

**Economic Development, Planning, Education, Employment, Arts & Agriculture Committee
Regular Meeting Minutes**

DATE & TIME: April 2, 2024 – 6:00 PM
LOCATION(S): Cornell Cooperative Extension of Ulster County, 232 Plaza Road, Kingston, NY
Livestreamed at <https://www.youtube.com/@UlsterCountyLegislature/streams>
PRESIDING OFFICER: Chair Sperry
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk & Tyron Rogers, Technical Support Specialist
MEMBERS PRESENT: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Stewart & Walls
MEMBERS ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Collins, Kovacs, Maloney, Nolan, Roberts; Director Kevin Lynch – Department of Economic Development; Director Dennis Doyle – Department of Planning; Vice President for Administrative Services CJ Rioux – SUNY Ulster County Community College; Executive Director Jake Wedemeyer – Ulster County Soil & Water Conservation District; Executive Director Melanie Forstrom, Christian Malsatzki & Melinda Herzog – Cornell Cooperative Extension of Ulster County; Deputy County Executive LaValle – UC Executive’s Office; Budget Director Ken Juras – UC Executive’s Office, Ryan Van Kleeck & Randall Leverette – UC IDA candidates, Gary Newkirk & John Fitzpatrick – Ulster County Agricultural Society, Kevin Smith – UC Trails Advisory Committee

Complete content of the meeting can be accessed via the Ulster County Legislature’s YouTube channel at <https://www.youtube.com/@UlsterCountyLegislature/streams>

Chair Sperry called the meeting to order at 6:23 PM and recognized Cornell Cooperative Extension Director Melanie Forstrom to give a presentation on CCE and the programming they offer.

At the conclusion of the presentation Chair Sperry asked everyone to stand for the Pledge of Allegiance.

Chair Sperry advised the members that two candidates for seats on the Ulster County Industrial Development Agency Board of Directors, Ryan Van Kleeck and Randall Leverette, who were unable to appear on the 23rd were present to interview for positions. The members conducted the interviews in the open meeting.

Motion No. 1: **Motion to Approve the minutes of the March 5th Regular and March 23rd Special Meetings**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran
Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Minutes Approved**

Resolutions for the April 16, 2024 Session of the Legislature:

Resolution No. 160 – Authorizing The Ulster County Executive To Execute A Contract With The New York State Empire State Development Corporation, For State Funding For The Implementation Of A Restore New York Communities Initiative Grant And Amending The 2024 Ulster County Budget – Department Of Economic Development

Resolution Summary – This Resolution authorizes the County Executive to execute a Grant Disbursement Agreement and any amendments thereto with the New York State Empire State Development Corporation in the amount of \$10,000,000.00, authorizes the Director of Economic Development to act as certifying officer for the purposes of implementing this award, and amends the 2024 Operating Budget accordingly.

Motion No. 2: **Motion to Discuss Resolution No. 160**
Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Hewitt

Motion No. 3: **Motion to Adopt Resolution No. 160**
Motion Made By: Legislator Hewitt
Motion Seconded By: Legislator Corcoran

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 161 – Approving The Execution Of A Contract For \$10,000,000.00 Entered Into By The County – I.Park 87 LLC – Department Of Economic Development

Resolution Summary – This Resolution approves the execution of a subaward agreement in the amount of \$10,000,000.00 with I.Park 87 LLC to provide Restore New York Funding for renovation of two (2) vacant buildings (Building 001 and Building 021) at the Project Location to a state fit for occupancy by high quality, commercial/industrial tenants, which are the critical next steps in the broader re-development of the 250-acre site for the term 1/27/23 – 12/31/25.

Motion No. 4: **Motion to Adopt Resolution No. 161**
Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Clinton

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 162 – Authorizing The Chair Of The Ulster County Legislature To Execute An Agreement With The New York State Department Of Labor To Allow The Department Of Planning To Act As Census Designated Affiliate – Department Of Planning

Resolution Summary – This Resolution authorizes the Chair of the Legislature to execute a State Data Center Program Affiliate Agreement and any related amendments with the New York State Department of Labor for the Planning Department's participation as a census data affiliate.

Motion No. 5: **Motion to Adopt Resolution No. 162**
Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Litts

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 163 – Approving The Execution Of A Contract Amendment For \$6,680.00, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00, Entered Into By The County – Transpo Group USA, Inc. – Department Of Planning

Resolution Summary – This Resolution approves the execution of a contract amendment in the amount of \$6,680.00 with Transpo Group USA, Inc. to expand scope of work to ensure a comprehensive public outreach and response is part of the Coordinated Human Services Public Transit Plan for the term 3/1/24 – 1/31/25.

Motion No. 6: **Motion to Discuss Resolution No. 163**
Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Hewitt

Motion No. 7: **Motion to Adopt Resolution No. 163**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Hewitt

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 164 – Setting A Public Hearing On The Tentative Budget Of Ulster County Community College For The Year 2024 – 2025

Resolution Summary – This Resolution sets a public hearing on Tuesday, May 14, 2024 at 6:45 PM in the Legislative Chambers, Ulster County Office Building, 6th Floor, 244 Fair Street, Kingston, NY on the tentative budget Of Ulster County Community College for the year 2024 – 2025.

Motion No. 8: **Motion to Adopt Resolution No. 164**
Motion Made By: Legislator Hewitt
Motion Seconded By: Legislator Clinton

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8

Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 165 – Establishing Capital Project No. 696 SUNY Ulster – Water Service Line Replacement And Approving The Work Order With The Dormitory Authority Of The State Of New York (DASNY) For Feasibility Study Related To The Capital Project No. 696 – Water Service Line Replacement – Ulster County Community College - Amending The 2024 Capital Fund Budget – SUNY Ulster

Resolution Summary – This Resolution establishes Capital Project No. 696 - Water Service Line Replacement - SUNY Ulster in the amount of \$176,606.00, approves Work Order 2024-002 with DASNY for the feasibility study related to the Water Supply Line Replacement, and amends the Capital Budget accordingly.

Motion No. 9: **Motion to Adopt Resolution No. 165**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 167 – Establishing A Policy To Dedicate Revenue Generated From The Collection Of Occupancy Tax To Housing And Transportation Initiatives – Department Of Finance

Resolution Summary – This Resolution requires that each County Executive Recommended Budget include a payment from the general fund equal to 25% of the total annual revenue budgeted for the collection of occupancy tax to fund the Ulster County Area Transit public transportation system, and a payment from the general fund equal to 25% of the total annual revenue budgeted from the collection of occupancy tax to fund housing initiatives.

Motion No. 10: **Motion to Discuss Resolution No. 167**
Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Hewitt

Motion No. 11: **Motion to Adopt Resolution No. 167**
Motion Made By: Legislator Hewitt
Motion Seconded By: Legislator Clinton

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 168 – Adopting Proposed Local Law No. 1 Of 2024, A Local Law Amending Article III Hotel And Motel Room Occupancy Tax Of The Code Of The County Of Ulster In Relation To Determination Of Taxable Rent

Resolution Summary – This Resolution adopts Proposed Local Law No. 1 of 2024, A Local Law Amending Article III Hotel And Motel Room Occupancy Tax Of The Code Of The County Of Ulster In Relation To Determination Of Taxable Rent.

Motion No. 12: **Motion to Discuss Resolution No. 168**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran

Motion No. 13: **Motion to Adopt Resolution No. 168**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Resolution No. 169 – Approving Home Rule Request For Senate Bill No. S8065 And Assembly Bill No. A8875, In Relation To Hotel And Motel Taxes In Ulster County

Resolution Summary – This Resolution authorizes the Clerk of the Legislature and the County Executive to execute and submit a Home Rule Request requesting the enactment of Senate Bill No. S8065 and Assembly Bill No. A8875 entitled "An act to amend the tax law, in relation to rates and applicability of certain hotel and motel taxes in Ulster County", to remove reference to short-term rentals.

Motion No. 14: **Motion to Adopt Resolution No. 169**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted**

Legislator Walls advised the members that Planning Director Doyle would be receiving the Heissenbuttel Award for Planning Excellence on April 8th. The award is given each year to an individual, municipality or agency for outstanding accomplishment in the planning field.

Chair Sperry recognized Gary Newkirk and John Fitzpatrick from the Ulster County Agricultural Society to address the committee and express some concerns.

Motion No. 15: **Motion to Enter Executive Session to discuss IDA applicants**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Stewart

Legislators and Legislative staff were permitted to stay.

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Executive Session Entered at 9:20 PM**

Motion No. 16: **Motion to Exit Executive Session**
Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Executive Session Exited at 10:05 PM**

Legislator Litts stated for the record that no votes were taken in Executive Session

Resolution No. 204 – Appointing And Reappointing Members To The Ulster County Industrial Development Agency Board Of Directors

Resolution Summary – This Resolution appoints the individuals included therein to the Ulster County Industrial Development Agency Board effective immediately through December 31, 2025.

Motion No. 17: **Motion to Amend Resolution No. 204 to insert the names:**
Trevor Curwin, Joseph Ferraro, Michael Ham, Steven Kelley, Randall Leverette, Rachel Silverman, Kaustubh Wahal
Motion Made By: Legislator Hewitt
Motion Seconded By: Legislator Clinton

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Amendment Adopted**

Motion No. 18: **Motion to Adopt Resolution No. 204 As Amended**
Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Hewitt

Voting in Favor: Legislators Clinton, Corcoran, Criswell, Hewitt, Litts, Sperry, Stewart & Walls
Voting Against: None
Votes in Favor: 8
Votes Against: 0
Disposition: **Resolution Adopted As Amended**

Forthcoming Resolutions: None

New Business: None

Old Business: None

Adjournment

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Hewitt
Votes in Favor: 8
Votes Against: 0

TIME: 10:08 PM

Respectfully Submitted: Jay Mahler, Deputy Clerk
Adopted: April 30, 2024

Complete content of the meeting can be accessed via the Ulster County Legislature's YouTube channel at <https://www.youtube.com/@UlsterCountyLegislature/streams>

Understanding the Proposed Occupancy Tax Change

I have been attempting to understand the impact of the proposed occupancy tax rate change on All-Inclusive resorts such as Rocking Horse and Mohonk Mountain House. Below is my current understanding of the impact of the change in the tax rate that was made in 2023 and the impact that would be made if the proposed new tax rate were to be passed.

Pre-2023 Effective Tax Rate for All-Inclusive Resorts

The previous occupancy tax rate was 2%. This rate is applied to an establishment based on the number of amenities that are included in the occupancy package. For an All-Inclusive, the tax rate is adjusted according to the schedule in section 312-7 C (4) of the Ulster County Code.

Total Charge Includes	Apportionment%	Effective Tax %
Room, breakfast, lunch, dinner, other charge	40%	0.8%
Room, lunch, dinner, other charge	60%	1.2%
Room, breakfast, dinner, other charge	60%	1.2%
Room, breakfast, lunch, other charge	70%	1.4%
Room, dinner, other charge	75%	1.5%
Room, lunch, other charge	85%	1.7%
Room, breakfast, other charge	85%	1.7%

All-inclusive resorts are taxed according to the first row above, meaning the Effective Tax is 0.8% of their overall, all-inclusive charge.

2023 Tax Rate for All-Inclusive Resorts

At the end of 2023, the occupancy tax rate was changed to 4%. Applying this to the table in code 312-7 C (4) of the Ulster County Code we get the following which means that all-inclusive resorts have an effective tax rate of 1.6% of their overall charge.

Total Charge Includes	Apportionment %	Effective Tax %
Room, breakfast, lunch, dinner, other charge	40%	1.6%
Room, lunch, dinner, other charge	60%	2.4%
Room, breakfast, dinner, other charge	60%	2.4%
Room, breakfast, lunch, other charge	70%	2.8%
Room, dinner, other charge	75%	3.0%
Room, lunch, other charge	85%	3.4%
Room, breakfast, other charge	85%	3.4%

Proposed Tax Rate for All-Inclusive Resorts

The proposed change would add the following definition to the Ulster County Tax Code:

NON-PASSIVE ACTIVITY

Any activity made available to an occupant requiring regular, continuous, and substantial participation or cost to the operator during the fiscal year.

This new definition would then be used to add a new row to the table in code 312-7 C (4). It seems to be the assumption that an all-inclusive resort has a Non-Passive Activity and is therefore eligible for the 20% apportionment.

Total Charge Includes	Apportionment %	Effective Tax %
Room, breakfast, lunch, dinner, more than one non-passive activity	20%	0.8%
Room, breakfast, lunch, dinner, other charge	40%	1.6%

Actual Occupancy Taxes for All-Inclusive Resorts

Using the above, I wanted to calculate the actual amount of the occupancy tax that would be paid by a visitor for a typical stay at an All-Inclusive resort. Below are the total charges for a 2-night stay in June at both Mohonk and Rocking Horse. The total occupancy tax for the pre-2023 code change, the current code, and the proposed code are shown.

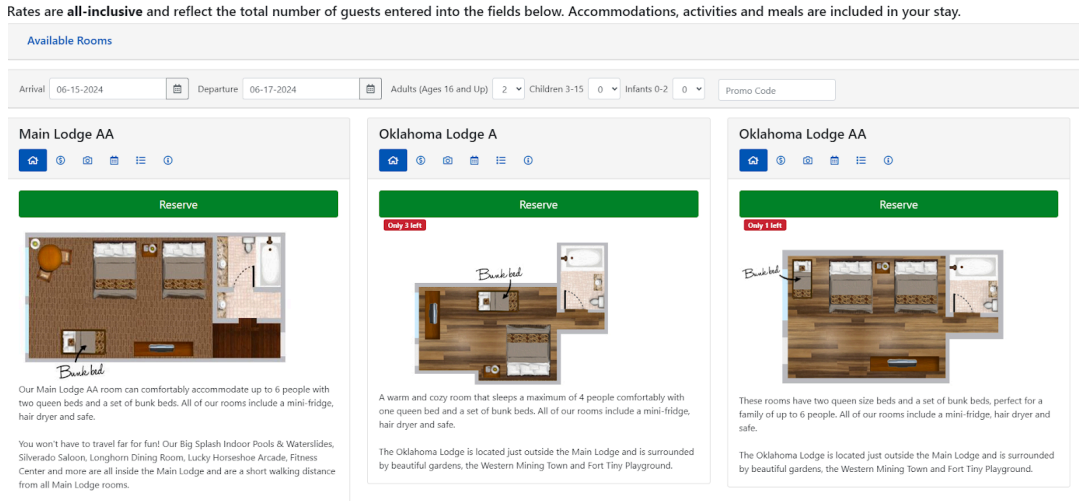
Resort	Charge	Pre-2023 Tax		Current Tax		Proposed Tax	
Rocking Horse	\$2,048	0.8%	\$16.38	1.6%	\$32.77	0.8%	\$16.38
Mohonk	\$2,524	0.8%	\$20.19	1.6%	\$40.38	0.8%	\$20.19

Using the current tax code, a total charge of \$2,038 at Rocking Horse equates to a \$32.77 occupancy tax charge - a \$16.38 increase over the pre-2023 occupancy rate. This tax would be reduced by \$16.38 if the newly proposed tax table were to be adopted.

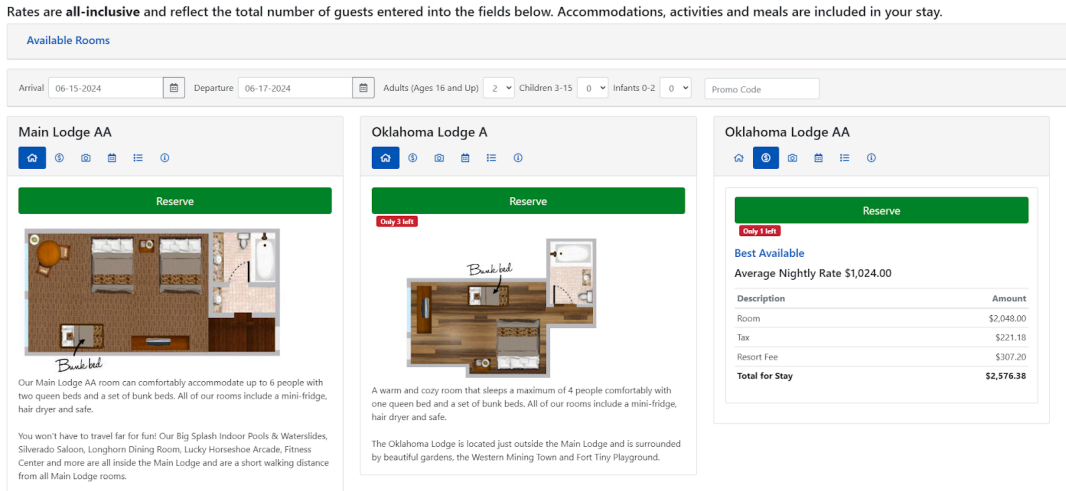
Using the current tax code, a total charge of \$2,524 at Mohonk equates to a \$40.38 occupancy tax charge - a \$20.19 increase over the pre-2023 occupancy rate. This tax would be reduced by \$20.19 if the newly proposed tax table were to be adopted.

Actual Charges - Rocking Horse

To verify my understanding, I went through the process of booking a room at Rocking Horse and at Mohonk. The screen below shows that for 6/15 through 6/17, there are currently only 4 rooms left. I selected the only Oklahoma Lodge AA room.



As you can see below, the room rate is \$2,048 for a 2-night stay and has an additional "Resort Fee" of \$307.20 (15% of the room charge) and a total tax of \$221.18 which includes the 8% state and county sales tax.



Description	Cost	Sales Tax	Occupancy Tax	Total Tax
Room	\$2,048.00	\$163.84	\$32.77	\$196.61
Resort Fee	\$307.20	\$24.58	\$0	\$24.58
		\$188.42	\$32.77	\$221.18

The Rocking Horse Terms and Conditions contain the following statement:

- Rates are subject to 15% resort fee, 8% New York State Sales Tax and 1.6% hotel tax. The resort fee is added to provide and maintain the Ranch amenities. No portion of the resort fee constitutes a gratuity and no portion goes to any resort associate.

Actual Charges - Mohonk

Below is a typical room at Mohonk. As you can see, it includes a “balcony with rocking chairs” and a “view of our stunning natural landscape”.

Traditional King 10% Discount



About this room:

Sleeps 2 | 1 King

- Iron
- Wireless internet connection
- Air conditioning
- Desk with lamp
- Safe
- Ironing board
- Hairdryer
- Mini-refrigerator

Traditional King - Located on the 2nd through 6th floors; king bed and balcony.

This Traditional room features timeless furnishings inspired by our rich history at the turn of the 20th century. Relax on your balcony with rocking chairs to enjoy fresh mountain air and a view of our stunning natural landscape. Located on the 2nd through 6th floors.

[View Less](#)

The charges are described below:

Your Stay	
Check-in After 4:00 PM	Check-out Before 12:00 PM
Sat, Jun 15, 2024 - Mon, Jun 17, 2024 2 Adults	
Traditional King 10% Discount	\$2,524.00
2 Nights ▾	
Taxes	\$242.30
Details ▾	
Remove	
Add coupon	
Total:	\$2,766.30 (USD tax included)

As there is no Resort Fee, the breakdown of the taxes are much simpler to calculate. This is shown below:

Description	Cost	Sales Tax	Occupancy Tax	Total Tax
Room	\$2,524.00	\$201.92	\$40.38	\$242.30

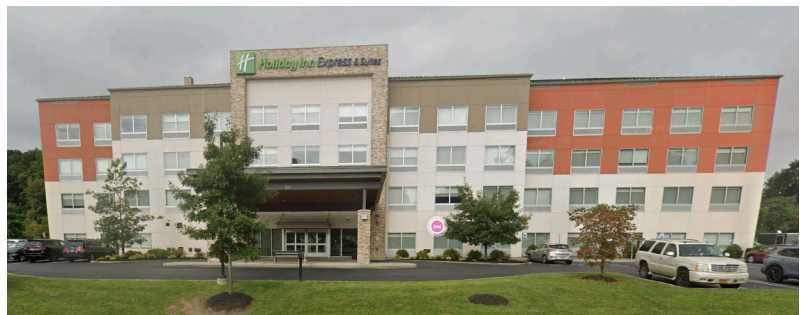
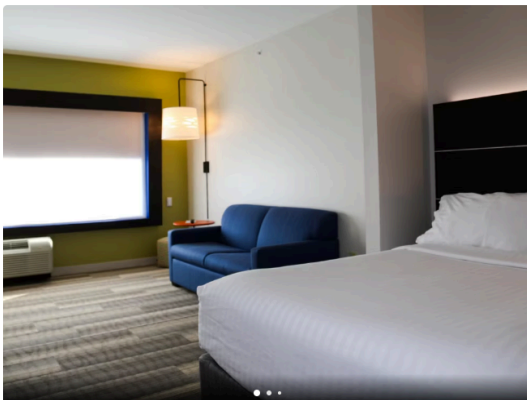
Comparable Room Rates

The contention is that only 20% of the total all-inclusive rate is for the room. For Mohonk, this means that the room shown below, which rents for \$1,402/night would rent for \$280 if available separately.



Mohonk King Suite - \$280 if only 20% is for the room.

For comparison, I looked at other room rentals in Ulster County. The closest I could find to a price of \$280, was the King Suite at the Holiday Inn Express shown below. This room rents for \$275.



Holiday Inn Express King Suite - Kingston, NY \$275

All rates are for the same period: 6/15/24 to 6/17/24.

Neighboring County All-Inclusive Tax Rate Comparison

State Tax Code defines the American Plan as follows. The American Plan is the basis of the Ulster County occupancy tax allocation between Room and Board (Meals).

If total charge includes:	Room	Meals
Room, breakfast, lunch, dinner	50%	50%
Room, lunch, dinner	60%	40%
Room, breakfast, dinner	60%	40%
Room, breakfast, lunch	70%	30%
Room, dinner	75%	25%
Room, lunch	85%	15%
Room, breakfast	85%	15%

The table below shows the occupancy tax, the Room tax for an all-inclusive, and the effective all-inclusive tax rate for Ulster County and its neighboring counties.

County	Occupancy Tax %	All-Inclusive %	Effective All-Inclusive %
Ulster	4%	40%	1.6%
Dutchess	4%	50%	2%
Sullivan	5%	50%	2.5%
Greene	0%	50%	0%
Columbia	0%	50%	0%
City of Hudson	4%	100%	4%