

**Government Efficiency and Review Committee
Regular Meeting Minutes**

DATE & TIME: May 16, 2016 – 5:00 PM
LOCATION: COB, 6th Floor, Karen Binder Library
PRESIDING OFFICER: Chairman John R. Parete
LEGISLATIVE STAFF: Jay Mahler, Legislative Staff
PRESENT: Legislators Belfiglio, Briggs, Greene, R. Parete
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Ulster County Comptroller Elliott Auerbach, Evan Gallo – Deputy Ulster County Comptroller, Mr. Tom Kadgen – League of Women Voters

Chairman Parete called the meeting to order at 5:06 PM.

Motion No. 1: RESOLVED To Approve the Minutes of the April 18, 2016 meeting

Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator Briggs

Discussion: None

Roll Call Vote: No
Voting In Favor: Legislators J. Parete, Belfiglio, Briggs, Greene, and R. Parete
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Resolution No. 176 – May 17, 2016

Text of Motion: Resolved to approve Resolution No. 176 – Setting A Public Hearing On Proposed Local Law No. 4 of 2016 (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, June 21, 2016 At 7:10 PM

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Belfiglio

Resolution No. 176 Summary: This resolution sets a public hearing on Tuesday, June 21, 2016 to give the public an opportunity to express their thoughts on Proposed Local Law No. 4 of 2016.

Discussion:

Chairman J. Parete said he felt that there was no question that there exists an inequity in the accommodation industry which needs to be addressed. He added that he would like to see the Public Hearing approved to give people an opportunity to speak their minds. Legislator Belfiglio asked for clarification on the amendments that appeared before them. Deputy Comptroller Gallo explained that the amendments were ministerial changes to formatting, but the content remained the same.

Legislator Belfiglio stated that he felt the inequity in bed tax collection should be addressed. He added that it would be difficult to locate all of the operators of short-term and vacation rentals. He asked what the process would be to find operators who do not necessarily advertise on Airbnb. Chairman J. Parete responded that you need to start somewhere and reiterated that he would like to move forward and give the operators and others an opportunity to weigh in on the law.

Legislator Belfiglio asked if there might be a way to notify people about the law by including a note in their property tax bill. Legislator R. Parete responded that this public hearing is no different than the one for the dog tethering law or pet registry adding that public hearings are advertised in the paper and on the Legislature's website. Legislator Belfiglio reminded the members that there was some question as to the legality of collecting the tax from Airbnb on behalf of an operator. Comptroller Auerbach responded that his office felt that third party collection was allowable and added that his office was in communication with Airbnb corporate to come to an agreement for collection that could then be used as a model for other advertising entities such as Vacation Rental by Owner, Flip Key, etc. Deputy Comptroller informed the members that Airbnb advised them that they were in final talks with a county to allow for a solitary collection agreement. He added that this conversation was being taken up at state wide financial conferences. Comptroller Auerbach added that the projected revenue from this law was estimated to be \$250,000.

Legislator R. Parete added that he would like to see the revenue generated dedicated to developing affordable housing in the county rather than going towards tourism. He stated that the rental of homes as vacation accommodations has reduced the stock of available housing for Ulster County resident. He added that many people, such as fireman, cannot afford to live in the communities they serve.

The members discussed the lack of affordable housing in the county and the difficulty the Department of Social Services has in placing people. Comptroller Auerbach added that the towns could enact local ordinances prohibiting investor type Airbnbs as opposed to homeowner rentals.

Legislator Briggs questioned whether the homes being rented through Airbnb are the same homes that individuals looking for an affordable home to rent. He added that he agreed there was a need for affordable housing, but said that there is always significant hesitation to build low income and/or affordable housing by municipalities.

Legislator R. Parete advised the members that there are programs in communities in Massachusetts that requires a certain percent of new housing built be dedicated to affordable housing for students, or lower income individuals, etc.

Roll Call Vote:	No
Voting In Favor:	Legislators J. Parete, Belfiglio, Briggs, Greene, and R. Parete
Voting Against:	None
No. of Votes in Favor:	5
No. of Votes Against:	0
Disposition:	Carried

Motion No. 3: Resolution No. 280 – April 19, 2016

Text of Motion: Resolved to approve Resolution No. 185 AS AMENDED – Authorizing The Chairman Of The Ulster County Legislature To Execute An Extension Of The Sales Tax Agreement With The City Of Kingston

Motion Made By: Legislator Briggs
Motion Seconded By: Legislator Belfiglio

Resolution No. 280 Summary: This resolution authorizes the Chairman to execute a sales tax agreement between the County of Ulster and the City of Kingston providing for the distribution and allocation of sales tax to the municipalities for a term of five years, commencing March 1, 2016 and ending February 28, 2021, in the form as described in Exhibit A.

Discussion:

Legislator Belfiglio commented that he was in support of the amendment to ensure that tax payments are not held up for any reason.

Comptroller Auerbach advised the members that his office looked at past sales tax agreements and pointed out that in 1986 there was an obligation to negotiate within a specified timeframe between the City of Kingston and the County, but for some reason that proviso was eliminated moving forward. He recommended that the Legislature look into reinstating that timeframe to avoid future instances like the current one allowing for the lateness of this resolution and more timely agreements in the future.

Legislator Briggs asked if any of the members knew if the City was supportive of the agreement before them and if they would be passing it as is. He added that it seemed premature to pass an agreement without knowing if the City even wanted it. Chairman J. Parete agreed with him.

Legislator Greene advised the members that she would be attending the monthly meeting of the County Supervisors and Mayors Association, being held tomorrow morning, to listen to their discussion on the subject. She added that she called around and it seemed that there was no opposition to it.

Legislator Briggs offered his opinion that the Towns should have advocated for an increase for themselves as opposed to supporting the past agreement and getting behind the City of Kingston. Chairman J. Parete added that in the Town of Olive their contribution to the Safety Net once the county took over the cost went from about \$35,000 per year to \$330,000. He added that Olive pays about 6.7% of county taxes and the City says 7.5%, making it almost equal. He stated that he would be a no on the resolution.

Legislator Belfiglio said that he would be supporting the resolution since the City of Kingston was okay with the agreement and they and the County are the parties who are authorized to negotiate. Legislator R. Parete agreed with Legislator Belfiglio. Legislator Briggs stated that he would be a yes to move the resolution to the floor, but may vote no at session.

Mr. Kadgen commented that he believed the tax payers should have been given relief through their town and/or City tax bill when the county took over the safety net costs. Legislator R. Parete agreed and informed the members that in Marbletown the Supervisor was given a raise rather than reducing the town taxes.

Roll Call Vote:	No
Voting In Favor:	Legislators J. Parete, Belfiglio, Briggs, Greene, and R. Parete
Voting Against:	J. Parete
No. of Votes in Favor:	4
No. of Votes Against:	1
Disposition:	Carried

New Business

Chairman J. Parete advised the members that he has encouraged Legislators, whether on the committee or not, as well as individuals, county department heads, etc. to bring forward

ideas and legislation they feel should be reviewed, could be improved, is not being enforced, etc. He added that he would be assigning requests to individual committee members for follow up. He said he was hoping to get research assistance moving forward from government and school groups. Legislator Belfiglio suggested starting with the most recently adopted Local Laws and proceeding backwards. He thought a good law to start with would be the Local Law regulating tobacco sale within 1,000 feet of a school. He added he was not questioning the merits of the law, just that he would like a report to see if it was being enforced. He said the Executive's Office should be providing regular updates on Local Law enforcement. Chairman J. Parete suggested that Legislator Belfiglio send a note to the Executive and Department of Health for a status update.

Legislator R. Parete asked if anyone was arrested under the provisions of the Dog Tethering Law.

Chairman J. Parete said he had a number of issues with the tobacco retail sale law he had concerns with a number of things in the law. Legislator Belfiglio asked that a letter be written to the Department of Health to follow up on the compliance.

Chairman J. Parete informed the members that the Director of Purchasing provided a response earlier that afternoon to the committee's letter asking for a review of compliance with the Healthy Vending Options policy. His response stated that it was up to the Legislature to decide what constitutes healthy. Legislator Belfiglio advised the members that the Director of Purchasing also stated there was an issue with compliance which was addressed and recommended a review of the criteria to qualify as "healthy."

Chairman Parete informed the members that the committee also received a response from the Commissioner of Finance earlier in the day regarding the status of reimbursement to the Towns named in Resolution 130 for expenses incurred due to damages caused by Hurricane Irene and Super Storm Sandy. He added that he found the response to be interesting explaining that the letter says the county needs an affidavit from the towns stating that no monies have been received from the state before the County can payout anything. He continued by saying that he asked legislative staff about it and was advised that never before has the legislature contacted towns when a resolution called for some sort of communication or documentation from them. He questioned why the county had not reached out to the towns.

The members briefly discussed the history of the issue. Chairman J. Parete said he would follow up with the Clerk of the Legislature on how to further pursue the matter. Legislator Greene offered to bring a copy of the letter from the Commissioner of Finance to the meeting of the Supervisor's and Mayor's Association the next morning. Chairman J. Parete asked legislative staff to provide Legislator Greene with copies of the letter and the resolution.

Chairman J. Parete asked if there was any new business. Legislator Greene advised the members that she would be introducing a memorializing resolution that came to her through the NY Civil Liberties Union calling on the state to assist counties with funding for Indigent Legal Defense services which increased as a result of the Hurrell-Harring settlement. She added that the resolution was passed by the NYS Association of Counties and asked for some input before submitting it to the Law Enforcement & Public Safety Committee for consideration in June.

Comptroller Auerbach added that several years ago his office did a report on assigned counsel and found that the amount of county funds expended was significant. He stated his support for an increase in state funding to help with the costs. He advised the members that the report was available on his website.

Legislator Belfiglio reminded the members that he introduced a budget amendment last year for \$200,000 for Legal Services of the Hudson Valley. He questioned how the Legislature could support a resolution calling on the state for funding when they would not approve their own. He added that through the budget process the funding was decreased to \$100,000 and given to the Office for the Aging to support seniors. He asked if the Legislature has received a report on the use of that funding.

Legislator Donaldson agreed with Legislator Belfiglio and clarified that indigent legal services is for criminal matters while the Legal Services assistance is for civil matters.

Chairman J. Parete advised the members that he was asked to look into the Electric Vehicle Charging Stations. He added that he read the report by the Comptroller, looked at the numbers, and considered the clear legal opinions that the county cannot give things away. He said that the vast majority of the people using the stations live locally which is contrary to the County Attorney's opinion that he act is legal because it promotes tourism.

Legislator R. Parete informed the members that the county used to print flyers for the Rondout Valley Growers Association. He relayed that a few years ago County Attorney Havranek said the county could not give anything away for free and ended the practice. He continued by saying that he offered to pay and she said that was not allowable. He questioned why it was permissible to accept money from the Ulster County Chamber of Commerce to continue the practice.

Chairman J. Parete criticized the underwriting of the charging stations for use by locals when the justification and arguments made were all about tourists. Legislator Greene stated that she uses the charging stations and would be glad to pay for the actual cost of using it, but was concerned about paying for additional fees that would be equal to or greater than the \$0.47 cost of the electricity.

Deputy Comptroller Auerbach explained that it was his understanding that the provider, Charge Point, would tack on a service fee. Legislator Greene stated that the service fee was a concern. Legislator Briggs expressed his opinion that service fees are paid by individuals for gas, and while he would like to only pay for the fuel, that is not an option and should not be an option for people receiving fee electricity.

Legislator Donaldson said he would like the committee to look into services and programs no longer available as a result of the privatization of Mental Health. Legislator Briggs asked what the question would be and suggested that a specific issue or former program be identified and then ask for information of how the need is being met currently.

Chairman J. Parete said that his son Robert worked to pass a Local Law to have the Mental Health and Health Department works with the school districts to identify children in need and the school districts refused to participate. Legislator Briggs said the Legislature had no purview to interfere with school policies and procedures.

Chairman J. Parete said that if the Law is worthless then it should be repealed and that is one of the charges of the committee. Legislator Belfiglio suggested the question asked about Mental Health Services could be, are the services being offered now more, the same, or less than was offered before privatization. Legislator R. Parete added that the number of people being served before privatization and now should also be a part of the question. He added that Deputy County Executive Crannell made a presentation when the Legislature was going through the process of privatizing and said that the firm was going to offer more, enhanced services that the county did not have the ability to do. He asked Mr. Crannell to provide a list of services provided by the county currently and a list that the new organizations were going to be providing. He said the list was never provided.

Chairman Parete asked if there was any other business, and hearing none;

Adjournment

Motion Made By:	Legislator Briggs
Motion Seconded By:	Legislator Greene
No. of Votes in Favor:	5
No. of Votes Against:	0

TIME: 6:18 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: June 20, 2016