

**Laws & Rules, Governmental Services Committee  
Regular Meeting Minutes**

**DATE & TIME:** May 16, 2016 – 6:30 PM  
**LOCATION:** COB, 6<sup>th</sup> Floor, Karen Binder Library  
**PRESIDING OFFICER:** Chairman Kevin Roberts  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Belfiglio, Donaldson, R. Parete, and Rodriguez (arrived at 6:43 PM)  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Pete Loughran, Legislative Counsel Guerin, Mr. Evan Gallo – Deputy County Comptroller, Mr. Tom Kadgen – League of Women Voters, Vic Melville – League of Women Voters

Chairman Roberts called the meeting to order at 6:34 PM.

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**Motion No. 1: RESOLVED To Approve the Minutes of the April 18, 2016 meeting**

**Motion Made By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator Donaldson

**Discussion:** None

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Roberts, Belfiglio, Donaldson, R. Parete  
**Voting Against:** None  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0  
**Disposition:** Carried

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Chairman Roberts advised the members that he would be taking Resolution Number 179 out of order.

**Motion No. 2:** Resolution No. 179 – May 17, 2016

**Text of Motion:** Resolved to approve Resolution No. 179 – Amending The Rules Of Order To Include A Specific Start Time For Standing Committee Meetings Of The Legislature

**Motion Made By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator Donaldson

**Resolution No. 179 Summary:** This resolution would amend the Rules of Order of the Legislature to require that all Regular Committee Meetings shall be called to order no earlier than 6:00 PM.

**Discussion:**

Chairman Roberts recognized Resolution sponsor Legislator Loughran to offer his comments. Legislator Loughran said that he felt meetings should not start before 6 PM in order to allow members of the public who work the opportunity to attend meetings. He said that the measure was in line with open and transparent government and added that one of the biggest complaints about the process on the state level for adopting the SAFE Act was the late hour in which the meeting was held.

Legislator R. Parete commented that many meetings last for 45 minutes or more and that there are people who live far away and they shouldn't be asked to get home even later. He added that he feels the current process of having the committee Chairman survey the membership to come to an agreed upon start time is fair and has worked to everyone's satisfaction. He mentioned the budget meetings of the Ways & Means Committee held each year in the afternoon. Legislator Loughran said an exception could be written into the policy for those circumstances.

Legislator Donaldson said that while he understood the argument he felt the rule represents over regulating themselves. He added that he has never had a problem coming to a compromise with fellow committee members on a start time. Legislator Belfiglio stated that the start time should be doable for Legislators as well as convenient to the public. He suggested amending the Resolution from 6 PM to 5 PM. The members discussed the benefits of 5 PM or earlier start times to allow for more than one committee meeting in an evening to save legislators from making numerous trips to Kingston.

Chairman Roberts asked if there were any other comments. Legislator Belfiglio stated that he uses personal and vacation time from his full time job in order to attend various meetings of other boards he sits on that meet in the afternoon. He offered an amendment to the fifth whereas to change the time from 6 PM to 5 PM and add "except for special meetings called by the chair of that committee." Legislator Loughran did not agree to the amendment.

Noting there was no second on the amendment, Chairman Roberts called for a vote on the Resolution.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Belfiglio, and Rodriguez  
**Voting Against:** Legislators Roberts, Donaldson, and R. Parete  
**No. of Votes in Favor:** 2  
**No. of Votes Against:** 3  
**Disposition:** Failed

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**Motion No. 3:** Resolution No. 180 – May 17, 2016

**Text of Motion: Resolved to approve Resolution No. 180** – Establishing A Policy Regarding The Start Time For Standing Committee Meetings Of The Legislature

**Motion Made By:** Legislator Belfiglio  
**Motion Seconded By:** Legislator Donaldson

**Resolution No. 180 Summary:** This resolution would establish a policy to require that all Regular Committee Meetings shall be called to order no earlier than 6:00 PM.

**Discussion:**

Chairman Roberts recognized Legislative Counsel Guerin to speak to the Resolution. Ms. Guerin advised the members that a policy establishing a start time is not applicable as the intended regulation applies solely to the Legislature. She continued by saying that if the intention of the regulation was to require that all meetings held by any department of the county start on or after 6 PM, then a policy would be called for. If the intention is to only regulate the Legislature itself, then the appropriate action would be to amend the Rules as Resolution 179 seeks to do.

Legislator Loughran questioned the permanence of a Rule as opposed to a policy which he said would be easier to change or amend. Counselor Guerin responded that the Legislature set rules of order on how it conducts its business not policies. She added that polices apply to how the county operates.

Chairman Roberts asked Counselor Guerin if it was her intention to rule Resolution No. 180 out of order. Ms. Guerin responded that only the Chairman can rule something out of order. She added that she has advised him on this matter and said it was the Chairman's hope that Legislator Loughran would withdraw Resolution No. 180.

Chairman Roberts called for a vote.

**Roll Call Vote:** No  
**Voting In Favor:** Legislator Rodriguez  
**Voting Against:** Legislators Roberts, Belfiglio, Donaldson, and R. Parete  
**No. of Votes in Favor:** 1  
**No. of Votes Against:** 4  
**Disposition:** Failed

Chairman Roberts thanked Legislator Loughran for his time.

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**Motion No. 4:** Resolution No. 176 – May 17, 2016

**Text of Motion: Resolved to approve Resolution No. 176** – Setting A Public Hearing On Proposed Local Law No. 4 of 2016 (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, June 21, 2016 At 7:10 PM

**Motion Made By:** Legislator Belfiglio

**Motion Seconded By:** Legislator Donaldson

**Resolution No. 176 Summary:** This resolution sets a public hearing on Tuesday, June 21, 2016 to give the public an opportunity to express their thoughts on Proposed Local Law No. 4 of 2016.

**Discussion:**

Legislator Rodriguez commented that Minority Counsel, the County Attorney and both Legislative Counsel share the opinion that there is something in state law that prohibits this law, and asked Counselor Guerin to elaborate. Ms. Guerin responded that the county does not have the ability or authority to enforce the collection of the tax from third parties under the enacting statute allowing the county to collect the bed tax.

Legislator Donaldson stated that his concern was the issue of fairness; that some bed and breakfasts are required pay the tax and other places that offer similar accommodation are not. He asked Deputy Comptroller Evan Gallo for more information on how the proposed law would provide equity. Mr. Gallo advised the members that based on conversations with the Executive’s Office the Comptroller’s office felt that the law is applied piecemeal. He gave the example of an Airbnb operator who had to seek out the City of Kingston and county for information on how to comply with the bed tax. He added that according to information provided by Deputy County Executive Crannell the county stops short of telling similar entities that they must pay.

Chairman Roberts asked that if the county pursues businesses that fail to remit their sales or gas taxes, why are they not pursuing Airbnb operators. Mr. Gallo responded that part of the proposed law establishes a registry to enable the county to identify operators and enforce the collection of the bed tax. He continued by saying that some municipalities have simply changed their definition of a hotel in their laws to include short term and vacation rentals. He added that the issue of the third party collection of the tax is a separate issue. He advised the members that Airbnb shared with him that one county is about to move forward with third party collection of the bed tax.

Counselor Guerin advised the members that the enabling statute is different for each county. She continued by saying that Suffolk County can collect on camp grounds while Ulster cannot. She added that the state is very cautious what tax collection they allow. She informed the members that the law has implications on local zoning and assessing at the town level. She added that she felt more work should be done on the law.

Mr. Gallo informed the members that the definition section in the law clarified those who had to pay the 2% bed tax. He added that the law provides individual municipalities the latitude to enact local laws regulating the operation of short term and vacation rentals. He restated his belief that third party collection is allowable and provided the precedence of collection of bed taxes from “rumor marketers” who buy blocks of rooms and resell them thereby avoiding the tax.

Legislator Rodriguez commented that he is uncomfortable moving forward when all three legislative attorneys and the County Attorney have expressed concern with the current version of the law. He added that he was under the impression that there was an understanding that the law was going to be postponed in order to give counsel time to determine if a home rule request or other state action was necessary.

Legislator Belfiglio commented that these businesses are currently operating without regulation and should be addressed. Legislator R. Parete commented that operators are paying taxes on their Airbnb businesses through income taxes. Legislator Belfiglio commented that they are not paying the bed tax and should be obtaining a business certificate from the state. Legislator Parete said that homes are rented as vacation spots all over the country. He added that buildings are confirmed to be safe during the construction process, etc. He continued by saying that the county benefits by having people stay in otherwise vacant homes spending money in Ulster County communities. He offered his opinion that any money collected should be dedicated to affordable housing and not tourism.

Chairman Roberts asked whether the law needed to be expanded. Legislator Donaldson responded that the law provides a clarification rather than an expansion. Counselor Guerin explained that traditional Bed and Breakfasts are already being regulated and have the 2% tax applied.

The members discussed the legality of collecting from a third party. Legislator R. Parete asked if an opinion from the State Comptroller could be sought. Mr. Gallo said they have asked, but are not confident that an opinion will be forthcoming. Legislator R. Parete suggested the Legislature repeal the Bed Tax altogether to level the playing field. Chairman Roberts agreed.

Legislator Rodriguez made a motion to postpone the resolution. Chairman Roberts asked for a second and hearing none he called for a vote.

<b>Roll Call Vote:</b>	No
<b>Voting In Favor:</b>	Legislators Belfiglio, and Donaldson
<b>Voting Against:</b>	Legislators Roberts, R. Parete, and Rodriguez
<b>No. of Votes in Favor:</b>	2
<b>No. of Votes Against:</b>	3
<b>Disposition:</b>	Failed

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**Motion No. 5:** Resolution No. 251 – May 17, 2016

**Text of Motion: Resolved to approve Resolution No. 251 – Amending The Rules Of Order To Set Procedure For Memorializing Resolutions**

**Motion Made By:** Legislator Rodriguez  
**Motion Seconded By:** Legislator Belfiglio

**Resolution No. 251 Summary:** This resolution amends the Rules of Order of the Ulster County Legislature to prohibit debate on Memorializing Resolutions.

**Discussion:**

Legislator Rodriguez commented that the Legislature has not had a lengthy floor debate on a memorializing resolution in a long time. Legislator R. Parete responded that there was substantial debate on a resolution on the floor two months ago and in the end the two legislators who were debating it voted the same way. Legislator R. Parete added that memorializing resolutions were still allowable, just could not be debated and that he was tired of having the body spend time debating memorializing resolutions instead of doing county work.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez  
**Voting Against:** None  
**No. of Votes in Favor:** 5  
**No. of Votes Against:** 0  
**Disposition:** Carried

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**Motion No. 6:** LATE Resolution No. 282 – May 17, 2016

**Text of Motion:** **Resolved to approve LATE Resolution No. 282** – Approving The Execution Of A Contract In Excess Of \$50,000 Entered Into By The County – Mabey Inc. – Department Of Public Works

**Motion Made By:** Legislator Rodriguez  
**Motion Seconded By:** Legislator R. Parete

**Resolution No. 282 Summary:** This resolution approves the execution of a contract with Mabey Inc. in the amount not to exceed \$115,850 for the rental of a temporary bridge for the Carmine Liberta Bridge project in the Town of New Paltz.

**Discussion:**

Legislator Donaldson asked why the resolution was late. Legislative staff informed the members that the Director of Purchasing explained that the timeframe when the bid opened and was awarded did not coincide with the resolution deadline.

**Roll Call Vote:** No  
**Voting In Favor:** Legislators Roberts, Belfiglio, Donaldson, R. Parete, and Rodriguez  
**Voting Against:** None  
**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**Disposition:** Carried

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Chairman Roberts asked if there was any other business, and, hearing none;

**Adjournment**

**Motion Made By:** Legislator R. Parete

**Motion Seconded By:** Legislator Rodriguez

**No. of Votes in Favor:** 5

**No. of Votes Against:** 0

**TIME:** 7:24 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**

**Minutes Approved: June 20, 2016**