

**OCCUPANCY TAX COMMITTEE**

**DATE: November 2, 2011**

**AGENDA**

**Committee Supervisors:**

**William H. Kenny, Chairman**

**Eugene J. Merlino**

**Ralph W. Bentley**

**Fred Champagne**

**Sterling T. Goodspeed**

**Frank McCoy**

**Ronald F. Conover**

- I. Committee meeting called to order by Chairman.**
- II. Motion to approve minutes of meeting held on August 15, 2011**
- III. Report on Revenues from the County Treasurer.**
- IV. Update on progress made in Asian Clam eradication by Emily Debolt, Lake George Association**
- V. Action Agenda:**
  - a) Resolution to amend wording of Resolution # 794 of 2010**
  - b) Discuss minor changes to contract and application for Occupancy Tax funding**
  - c) Discuss handling of Occupancy Tax applications; set date for formal workshop**
  - d) Discuss 3% cap on amount the Treasurer's office can withdraw from Occupancy Tax**
  - e) Discussion of Asian Clam contribution for 2012**
- VI. Old Business: Discuss proposal from Mayor Blais regarding use of occupancy tax funding to assist with public safety costs for special events.**
- VII. Adjourn**

# **RESOLUTION REQUEST FORM NO. 20**

## **MISCELLANEOUS**

*\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.*

**DEPARTMENT NAME: TOURISM**

**DATE: November 2, 2011**

- (a) Purpose of Request: to amend the wording of Resolution # 794 of 2010 to include the wording "or Memorandum of Understanding".
  
- (b) Details: The Memorandum of Understanding will be used in lieu of the Warren County Tourist and Convention Development Agreement, for County Departments who receive funding. See attached.
  
- (c) Previous Resolution Number: 794 of 2010
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS

# Warren County Board of Supervisors

## RESOLUTION NO. 794 OF 2010

Resolution introduced by Supervisors Kenny, Merlino, Bentley, Champagne, Goodspeed, McCoy and Conover

### AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE DISBURSEMENT OF 2010 OCCUPANCY TAX REVENUES

RESOLVED, that Warren County enter into the standard form Warren County Tourist and Convention Development Agreement <sup>or Memorandum of Understanding</sup> with various applicants as listed on the attached "Schedule A" with the completed form to be approved by the County Attorney, and be it further

RESOLVED, that the Chairman of the Warren County Board of Supervisors be, and hereby is, authorized and directed to execute the agreements identified herein and to take such other and further action as may be necessary to accomplish the purposes and intent of this Resolution.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS\*

**\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here. Please attach any backup information available and be as detailed as possible.**

DEPARTMENT NAME: Tourism

DATE: November 2, 2011

(a) Purpose of Request: To amend Local Law No. 4 of 2003 , Section 16, Disposition of Revenues, to change the percentage that the County Treasurer can retain for administration of the occupancy tax from 10% to a maximum of 3% of revenues collected; subject to the review and recommendation of the County Attorney.

(b) Details: Self-explanatory  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Previous Resolution Number: \_\_\_\_\_

**Local Law No. 4 of 2003 - Continued**

(c) An application for a refund or credit made as herein provided shall not be complete unless the same includes copies of all documentation and evidence upon which the applicant relies in support thereof, but nothing shall prohibit or prevent the Treasurer from receiving any other evidence with respect thereto.

(d) No application for a refund or credit shall be accepted or considered unless such application has been actually received by the Treasurer within one (1) year of the payment of the tax.

(e) The determination to deny or allow a refund or credit shall be made by the Treasurer in writing, stating the reason(s) therefor, and the Treasurer shall give notice of such determination to the applicant.

(f) No refund shall be made to an operator who has collected and paid over such tax to the Treasurer unless and until such operator shall first establish, to the satisfaction of the Treasurer under such regulations as the Treasurer may prescribe, that such operator has repaid to the occupant(s) the amount of tax for which a refund is sought.

(g) The Treasurer may, in the Treasurer's discretion and in lieu of the payment of any refund determined to be due, allow credit therefor on and against payments due from the applicant.

**Section 16. Disposition of Revenues.**

All revenues resulting from the imposition of the tax under this local law shall be paid into the Treasury of the County of Warren and shall be credited to and deposited in the general fund of the County, thereafter to be allocated only for tourism promotion and tourist and convention development; provided, however, that a portion of such revenue may be specifically allocated to the expense of the County in administering such tax. The revenues derived from such tax, after deducting the amount provided for administering such tax, shall be allocated to enhance the general economy of the County of Warren, and its city, towns and villages through the promotion of tourist activities, conventions, trade shows, special events and other directly-related and supported activities. The amount retained by Warren County with respect to administering said tax shall not exceed ten percent (10%) of the revenues collected from the imposition of this tax.

**Section 17. Reserves.**

Whenever the occupant or operator has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such occupant or operator on such application for refund, the Treasurer shall set up appropriate reserves to meet any decision adverse to the County.



# Lake George Asian Clam Eradication Project Update

For the Warren County Occupancy Tax Committee  
November 2, 2011

## Lake-wide Survey for Asian Clams in Lake George

Over 170 locations around the lake, comprising over 12 miles of shoreline, have been surveyed for Asian clam to date.

The survey focused on high use areas where there might be the risk of introduction of the clam from overland transport, bait introduction, or aquarium dumping and the most suitable habitat. Marinas, boat launches, public beaches, and all sandy shallow areas were surveyed.

So far no additional sites of clams have been found since August, 2011. If additional sites are identified that should be surveyed, they can be surveyed in 2012 as time and resources allow.

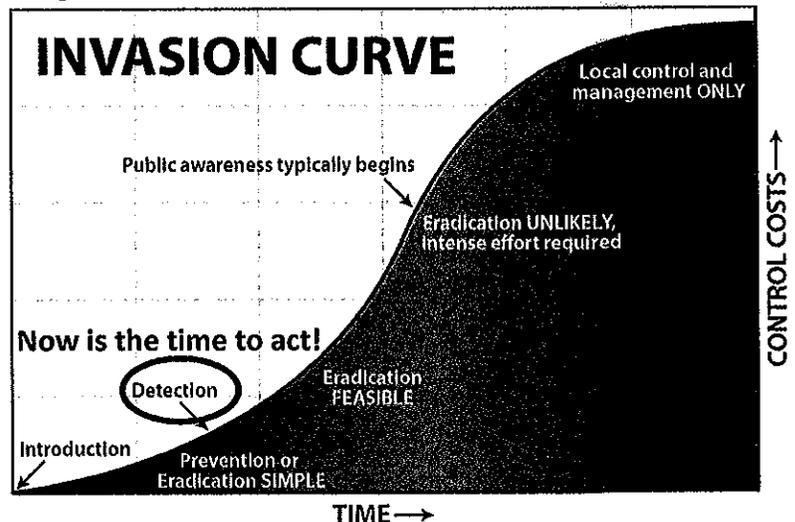
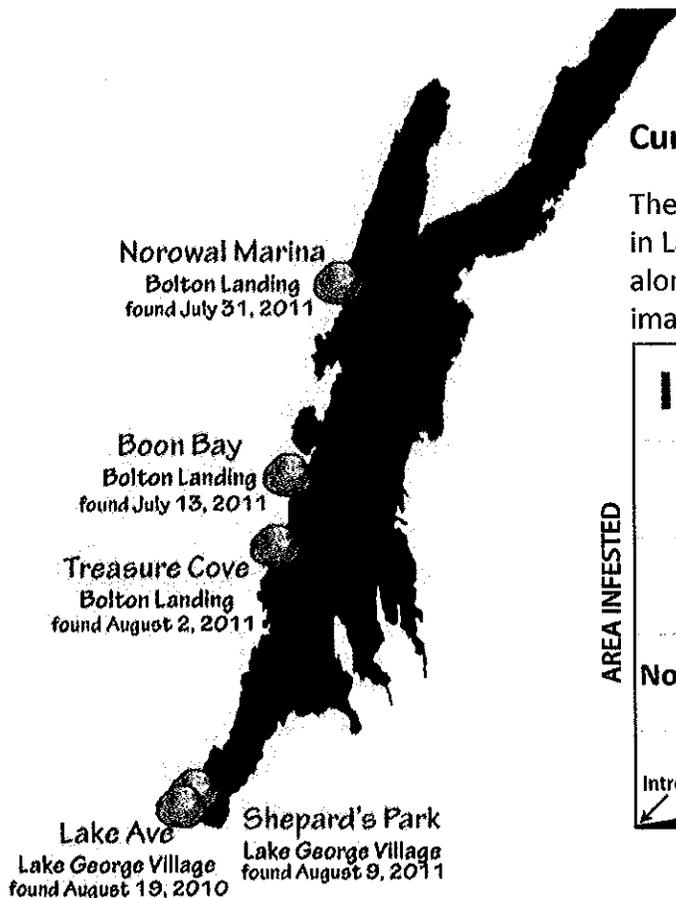
While new infestations could appear in the future, the lake-wide survey assures that for now resources are being spent in the most critical areas to the best of our knowledge.



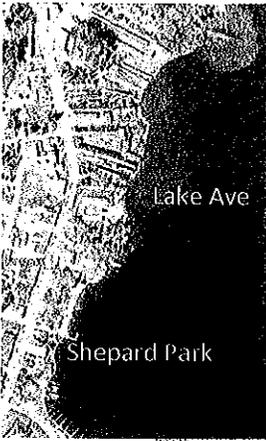
- Over 170 sites surveyed lake-wide**
- Sites surveyed by AE divers
  - Sites surveyed by LGACRRTF members
  - Asian clam infestations

## Current Status of Asian Clams in Lake George

There are currently 5 known locations of Asian clams in Lake George. All locations are in the south basin along the west shoreline of the lake. (shown on the image to the left).



## Current Status of Treatment of Asian Clams in Lake George



### Lake Avenue

Approx. 5-6 acres in size. Sampling has shown the first phase of treatment of over 800 benthic barriers from the spring/summer was 99.8% successful. A second phase is underway this fall. Around 300 benthic barriers have been reinstalled along shorelines, under docks, and in other places where live clams were found after the initial treatment. The plan is to suction harvest in mid-November two small areas that cannot be successfully matted due to a rocky and uneven bottom. Permits are still being processed. Benthic barriers will be removed by December 12.

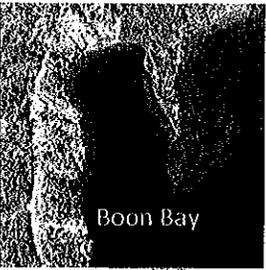


### Shepard Park

Very small, less than 4,000 sq ft in size. This is a very small site found during survey work in August. Since it is close to, but outside of the original treatment area at Lake Avenue, a permit modification was needed to treat this site. 11 benthic barriers have been installed here and will be removed by December 12.

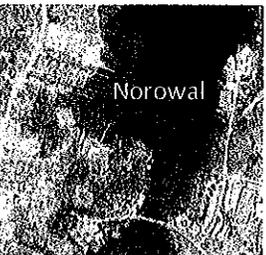
### Treasure Cove

Approx. 1 acre in size. This is a small site in the northern cove of Middleworth Bay consisting of a hotel and a marina. Due to the bottom conditions (rocky, vegetation and light muck), bottom barriers will not work at this site. The plan is to test a new treatment method, suction harvesting, at this site. Permit applications are being processed, and the hope is to start work at this project site next week.



### Boon Bay

Approx. 4-5 acres in size. This site along Boon Bay stretches out along the shoreline, but doesn't go out deep, due to a drop off close to shore. There is a mix of hotels, homeowners associations, and private residences here. Due to the large size of this site, and associated large costs of treatment, the plan is to treat this site in 2012.



### Norowal Marina

Approx. 2 acres in size. This site is possibly the busiest marina on Lake George. Benthic barriers are being installed around and under docks this fall. Around 260 barriers will be installed and removed by December 12.

### Budget Update

\$626,500 has been committed to the project to date and all of these funds are budgeted for project expenditures in 2011. However not all of the committed funds are available at present. Managing cash flow to keep the project moving forward has been a challenge.

### Looking ahead to 2012

The Town of Bolton has committed \$10,000. We hope to work with homeowners on Boon Bay for raising funds to treat that site. We have made great progress in 2011 but will need more funds to keep moving forward in 2012. At this point we think that treating Boon Bay will be the biggest expense for 2012 and we will be doing smaller, follow up treatments at the other sites.