

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **OCCUPANCY TAX COORDINATION**

DATE: AUGUST 8, 2007

Committee Members Present:

Supervisors Caimano
Kenny
Tessier
Gabriels
Merlino
Monroe

Others Present:

Representing the Tourism Department:
Kate Johnson, Director
Vonda Beattie, Principal Account Clerk
Hal Payne, Commissioner of Administrative &
Fiscal Services
Paul Dusek, County Attorney
Joan Sady, Clerk of the Board
Fred Austin, Building Project Coordinator
Supervisor Belden
Supervisor Bentley
Supervisor O'Connor
Supervisor Stec
Supervisor Champagne
Supervisor Sokol
Supervisor F. Thomas
Supervisor Geraghty
David Strainer, Town of Queensbury
Debra L. Schreiber, Legislative Office Specialist

Committee Member Absent:

Supervisor Haskell

Mr. Caimano called the meeting to order at 11:00 a.m.

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

Privilege of the floor was extended to Mr. Caimano, who referred to the Occupancy Tax agenda, *a copy of which is on file with the minutes.*

Mr. Caimano asked the Committee Members to peruse the correspondence received from Thomas L. LaBelle, Executive Director of the New York State Association of Fire Chiefs (NYS AFC).

In response to this correspondence, Mr. Caimano said he was advised by Mr. LaBelle that in 2009, there would be a joint convention with the New York State Association of Fire Chiefs and the Hudson Valley Volunteer Firemen's Association held in Lake George.

Mr. Kenny reiterated his opinion that he would welcome the NYSAFC in 2008 with the understanding that \$50,000 was the maximum amount of Occupancy Tax funds to be disbursed. While the County acknowledged any funds they were to receive were contingent upon the sales of ad space in the tents, Mr. Caimano also noted that his recollection was that Mr. LaBelle promised they (NYSAFC) would forward \$60,000 to the County. Mr. Kenny added that he recalled the discussion but not the amount.

Mr. Caimano asked whose responsibility it was to notify vendors relative to the collection of sales tax. Paul Dusek, County Attorney, responded private organizations were not responsible, nor was it within the scope of their jurisdiction to monitor the collection of sales tax. Mr. Kenny commented that each event organizer should be reminded they were required to collect the County sales tax. Mr. Dusek replied that this confidential information was on file with New York State (NYS) and could only be shared with the County Treasurer. Once the list of the vendors was obtained from the event organizer, Mr. Kenny requested the County forward correspondence to each vendor apprising them of the location where sales tax funds would be accepted.

Mr. Merlino queried whether not-for-profit organizations that were exempt from paying sales tax were exempt from paying Occupancy Tax. Mr. Dusek stated "bed tax" was another form of sales tax only unique to hotels; therefore, he said, if an organization was exempt from one tax, they were exempt from both. In response to an inquiry by Mr. Kenny, Mr. Dusek apprised that a certificate of incorporation determined whether an organization was classified as a charitable-type organization.

Mr. Caimano apprised that Mr. LaBelle asked Warren County to consider contributing monies from the General Fund and, he said he replied in the negative. Vonda Beattie, Principal Account Clerk in the Tourism Department, advised that they had not received their (NYS AFC) application; therefore, the general consensus of the Committee suggested this matter be held in abeyance pending receipt of the application for Occupancy Tax funding from the NYS AFC.

Continuing on with Item 2 (a) of the Occupancy Tax agenda, Hal Payne, Commissioner of Administrative & Fiscal Services, reported the agent for the Basketville property would not reveal a purchase price; therefore, he said, Real Property Tax Services appraised the property for \$1.9 million.

Relative to Item 2 (b), Mr. Caimano replied the resolution previously authorized by the Committee requesting that the County Treasurer disburse Occupancy Tax funds to the municipalities on a quarterly basis must be rescinded as the surplus would not be known until March 31st of the subsequent year.

Motion was made by Mr. Gabriels, seconded by Mr. Tessier and carried unanimously authorizing the request as outlined above. (Note: Subsequent to the meeting, it was determined that no further action was necessary because the resolution request had been withdrawn at the July 11, 2007 meeting of the Finance Committee.)

With respect to Item 2 (c), Mr. Monroe asked the Committee to adopt a standard resolution authorizing the Town Supervisors to execute an Occupancy Tax agreement each year without requiring additional resolutions. When the Occupancy Tax agreements were first introduced, Mr. Dusek apprised the normal protocol required the County and Towns to adopt a resolution approving the contracts. Recently it was

determined one resolution adopted by the County authorizing the contracts each year would be sufficient; however, he said, the towns were now contemplating this same procedure. Mr. Dusek suggested the County and Towns execute an open-ended contract that could be terminated by either party requiring a resolution adopted by both parties. Mr. Monroe recommended a copy of the contract be included with the check to the municipalities when Occupancy Tax funds were disbursed.

Motion was made by Mr. Monroe and seconded by Mr. Tessier approving the request granting each Town Supervisor authority to execute an agreement for Occupancy Tax disbursements to the municipalities.

In response to Mr. Tessier, Mr. Dusek replied one additional contract would be required for 2008 outlining this recommendation.

After discussion, Mr. Caimano called the question and the motion was carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the August 17, 2007 Board Meeting.

Mr. Caimano requested to amend Resolution No. 98 of 2007 to increase the 2006 Occupancy Tax funding to \$229,017.25 as the Lake George Ventures, LLC (Northeast Women's Retreat & Expo) advised they were unable to host their conference in 2007.

Motion was made by Mr. Gabriels and seconded by Mr. Tessier, approving the request as outlined above.

According to their correspondence, Mr. Caimano stated this organization anticipated returning in 2008 and would resubmit their Occupancy Tax application.

After discussion, Mr. Caimano called the question and the motion was carried unanimously approving the request as previously submitted; and the necessary resolution was authorized for the August 17, 2007 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mrs. Beattie apprised there were organizations that had hosted events and were now requesting reimbursement without including the Warren County logo in their advertising. She suggested the 2008 "event" applications and agreements be amended to state that all organizations not utilizing the Warren County logo in their advertising would not receive reimbursement. In addition, she said, event organizers were not obtaining prior advertising approval from the Tourism Department. Mr. Dusek agreed these requests could be incorporated into the Occupancy Tax agreement; however, he asked who would determine the amount to be reimbursed if the logo was displayed in some but not all of their advertising. If the applicant for Occupancy Tax funding did not comply with these requirements, Mr. Caimano said, the County would not reimburse them. Mr. Caimano asked Mr. Dusek to research the

concerns addressed in an effort to not only protect the County but to allow the Committee and the Tourism Department some discretion when making a determination. When an applicant submitted their application for funding, any advertisements agreed upon subsequent to that date must contain the County logo, suggested Mr. Dusek. Kate Johnson, Tourism Director, added that she did not feel comfortable approving vouchers for organizations hosting events later in the year which did not include the County logo. She added that some of these organizations were receiving a significant amount of Occupancy Tax funds.

The correspondence received from Mr. LaBelle was for informational purposes only and did not require a response, commented Mr. Caimano; therefore, he said, he was filing it with the appropriate documents.

Privilege of the floor was extended to Eugene Merlino, Supervisor, Town of Lake Luzerne. Mr. Merlino said that following a discussion at the July 31, 2007 meeting of the Parks, Recreation & Railroad Committee, he would like to report on the 2006-2007 expenses of the four snowmobile clubs in Warren County. He apprised that the South Warren Snowmobile Club groomed 87 miles of trails and reported a \$13,692 deficit; North Warren Snowmobile Club groomed approximately 67 miles of trails and their deficit was \$18,284; the Thurman Connection Snowmobile Club had 112 miles of snowmobile trails and reported a loss of \$16,582 and the Hague Snowmobile Trail only had nine miles but had a deficit of \$3,285.

Since inception, Mr. Merlino stated the Occupancy Tax revenue had steadily increased and suggested that some of these funds be utilized to assist the snowmobile clubs with their operations. In order to receive Occupancy Tax funding, the clubs must submit an application, replied Mr. Caimano; however, he reiterated, that they (Occupancy Tax Committee) previously approved funds to assist with the trail grooming expenses and did not realize they were assuming a majority of the fixed expenses for each snowmobile club. In response, Mr. Merlino replied no one received compensation for trail grooming and those services could not be performed without a groomer; therefore, he said, the funds were utilized to purchase a groomer so the trails could be maintained. According to these documents, Mr. Caimano stated he did not realize that the funds provided by the County became a major source of income for these clubs.

Ms. Johnson asked if the County received any revenue from the snowmobile registrations. While the County assisted the clubs in collecting the funds, Mr. Dusek said the clubs received their monies directly from New York State, based upon registrations submitted the previous year.

Discussion ensued.

Mr. Kenny requested that the Occupancy Tax funding application be amended to

include the name and address of all vendors, as well as their New York State tax identification in addition to the proposed amendments discussed earlier.

There being no further business to come before the Committee, on motion by Mr. Kenny and seconded by Mr. Tessier, Mr. Caimano adjourned the meeting at 11:43 a.m.

Respectfully submitted,

Debra L. Schreiber, Legislative Office Specialist