

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

**DATE & TIME:** October 16, 2017 – 5:30 PM  
**LOCATION:** COB, 6<sup>th</sup> Floor, Karen Binder Library  
**PRESIDING OFFICER:** Chairman John Parete  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Belfiglio, Greene, R. Parete and Ronk (arrived at 5:55 PM)  
**ABSENT:** Legislator Briggs  
**QUORUM PRESENT:** Yes  
  
**OTHER ATTENDEES:** Legislator Heppner

Chairman J. Parete called the meeting to order at 5:30 PM.

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**Motion No. 1:** **Moved to APPROVE the Minutes of the August 14, 2017 meeting**  
**Motion By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator R. Parete

**Discussion:** None

**Voting In Favor:** Legislators Belfiglio, Greene, J. Parete and R. Parete  
**Voting Against:** None  
**Votes in Favor:** 4  
**Votes Against:** 0  
**Disposition:** Minutes **APPROVED**

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**Resolutions for the October 17, 2017 Session of the Legislature:**

**Resolution No. 374:** Amending Resolution No. 319 of 2001, Amending The Policy Of The County Of Ulster With Regard To Project Labor Agreements

**Resolution Summary:** This resolution amends Resolution No. 319 of 2011 to increase the \$1 million project amount threshold to \$3.5 million.

**Motion No. 2:** **Moved Resolution No. 374 FOR DISCUSSION**  
**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Belfiglio

**Discussion:**

Chairman J. Parete advised the members that the resolution before them amends the project threshold amount from \$1 million to \$3.5 million as discussed in previous meetings. The policy was further amended to require due diligence studies when the threshold is met and a project requires three or more contractors. Legislator Belfiglio advised the members that Legislator Bartels questioned the addition of three or more contractors as a provision in a Ways & Means Committee meeting. Chairman J. Parete stated that the change was in response to bridge or road projects which

might meet the amount threshold but only required the services of one or two contractors, which would not benefit from a PLA or justify the cost of a due diligence study.

Legislator Greene asked if Mike Ham and the building trades were consulted. Chairman J. Parete stated that he spoke to Mr. Ham and he did not have a problem with the changes.

**Motion No. 3:**                    **Moved to ADOPT Resolution No. 374**

**Motion By:**                    Legislator R. Parete

**Motion Seconded By:** Legislator Belfiglio

**Voting In Favor:**            Legislators Belfiglio, Greene, J. Parete and R. Parete

**Voting Against:**            None

**Votes in Favor:**            4

**Votes Against:**            0

**Disposition:**              Resolution No. 374 **ADOPTED**

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**Resolution No. 393:** Setting A Public Hearing On Proposed Local Law No. 9 Of 2017, 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, November 14, 2017 At 7:15 PM

**Resolution Summary:** This resolution sets a Public Hearing for Tuesday, November 14, 2017 at 7:15 PM for the purpose of hearing public comment on Proposed Local Law No. 9 of 2017.

**Motion No. 2:**                    **Moved Resolution No. 393 FOR DISCUSSION**

**Motion By:**                    Legislator Belfiglio

**Motion Seconded By:** Legislator Greene

**Discussion:**

Legislator Belfiglio informed the members that he attended the NYSAC conference in September where they had a seminar on Airbnbs. He said there were representatives from Airbnb in attendance who stated that they have voluntary tax collection agreements with seventeen counties throughout New York which authorize them to collect occupancy taxes on behalf of operators and remit them to the county. He reminded the members that there were concerns by some in the county as to the legality of third parties collecting the tax. He said he believed that question has been answered considering the number of counties who have passed local laws to allow Airbnb to collect the tax.

He advised the members that he had intended to amend the law to allocate some of the bed tax dollars to the towns for enforcement assistance as well as to create more affordable housing opportunities in the county. He stated that Legislative Counsel directed him to a section of the state enabling legislation which stipulates that occupancy tax revenues are restricted to tourism and convention promotion activities. Considering that information, he advised the members that his law as proposed must be amended to take out the town allocation.

The members discussed the Legislature's ability to appropriate and allocate county funds during the budget process. Legislator Belfiglio commented that towns do not equally receive tourism promotion and felt that the law could help with a more equitable allocation of services.

The members discussed that the law implements a voluntary tax agreement between the county and Airbnb that would allow Airbnb to collect the bed tax from individuals who book rooms through their site and then remit the tax to the county on behalf of the owner and/or operators of the short term and vacation rentals. Legislator R. Parete asked if the law applied to booking entities other than Airbnb, like HomeAway. Legislator Belfiglio responded that the law only applied to Airbnb.

Legislator Greene commented that the Ways & Means Committee had some concerns with the formula for distributing the tax revenue as some towns, like Woodstock, have many more vacation rental properties than others. Legislator Belfiglio stated that Legislative Counsel has advised him that state law does not allow for the distribution of bed tax revenues to individual towns, therefore the amendment to eliminate that section of the law would alleviate those concerns. Legislator Greene informed the members that she had received a number of calls from constituents who occasionally rent properties through Airbnb and were not in favor of the law. Legislator Belfiglio stated that the money from the bed tax comes from the individuals who rent the property, not the proprietor.

Legislator R. Parete commented that he was concerned that there might be an increase in town code requirements and regulations on homeowners, like fire escapes, emergency exits, etc. who rent through Airbnb. The members discussed whether homeowners have to record income from Airbnb rentals on personal income taxes. Chairman Ronk stated that the zoning and/or code enforcement questions would be up to the individual towns to address. He added that income received from rentals should be declared on individual tax returns and wouldn't necessarily require a business to be formally set up. The members briefly discussed the subject of sales taxes.

The members discussed the county budget process in general and the Legislature's ability to allocate and appropriate the revenue generated through the collection of the occupancy tax.

**Motion No. 3:                    Moved to AMEND page 5 of Proposed Local Law No. 9 of 2017 to read as follows:**

After deducting the amount necessary for administration of such tax, the ~~following appropriations shall be made from the revenues gained:~~ **(1) greater of 10% of the revenue derived from the tax or \$150,000 shall be credited to and deposited in a special tourism and convention fund, and the collections therefrom shall thereafter be allocated by the County Legislature only for tourism and convention promotion and development, and (2) with remaining monies, the greater of 5% of the revenues derived from the tax or \$100,000 shall be credited to the Towns of the County, as well as the City of Kingston, proportionately based on the annual state equalization rate for a given municipality within the County of Ulster as part of a yearly schedule determined by the Commissioner of Finance, for purposes of developing, administering, and enforcing building, fire prevention, energy, and similarly related state, local, and federal codes pertaining to the public safety and welfare ...**

**Motion By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator R. Parete

**Voting In Favor:** Legislators Belfiglio, Greene, J. Parete and R. Parete  
**Voting Against:** Legislator Ronk  
**Votes in Favor:** 4  
**Votes Against:** 1  
**Disposition:** **AMENDMENT ADOPTED**

**Motion No. 3:** **Moved to ADOPT Resolution No. 393 with Proposed Local Law AS AMENDED**

**Motion By:** Legislator R. Parete  
**Motion Seconded By:** Legislator Belfiglio

**Voting In Favor:** Legislators Belfiglio, Greene, J. Parete and R. Parete  
**Voting Against:** Legislator Ronk  
**Votes in Favor:** 4  
**Votes Against:** 1  
**Disposition:** Resolution No. 393 **ADOPTED WITH PROPOSED LOCAL LAW AS AMENDED**

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Chairman J. Parete asked the members if there was any other business, and hearing none;

### Adjournment

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

**TIME:** 6:13 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**  
**Minutes Approved: December 18, 2017**