

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: OCCUPANCY TAX COORDINATION

DATE: NOVEMBER 2, 2011

COMMITTEE MEMBERS PRESENT:

SUPERVISORS KENNY
MERLINO
BENTLEY
GOODSPEED
MCCOY
CONOVER

OTHERS PRESENT:

FRANK O'KEEFE, TREASURER
KATE JOHNSON, DIRECTOR OF TOURISM
LEISA GRANT, PRINCIPAL ACCOUNT CLERK, TOURISM
TANYA BRAND, GROUP TOUR PROMOTER
DANIEL STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS BELDEN
THOMAS
VANNESS
TAYLOR
WOOD
EMILY DEBOLT, LAKE GEORGE ASSOCIATION
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *ADIRONDACK JOURNAL*
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBER ABSENT:

SUPERVISOR CHAMPAGNE

Mr. Kenny called the meeting of the Occupancy Tax Coordination Committee to order at 9:30 a.m.

Motion was made by Mr. Merlino, seconded by Mr. McCoy and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Francis X. O'Keefe, Treasurer, who distributed copies of the Occupancy Tax Revenues & Expenditures Report for the period ending October 31, 2011, a copy of which is on file with the minutes.

Mr. O'Keefe reported \$2,718,921 in total revenue for 2011 and he noted the fund balance history was provided from 2004. He summarized the report and noted there were additional expenses this year, such as the Asian Clam Eradication and Gaslight Village. He cautioned of the probability of other unanticipated expenditures in the future and reported that the Reserve Fund Balance was approximately \$500,000.

Privilege of the floor was extended to Emily DeBolt, Director of Education for the Lake George Association, who stated she would report for Walt Lender, Executive Director. Ms. DeBolt distributed copies of the Lake George Asian Clam Eradication Project overview, a copy of which is on file with the minutes. She said there were over 170 locations on the lake surveyed which comprised more than twelve miles of shoreline and she stated the programs focus was to minimize the risk of introducing the species to new areas, such as marinas, beaches and boat launches. Ms. DeBolt reported there were no new infestations; however, she cautioned, they could appear at any time.

Ms. DeBolt reviewed the Current Status of Treatment for the five sites on Lake George which included Lake Avenue, Shepard's Park, Treasure Cove, Boon Bay and Norowal Marina. She stated treatment had been very successful at a rate of 99.8% for the Lake Avenue site. She said in addition to the current method of using benthic barriers or mats used for suffocation, a new method of suction harvesting was being introduced in areas where matting was prohibitive due to a rocky

or uneven lake bottom. She added that the 260 mats used in Norowal Marina, as well as the mats at two other sites, would be removed in December and eradication activity for Boon Bay would begin in 2012.

Regarding funding for the project, Ms. DeBolt stated that over \$626,500 had been committed for 2011 and cash flow management to keep the project moving forward had been difficult. She reiterated that Boon Bay would be treated in 2012, as well as smaller follow-up treatments throughout. She asserted the need for funding and noted that the Town of Bolton dedicated \$10,000 to the effort, and homeowners would be asked to participate in a fund raising effort to that end. Mr. Conover pointed out that in addition to funding, logistics which included manpower and equipment, affected the projects ability to move forward. He applauded the laborious efforts which included work carried out in cold water. He noted that infestations spread quickly and cautioned against delaying any eradication efforts.

In light of the fact that the Reserve Fund could not be used, Mr. Kenny recommended that up to \$75,000 from the Special Events Occupancy Tax funds of \$350,000, be dedicated to the Asian Clam Eradication project. Mr. Conover recommended further review of financial data by Paul Dusek, County Administrator, and the Treasurer, and he noted some non-recurring expenses , which would not need to be included in the 2012 Budget. Mr. Kenny agreed and suggested a meeting in January. Mr. Bentley recommended a minimum of \$100,000 for eradication efforts. Mr. McCoy asked if the mats were re-usable and Ms. DeBolt responded affirmatively and explained that mat removal and cleaning was necessary prior to reuse. She reiterated that retesting would occur following the removal of the mats currently in place. She advised that a full status of the eradication effort would be available in early 2012.

It was the consensus of the Committee to meet in early 2012 to review the status of the Asian Clam Eradication activities and budget figures.

Mr. Belden asked if the County should take action to urge the State to allow the County to access EPF (environmental Protection Funds) and Mr. Dusek informed that a letter from the Chairman was sent to Senator Little within the past several weeks requesting such access to funding and a response has not yet been received.

Leisa Grant, Principal Account Clerk, presented a request to amend the wording in Resolution No. 794 of 2010 to include authorizing MOU's (Memorandum of Understanding) for County departments who receive funding from Occupancy Tax. A discussion ensued.

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the request to amend Resolution No. 794 of 2010 as outlined and the necessary resolution was authorized for the November 18, 2011 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Ms. Grant presented a request to add verbiage in the Warren County Tourist and Convention Development Agreement under Item 7 - Sponsor Obligations. She cited an incident from 2009 where the County paid for promotional items which were not received; therefore, she recommended adding verbiage to reflect that non-receipt of product could result in the nonpayment of an invoice. Mr. Kenny explained the 2009 transaction included a map to be produced by the North Warren Chamber of Commerce for which payment had been returned to the County.

Additionally, Ms. Grant stated that when event funding was awarded to the municipalities, the

invoice was often sent to the County; thereby creating the need for vigilance with regard to duplicate billings and payments. Mr. Geraghty inquired about audits and Mr. Kenny stated all invoices for various events and/or expenditures were reviewed. Mr. Dusek recommended that the application include wording to state the applicant could not submit reimbursement for the same expenses to both the town and the County and he suggested that the application include a notation that random audits of reports of expenditures would be performed by the County on an annual basis. A discussion ensued.

Returning to a previous request regarding the delivery of products, Mr. Goodspeed cautioned that such a change would not preclude complications, such as products which had not met expectations. Ms. Johnson stated that tangible items, such as printed collateral should be limited and she noted only one incident of this nature. Ms. Grant proceeded to read the text which she recommended be added under Sponsor Obligations and Mr. Goodspeed suggested that "reasonable compliance" be included in same.

Motion was made by Mr. Merlino, seconded by Mr. Goodspeed and carried unanimously to approve the change as outlined. *(Note: Subsequent to the meeting it was determined that further discussion was necessary on the proposed amendments to the Warren County Tourist & Convention Agreement, therefore both would be listed as pending items for the next meeting).*

Mr. Kenny summarized the results of the Tourism Survey which indicated the top five events as follows: 1. Americade; 2. Adirondack Nationals Car Show; 3. Adirondack Balloon Festival; 4. Warrensburg's World Largest Garage Sale; and 5. Hudson Valley Volunteer Firemen's Convention.

Mr. Kenny requested a date for the Occupancy Tax Coordination Committee Workshop and Joan Sady, Clerk of the Board, recommended November 30, 2011. Ms. Grant informed there were thirty-five applications for review and Mr. Conover requested a summary table which would extract various data, such as bed nights, from the reports for ease of review.

Regarding withdrawals made from the Occupancy Tax Fund by the Treasurer's Office for administrative functions, Mr. Kenny noted that \$30,000 had been withdrawn in 2011 and \$90,000 was anticipated for 2012, which he felt was high. He recommended a change to Local Law No. 4 of 2003, Section 16 - Disposition of Revenues, which would change the percentage that the County Treasurer was permitted to 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.

Motion was made by Mr. Bentley, seconded by Mr. McCoy and carried unanimously to amend Local Law No. 4 of 2003, Section 16, as outlined and the necessary resolution was authorized for the November 18, 2011 Board Meeting. *A copy of the resolution request form is on file with them minutes.*

Mr. Dusek stated he would review the matter to determine if an amendment to the Local Law would suffice; thereby obviating the need for Home Rule Legislation.

As there was no further business to come before the Occupancy Tax Coordination Committee, on motion made by Mr. Conover and seconded by Mr. Merlino, Mr. Kenny adjourned the meeting at 10:17 a.m.

Respectfully submitted,
Joanne Collins, Legislative Office Specialist