

**Laws & Rules, Governmental Services Committee  
Regular Meeting Minutes**

**DATE & TIME:** February 12, 2018 – 6:30 PM  
**LOCATION:** KL Binder Library, 6<sup>th</sup> Floor, County Office Building  
**PRESIDING OFFICER:** Chairman Roberts  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Haynes, Heppner & James Maloney  
**ABSENT:** Legislator Donaldson  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Archer, Joseph Maloney & Brian Woltman, Legislative Counsel Pascale, Evan Gallo – Ulster County Comptroller’s Office, Ken Crannell – Ulster County Executive’s Office, Tom Kadgen – League of Women Voters, Frank Edlinger & Scott Fawaz – BRLTA, Tamara Murray (Emerson Resort & Spa) & CJ Hartwell-Kelly (Buttermilk Falls) – Ulster County Lodging Coalition

Chairman Roberts called the meeting to order at 6:34 PM.

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**Motion No. 1: Moved to Approve the Minutes of the December 18, 2017 meeting**

**Motion By:** Legislator Haynes  
**Motion Seconded By:** Legislator Heppner

**Discussion:** None

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Minutes APPROVED**

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Resolutions for the February 13, 2018 Session of the Legislature

**Resolution No. 9:** Setting A Public Hearing On Proposed Local Law No. 1 Of 2018, A Local Law Amending Local Law No. 2 Of 2006 (A Local Law Adopting A County Charter Form Of Government For The County Of Ulster, State Of New York) And Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), To Amend The Terms Of Office For Certain Ulster County Elected Officials, To Be Held On Tuesday, March 13, 2018 At 6:05 PM

**Resolution Summary:** This resolution sets a Public Hearing for Tuesday, March 13, 2018 at 6:05 PM to allow the public to offer comments on Proposed Local Law Number 1 of 2018.

**Motion No. 2: Moved for DISCUSSION**

**Motion By:** Legislator James Maloney

**Motion Seconded By:** Legislator Heppner

**Discussion:**

Legislator James Maloney said he understood that there was a proposed amendment to the law. Chairman Roberts advised the members that the sponsor, Joseph Maloney, was seeking an amendment to Section 5 and had copies of the proposal distributed. Legislator Joseph Maloney asked if the members had any questions about the amendment and said that the additional language clarified the term specifications.

**Motion No. 3: Moved to AMEND Section 5 of Proposed Local Law No. 1 of 2018 in the form as attached**

**Motion By:** Legislator James Maloney

**Motion Seconded By:** Legislator Haynes

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts

**Voting Against:** None

**Votes in Favor:** 4

**Votes Against:** 0

**Disposition:** Amendment ADOPTED

**Motion No. 4: Moved to ADOPT Resolution No. 9 with Proposed Local Law No. 1 as amended**

**Motion By:** Legislator James Maloney

**Motion Seconded By:** Legislator Haynes

**Discussion:** None

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts

**Voting Against:** None

**Votes in Favor:** 4

**Votes Against:** 0

**Disposition:** Resolution ADOPTED

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**Resolution No. 10:** Setting A Public Hearing On Proposed Local Law No. 2 Of 2018, A Local Law Amending Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy Tax), To Update The Tax Law's Application To Short-Term And Vacation Rentals, To Be Held On Tuesday, March 13, 2018 At 6:10 PM

**Resolution Summary:** This resolution sets a Public Hearing for Tuesday, March 13, 2018 at 6:10 PM to allow the public to offer comments on Proposed Local Law Number 2 of 2018.

**Motion No. 5: Moved for DISCUSSION**

**Motion By:** Legislator Heppner

**Motion Seconded By:** Legislator Haynes

**Discussion:**

Chairman Roberts recognized Mr. Crannell from the Executive's Office. Mr. Crannell informed the members that the county currently collects \$1.4 million through the occupancy tax. He added that the county currently collects the tax from short-term and vacation rentals which is the aim of the proposed legislation. He admitted that the county has not been able to identify all short-term and vacation rental properties in the county, but that there are collaborative efforts being made through Commissioner of Finance, Department of Planning and the Real Property Tax Department to identify properties that should be remitting the tax. He also stated that the proposed voluntary tax agreement with Airbnb restricts the ability of the county to conduct audits of payments collected, collect information on properties using the system, to pursue arrears, or sue Airbnb. He provided the members with copies of the voluntary tax collection agreement between Sullivan County and Airbnb.

Legislator Joseph Maloney commented that the process the county is using to identify short-term rentals in the county is inefficient. He added that the county could benefit from occupancy taxes collected through an agreement with Airbnb as have many other counties in the state. He advised the members that he would be willing to postpone the resolution until the following meeting.

Legislator Haynes asked for clarification on the amount of potential revenue that could be collected if more short-term rentals were identified as there were discrepancies between estimates provided by the Comptroller's Office and the Commissioner of Finance. Mr. Crannell responded that the Commissioner of Finance has the most accurate figures but is limited in the amount of information he can share. He added that the amount of money that could be recovered may not be large enough to justify the administrative costs.

Chairman Roberts recognized Mr. Gallo from the Comptroller's Office. Mr. Gallo stated that the piecemeal approach to identify short-term rentals and enforce the collection of the occupancy tax throughout the county is inadequate. He added that the proposed local law which has been discussed for the past couple years had a registration requirement in order to create and maintain a more comprehensive database of short-term and vacation rentals regardless of the web platform they choose to advertise with.

Legislator Heppner asked if he could be provided with an occupancy tax amount currently collected from properties in his district. Mr. Crannell responded that information on a vendor level cannot be disclosed but that information in general terms could be provided by the Commissioner of Finance. Legislator Heppner stated that he would simply like to know how many times an occupancy tax is collected in his district. He expressed concern with aggressively pursuing back taxes, considering the absence of a comprehensive list of qualifying properties. He added that consideration should be given to revenue sharing with the towns to assist with mitigating local issues like code enforcement, etc.

Chairman Roberts asked if anyone in attendance from the Lodging community would like to speak. Ms. Tamara Murray, Marketing and Sales Director for the Emerson Resort & Spa, and Co-Chair of the Ulster County Lodging Coalition (UCLC), thanked the members for the opportunity to speak.

She introduced UCLC Co-Chair CJ Hartwell-Kelly from Buttermilk Falls. Ms. Murray informed the members that they have been following the occupancy tax issue for several years and have looked to the NYS Hospitality & Tourism Association for counsel. She said the issue to the UCLC is not just about collecting a tax, it is also about health and safety regulations. She stated that the playing field should be leveled in that regard.

**Motion No. 6:** Moved to **POSTPONE Resolution No. 10**  
**Motion By:** Legislator James Maloney  
**Motion Seconded By:** Legislator Haynes

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolution POSTPONED**

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**Resolution No. 11:** Setting A Public Hearing On Proposed Local Law No. 3 Of 2018, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For The County Of Ulster, (Local Law No. 10 Of 2008), To Establish The Department Of Economic Development, To Be Held On Tuesday, March 13, 2018 At 6:15 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, March 13, 2018 At 6:15 PM to allow the public to offer comments on Proposed Local Law Number 3 of 2018.

**Motion No. 7:** Moved to **ADOPT Resolution No. 11**  
**Motion By:** Legislator James Maloney  
**Motion Seconded By:** Legislator Heppner

**Discussion:**

Legislator James Maloney said he would support moving the Proposed Local Law forward for the purpose of a Public Hearing, but would not be supporting the adoption of the law. He stated that he did not feel it was appropriate to increase the size of the county government at this time and felt that any discussion of the creation of a new department should take place during the budget process. He added that funding to support a new department was not included in the 2018 adopted budget.

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** **Resolution ADOPTED**

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**Resolution No. 26:** Setting A Public Hearing On Proposed Local Law No. 5 Of 2018, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For the County Of Ulster, (Local Law No. 10 Of 2008), To Clarify Budget Modification After Adoption, To Be Held On Tuesday, March 13, 2018 At 6:25 PM

**Resolution Summary:** This resolution sets a public hearing for Tuesday, March 13, 2018 At 6:20 PM to allow the public to offer comments on Proposed Local Law Number 5 of 2018.

**Motion No. 8:** Moved to POSTPONE Resolution No. 26

**Motion By:** Legislator James Maloney

**Motion Seconded By:** Legislator Haynes

**Discussion:**

Legislator James Maloney informed the members that Legislator Donaldson was not able to attend the meeting and had requested that the Resolution be postponed. Chairman Roberts stated that Legislator Donaldson had also contacted him prior to the meeting to request postponement.

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts

**Voting Against:** None

**Votes in Favor:** 4

**Votes Against:** 0

**Disposition:** Resolution POSTPONED

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**Resolution No. 60:** Amending The 2018 Ulster County Budget To Restore Funding For The Position Of Confidential Secretary To The Office Of The Comptroller

**Resolution Summary:** This resolution amends the Ulster County Budget in the amount of \$70,908 to restore the salary and benefits of the position of Confidential Secretary in the Ulster County Comptroller's Office.

**Motion No. 9:** Moved to POSTPONE Resolution No. 60

**Motion By:** Legislator James Maloney

**Motion Seconded By:** Legislator Haynes

**Discussion:**

Legislator James Maloney informed the members that Legislator Donaldson requested that the Resolution be postponed. Chairman Roberts stated that Legislator Donaldson had also contacted him prior to the meeting to request postponement.

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts

**Voting Against:** None

**Votes in Favor:** 4

**Votes Against:** 0

**Disposition:** Resolution POSTPONED

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**LATE Resolution No. 62:** Approving The Execution Of A Contract Amendment Causing The Aggregate Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Clinton Avenue United Methodist Church – Department Of Social Services

**Resolution Summary:** This resolution approves the execution of contract amendment number three to increase the not to exceed amount of the contract with the Clinton Avenue Methodist Church by \$30,000 for the operation of the county’s warming center.

**Motion No. 10:** Moved to ADOPT Resolution No. 62

**Motion By:** Legislator James Maloney

**Motion Seconded By:** Legislator Heppner

**Discussion:**

Mr. Crannell explained that the increase in the not to exceed amount of the contract was necessary due to the extensive and prolonged cold weather the county has experienced. He added that the continuous operation of the warming center was extremely important.

**Voting In Favor:** Legislators Haynes, Heppner, James Maloney & Roberts

**Voting Against:** None

**Votes in Favor:** 4

**Votes Against:** 0

**Disposition:** Resolution is ADOPTED

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Chairman Roberts advised the members that Resolution No. 61 – Setting a Public Hearing on Proposed Local Law No. 6 of 2018 appeared on the agenda under new business at the sponsor’s, Legislator Donaldson, request. He encouraged the members to review the legislation for discussion at the March committee meeting.

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**Adjournment**

**Motion Made By:** Legislator James Maloney

**Motion Seconded By:** Legislator Haynes

**No. of Votes in Favor:** 4

**No. of Votes Against:** 0

**TIME:** 7:18 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**

**Minutes Approved: March 19, 2018**