.

A. Any License issued under this Chapter may be suspended or revoked by the Village, subject to the proceedings set forth in this section, for any of the following reasons:

1. Violation of any provision of this Chapter.
2. Failure to cure any violation of any applicable health, fire, safety, building, property-maintenance, zoning ordinance, law, regulation, statute, or order within the time provided by the Village Code, the Uniform Code, the State Sanitary Code, or other applicable code, statute, regulation, or order, after notification to the Licensee of such violation.
3. Failure to make reasonable efforts to prevent Guests, visitors, employees, managers, owners, operators, or others from engaging in activities at the Licensed Premises, whether alone or in conjunction with others, which would constitute a violation of Article 130, 135, 220, 225, 230, or 265 of the Penal Law of the State of New York, or failure to make reasonable efforts to abate such use by ejecting such occupants or other persons on or about the Licensed Premises, notifying law enforcement authorities, improving supervision and security, implementing a corrective action plan, or by other lawful means.
4. Excessive Calls for Service, Drug-Related Arrests, Prostitution-Related Arrests, and arrests for, or Credible Reports of, Violent Crime at the Licensed Premises.
5. Making a false statement or material omission in an application for a License or renewal thereof.
6. Falsification of a Register or the use or maintenance of more than one (1) Register for the purpose of evading any provision of this Chapter.
7. Failure to comply with a corrective action plan, condition of approval, or written order issued pursuant to this Chapter.

B. Revocation proceedings.

1. If the Village seeks to revoke a License issued pursuant to this Article, the Village shall issue a **"Notice of Intent to Revoke License"** setting forth the grounds for

the revocation. Such Notice shall be delivered to the Licensee or the Licensee's Designated Agent by personal delivery at the Licensed Premises, or by any other method authorized by law.

2. Licensee shall have ten (10) calendar days from the date of personal delivery to file a notice of appeal with the Village Clerk for determination by the Hearing Officer pursuant to § 133-17. The notice of appeal shall be in writing and shall be accompanied by the appeal filing fee required by § 133-17. Failure to file a notice of appeal and pay the appeal filing fee within ten (10) calendar days shall result in automatic revocation of the License at 11:59 p.m. on the tenth calendar day after delivery of the Notice of Intent to Revoke License.
 3. Within ten (10) calendar days following the appointment of the hearing officer, the Village Clerk or Hearing Officer shall provide the Licensee with written notice of the date, time, and location for a hearing at which the Licensee shall have the opportunity to be heard. Such notice shall be delivered to the Licensee by U.S. Mail to the address of the Licensed Premises and any other address provided in the application and shall be postmarked at least ten (10) calendar days prior to said hearing, unless an expedited hearing is required under this Chapter.
- C. Procedures following revocation or denial. When a License is revoked, or if an initial or renewal application for a License is denied, the Hotel shall be vacated and operations shall be ceased as follows:
1. The Village shall provide a "Notice of Revocation of License" or notice of denial and shall post such notice in a conspicuous place on the exterior main entrance door and in the lobby or registration area of the building.
 2. The License must be surrendered to the Village immediately.
 3. The Hotel shall immediately cease renting or providing Occupancy to new Guests.
 4. Current Guests of the Hotel must be vacated within twenty-eight (28) days by the Licensee in a manner that complies with state and local law. Should the law require more time be given to any Guest, then any such Guest shall be vacated within the minimum number of days required by law.
 5. The property and structures shall be secured from trespass including but not limited to boarding, locking, and securing all entrances, parking areas, and outside spaces.
- D. Immediate suspensions. If, in the Village's judgment, the nature of any violation of this Chapter is such that continued operation of the Hotel is detrimental to the health, safety, or welfare of Guests of the Hotel or residents of the Village, then the Village may immediately suspend the Hotel's License and require operations to cease immediately, subject to the Licensee's request for an expedited hearing before the Hearing Officer. In such case, the Village shall issue a "Notice of Immediate Suspension of License" which shall be personally delivered to Licensee or Licensee's Designated Agent by personal delivery to the Licensed Premises, or by any other method authorized by law. Operations shall cease within twenty-four (24) hours pursuant to the procedures set forth in Paragraph C of this section unless the Notice of Immediate Suspension provides otherwise or a stay is granted by the Hearing Officer. Licensee may file a written notice of appeal and request for expedited hearing with the Village Clerk within twenty-four (24) hours of delivery of the Notice of

Immediate Suspension. The Village shall schedule the expedited hearing as soon as practicable.

§ 133-19. Violations of Article II; penalties.

A. Violations. The following shall constitute violations under this Article:

1. Operating a Hotel in the Village of Colonie without first obtaining a License to do so under this Chapter.
2. Continuing to operate a Hotel in the Village of Colonie after revocation or suspension of a License.
3. Failing to provide the Village with updated information as required by this Chapter.
4. Failing to properly display a License, Permit, or other required postings.
5. Failing to maintain a Register as required by this Chapter, or maintaining more than one Register for the purpose of evading any provision of this Chapter.
6. Removing a Notice of Revocation of License, Notice of Denial, or Notice of Immediate Suspension.
7. Failing to comply with a corrective action plan, condition of approval, or written order issued pursuant to this Chapter.

B. Penalties. Any Person convicted of any violation of this Article shall be subject to a daily fine of not more than one thousand dollars (\$1,000) for each day the violation continues, or by imprisonment for a period not to exceed sixty (60) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense, and fines shall be cumulative.

ARTICLE III. Occupancy

§ 133-20. Occupancy limits; hourly rentals prohibited.

A. Occupancy of any Hotel by any Guest or individual shall be limited to no more than twenty-eight (28) consecutive days except that Occupancy shall be allowed for more than twenty-eight (28) days within an extended-stay unit which complies with all applicable New York State and Village codes. For purposes of this section, an extended-stay unit means a Hotel unit designed and approved for longer-term transient occupancy that includes sleeping accommodations and a kitchenette or cooking facilities lawfully permitted under applicable codes.

B. Occupancy of any Hotel by any Guest or individual shall be limited to no more than sixty (60) days in any one-hundred-eighty-day period, except that such Occupancy shall be allowed for more than sixty (60) days within an extended-stay unit provided the Guest has a legal address elsewhere and provides proof of such address prior to check-in.

C. For the purpose of calculating occupancy limits, a Guest's stay will be treated as continuous if the Guest, or anyone staying with the Guest, registers again in the same room, a different room in the same property, or another property owned or operated by the same Licensee or a related Licensee with at least a five-percent (5%) ownership

interest. Changing rooms, re-registering, or registering under another occupant's name shall be considered a single Occupancy for the purpose of calculating occupancy limits.

D. The occupancy limits set forth in this Article shall not apply to Guests who provide government-issued photo identification as required by § 133-21 that includes the individual's permanent place of residence other than the Hotel at which the individual is registering. The Licensee shall photocopy or digitally retain the identification required by § 133-21 and shall keep such record for a minimum of one (1) year, subject to any longer record-retention requirement under state or federal law.

E. No Licensed Premises or agent thereof shall advertise, offer, charge, accept Rent, accept money, accept other consideration, or provide Occupancy by an hourly rate or by any increment less than one full day's room rental.

F. In extraordinary circumstances, a Licensee, together with a Guest, may apply to the Board of Trustees in writing, by submitting a written request to the Village Clerk, for an extension of the twenty-eight-day limitation period upon a showing by clear and convincing evidence that an extension of time is required for humanitarian reasons. The application must show by clear and convincing evidence that an extraordinary circumstance exists and, in addition, must set forth all steps that have been taken to find the Guest suitable permanent housing elsewhere. The Board of Trustees may refer the request to a Hearing Officer for findings and recommendations.

§ 133-21. Photo identification required.

Every Hotel must require all adult Guests to produce government-issued photo identification at the front desk immediately upon arrival.

§ 133-22. Age restriction.

Any Guest occupying a Hotel must be at least eighteen (18) years of age unless accompanied by a parent or legal guardian. However, a Hotel may provide Occupancy to Guests under the age of eighteen (18) without a parent or legal guardian if such Guests are part of a school group, sports or extracurricular team, convention, corporate meeting, pageant, or other similar booking, and the Hotel enters into a signed written contract with such group for said Occupancy. Said contract must be maintained by the Licensee for at least one (1) year and a copy must be on file at the Hotel.

§ 133-23. Violations of Article III; penalties.

A. Violations. The following shall constitute violations under this Article:

1. Exceeding the twenty-eight-day or sixty-day occupancy limits set forth in § 133-20(A) or (B).
2. Advertising, offering, charging, accepting money or other consideration, or providing Occupancy at an hourly rate or at a rate that is less than one full day's rental rate.
3. Renting to Guests without requiring government-issued photo identification.

4. Renting to Guests under the age of eighteen (18) without a signed written contract with a group, where such contract is required by § 133-22.
- B. Penalties. A violation of this Article shall be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or fifteen (15) days in jail, or both, except that, where the Licensee was found to have violated this Article within the preceding five (5) years, the fine may be not more than one thousand dollars (\$1,000), or fifteen (15) days in jail, or both. Each day that a violation continues shall be deemed a separate offense and fines shall be cumulative.

ARTICLE IV. Registered Sex Offender Occupancy Permit

§ 133-24. Permit required to house Registered Sex Offenders.

No Person shall engage in the business of renting to or providing Occupancy to one or more Registered Sex Offenders without (1) obtaining a License as required by this Chapter and (2) obtaining a Registered Sex Offender Occupancy Permit ("Permit") from the Village as provided herein.

§ 133-25. Application for Permit.

- A. The Licensee of any Hotel required to be Permitted as provided for herein shall make a written application to the Village Clerk on a form supplied by the Village.
- B. The Licensee of any Hotel required to be Permitted pursuant to this Article that is in operation on the effective date of this Article shall apply for a Permit within thirty (30) days of such effective date.
- C. Applications for a Permit shall include all information required by the Village and must be signed by the Licensee of the Hotel.
- D. No Permit shall be granted unless the Licensed Premises which is the subject of the Permit application is eligible to house Registered Sex Offenders pursuant to state law.

§ 133-26. Permit fee; annual renewal.

The Permit fee for calendar year 2026 shall be one hundred fifty dollars (\$150). Thereafter, fees shall be set by resolution of the Board of Trustees and shall be on file in the Village Clerk's office. The fee is due upon initial application and upon application for each annual renewal. All fees are nonrefundable.

§ 133-27. Term of Permit; display required.

- A. Permits issued under the provisions of this Article shall be for a term of one (1) year commencing on the date of their issuance, unless sooner revoked pursuant to this Article. Permits must be renewed annually and are subject to the Village's review.
- B. All Permits shall be prominently displayed in a conspicuous place in the lobby or registration area of the Licensed Premises along with a notice that a printed copy of this Article is available for inspection by the public in the registration office.
- C. The Licensee shall notify the Village Clerk, in writing, of any change in information provided by the Licensee in the Permit application within ten (10) calendar days of such change.

§ 133-28. Transfer of Permit prohibited.

A Permit shall be valid only to the Licensee to whom it is issued and only for the Licensed Premises stated on the Permit. No transfer of any Permit issued hereunder shall be allowed. Any sale of all or substantially all of the Licensed Premises or the assets of or merger or other consolidation of or any transfer of more than fifty percent (50%) in ownership or voting interest in any Licensee that is a corporation, partnership, limited-liability company, or other entity shall be deemed a transfer for purposes of this Article.

§ 133-29. Occupancy points.

A. There is hereby established in the Village of Colonie an occupancy point system applicable to Licensed Premises that have been issued a Permit under this Article. Said point system shall be based upon and equal to the risk level designation assigned to a Registered Sex Offender by the sentencing court pursuant to Correction Law § 168-n. For the purposes of this Article, a Level One Registered Sex Offender is hereby assigned one (1) occupancy point; a Level Two Registered Sex Offender is hereby assigned two (2) occupancy points; and a Level Three Registered Sex Offender is hereby assigned three (3) occupancy points.

B. Hotels with fifty (50) or fewer units are hereby assigned a maximum of six (6) occupancy points. Hotels with fifty-one (51) or more units are hereby assigned a maximum of nine (9) occupancy points.

C. Hotels may provide accommodations to Registered Sex Offenders up to the maximum allowable occupancy points per day. For the purpose of example only, a Permitted Licensed Premises with fifty (50) or fewer units may provide accommodations to no more than two Level Three Registered Sex Offenders at any one time or no more than three Level Two Registered Sex Offenders at any one time.

§ 133-30. Suspension or revocation of Permit; hearing.

A. Any Permit issued under this Article may be suspended or revoked by the Village for any violation of this Article, subject to the provisions herein.

B. If the Village intends to revoke a Permit issued pursuant to this Article, the Village shall issue a Notice of Intent to Revoke Registered Sex Offender Occupancy Permit. Such notice shall set forth the grounds for revocation and shall be delivered to the Licensee or the Licensee's Designated Agent by personal delivery at the Permitted Licensed Premises, or by any other method authorized by law.

C. Revocation shall be effective ten (10) calendar days after delivery of notice unless Licensee provides timely written notice of appeal and pays the appeal filing fee required by § 133-17.

D. Licensee shall have ten (10) calendar days from the date of personal delivery to file a notice of appeal with the Village Clerk for determination by the Hearing Officer pursuant to § 133-17. Failure to file a notice of appeal and pay the appeal filing fee within

ten (10) calendar days shall result in automatic revocation of the Permit at 11:59 p.m. on the tenth calendar day. Notice of appeal shall be in writing and personally delivered or otherwise served on the Village Clerk as permitted by the Village.

E. Within ten (10) calendar days of the appointment of a Hearing Officer, the Village Clerk or Hearing Officer shall provide the Licensee with written notice of the date, time, and location for a hearing at which time the Licensee shall have the opportunity to be heard. Such notice shall be delivered to the Licensee by U.S. Mail to the Permitted Licensed Premises and any other address provided in the application and shall be postmarked at least ten (10) calendar days prior to said hearing, unless an expedited hearing is required under this Chapter.

F. Procedures following revocation of Permit. When a Permit is revoked or if a Permit is denied, the Hotel shall immediately cease renting or providing Occupancy to new Registered Sex Offenders and shall vacate any current Registered Sex Offenders within ten (10) calendar days in a manner that complies with state and local law. Should the law require more time be given, then any such Registered Sex Offender shall be vacated within the minimum number of days required by law.

G. A Permit may be suspended immediately if the Village finds the nature of the violation of this Article to be detrimental to the health, safety, or welfare of other Guests of the Hotel or the inhabitants of the Village. In such case, the Village shall issue a Notice of Immediate Suspension of Permit which shall be personally delivered to Licensee or Licensee's Designated Agent by personal delivery to the Licensed Premises, or by any other method authorized by law. Licensee shall immediately begin the process of vacating Registered Sex Offenders unless Licensee provides written notice of appeal, pays the appeal filing fee required by § 133-17, and requests an expedited hearing before the Hearing Officer within twenty-four (24) hours of delivery of the Notice of Immediate Suspension. The Village shall schedule the expedited hearing as soon as practicable.

§ 133-31. Violations of Article IV; penalties.

A. The following shall constitute violations under this Article:

1. Knowingly providing accommodations to a Registered Sex Offender in any Hotel within the Village of Colonie without first obtaining a Permit as required by this Article.

2. Knowingly providing accommodations to a Registered Sex Offender in any Hotel within the Village of Colonie if the Occupancy by such Registered Sex Offender results in the Hotel exceeding its maximum number of assigned occupancy points at any one time on any given day.

3. Failing to display a Permit as required by this Article.

4. Failing to notify the Village within thirty (30) days of any new or changed information provided on the application for a Permit, or within any shorter period required by this Chapter.

5. Transferring a Permit issued pursuant to this Article.

B. Any Licensee or Person who violates any provision of this Article shall, upon conviction thereof, be punished as follows:

1. Upon a first conviction: by a fine not less than fifty dollars (\$50) and not more than two hundred fifty dollars (\$250), or by imprisonment for a period not to exceed seven (7) days, or by both such fine and imprisonment.

2. Upon a second conviction: by a fine not less than one hundred dollars (\$100) and not more than two hundred fifty dollars (\$250), or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment.

3. Upon a third or subsequent conviction: by a fine not less than two hundred fifty dollars (\$250), or by imprisonment for a period not to exceed fifteen (15) days, or by both such fine and imprisonment.

4. Notwithstanding a conviction for a violation of any provisions of this Article, the Licensee may also be subject to revocation of any Permit or License herein granted without reimbursement of fees paid therefor.

5. Any penalties otherwise provided by state law or the Code of the Village of Colonie.

C. Each day that a violation continues shall be deemed a separate offense and fines shall be cumulative.

ARTICLE V. Enforcement of Chapter

§ 133-32. Enforcement.

A. The Village's Code Enforcement Officer, building inspectors, fire inspectors, and any police department or law enforcement agency having jurisdiction are each vested with authority to issue appearance tickets for any violation of this Chapter to the extent authorized by law.

B. An action or proceeding in the name of the Village of Colonie may be commenced in any court of competent jurisdiction to compel compliance with, restrain by injunction, or otherwise enforce the provisions of this Chapter.

C. Any penalties imposed hereunder shall be cumulative and not exclusive. The Village reserves the right to pursue any and all other remedies available by law or in

equity, including but not limited to the revocation or suspension of any License or Permit, civil penalties, injunctive relief, abatement, and recovery of costs to the extent authorized by law.

§ 133-33. Defense, indemnification, immunity, and no private right of action.

A. This Chapter shall be construed to preserve and not waive any defense, governmental immunity, quasi-judicial immunity, legislative immunity, discretionary-act immunity, qualified immunity, statutory immunity, or other protection available to the Village, the Mayor, the Board of Trustees, the Village Clerk, the Code Enforcement Officer, the Village Attorney, any police officer or law enforcement agency having jurisdiction, the Hearing Officer, and all Village officers, employees, agents, and representatives.

B. To the fullest extent permitted by law, a Hearing Officer appointed under § 133-17 shall be deemed an appointed Village officer or employee acting within the scope of Village service for purposes of Chapter 37 of the Code of the Village of Colonie, Public Officers Law § 18, and any other applicable defense or indemnification provision. Such defense and indemnification shall be subject to all conditions, exclusions, and limitations of such laws, including but not limited to requirements for timely request, cooperation, scope of service, and absence of intentional wrongdoing, recklessness, bad faith, or conduct otherwise excluded by law.

C. No Village officer, employee, agent, representative, or Hearing Officer shall be personally liable for any good-faith act, omission, determination, inspection, enforcement decision, appointment, hearing, order, or other discretionary or quasi-judicial action taken under this Chapter within the scope of such person's authority, except to the extent personal liability may not lawfully be limited.

D. Nothing in this Chapter shall be construed to create a private right of action against the Village, the Mayor, the Board of Trustees, the Village Clerk, the Code Enforcement Officer, the Village Attorney, any police officer or law enforcement agency having jurisdiction, the Hearing Officer, or any Village officer, employee, agent, or representative for failure to enforce this Chapter, for the manner of enforcement, or for any determination made under this Chapter. Nothing herein shall limit any right to administrative appeal expressly provided in this Chapter or any right to seek judicial review under Article 78 of the Civil Practice Law and Rules.

Section 3. Savings; existing proceedings.

A. The repeal and replacement of Chapter 133 shall not affect any violation, penalty, proceeding, application, license, permit, order, notice, appeal, investigation, or enforcement action commenced or accruing before the effective date of this Local Law, and such matters may be continued and enforced as if this Local Law had not been adopted, except to the extent the Village determines that application of this Local Law is necessary to protect public health, safety, or welfare and may lawfully be applied.

B. Any Hotel operating in the Village on the effective date of this Local Law shall apply for a License under this Chapter within thirty (30) days of the effective date, unless a shorter period is required by a notice or order issued by the Village. Any existing Registered Sex Offender Occupancy License, permit, approval, or similar authorization issued under former Chapter 133 shall remain subject to its stated expiration date, revocation, or suspension, but the Licensee shall apply for any Permit required under this Chapter within thirty (30) days of the effective date.

Section 4. Supersession.

To the extent any provision of this Local Law is inconsistent with any provision of the Village Law, Town Law made applicable to villages, or other state law that may be superseded by local law, the Board of Trustees hereby declares its intent to supersede such inconsistent provision pursuant to the Municipal Home Rule Law, except where preempted by state or federal law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, article, or part of this Local Law or the application thereof to any Person, property, or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the part or application directly involved in the controversy in which such judgment shall have been rendered.

Section 6. Effective date.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

BY ORDER OF THE BOARD OF TRUSTEES:

Jamie L. Blot
Village Clerk

DATED: this 3rd day of August 2026.

RESOLUTION 2026-40
PURCHASE OF AIR PACKS FROM CAPITAL RESERVE – FIRE EQUIPMENT FUND

WHEREAS, pursuant to resolution 2021-58 that was approved on September 7, 2021, the Village of Colonie entered into an agreement with Community Leasing Partners for the purchase of said equipment; and

WHEREAS, the final installment is due to Community First National Bank and shall be paid out of the Capital Reserve – Fire Equipment Fund,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Board of Trustees authorize the expense of said funds out of the Capital Reserve – Fire Equipment Fund for the 2026 installment for the purchase of related fire equipment.

BE IT FURTHER RESOLVED, that the Mayor and Board of Trustees authorizes said expense, not to exceed \$23,000, to be spent out of the Capital Reserve – Fire Equipment Fund.

Jamie L. Blot
Village Clerk

DATED this 3rd day of August 2026.