

SPECIAL SESSION-MONDAY, MAY 16, 2022

The Yates County Legislature convened in special session Tuesday, May 16, 2022 at 1:00 p.m. with Chairwoman Church presiding, Mr. Button, Mr. Bronson, Mr. Morris, Mr. Paddock attended via Zoom and Mrs. Percy and Mr. Willson were absent.

RESOLUTION NO. 221-22

Mr. Holgate offered the following resolution and moved its adoption, seconded by Ms. Chilson.

DISCUSSION

Mr. Button asked if this went to the County Attorney and if it has an end date.

Mr. Holgate stated that this resolution would expire as of January 2, 2023. The fact that the New York State law requires it, of gas stations to not collect the tax but, with the County, the gas stations have an option to do so or not. He's heard from people that they're not in favor of gas stations having that option. They feel that if they pass this law, the gas stations will definitely pass it on. One of his questions is how hard is it for an actual gas station to do all this forgiving of taxes and all that sort of stuff? Is it just one of those things where they just put it in their system and it's a done deal, or is it actually a burden on the actual gas stations.

Ms. Flynn replied that she does not know the mechanics of how gas stations would do it. The gas stations would put this in place, but it doesn't mean they're going to lower their gas price per gallon.

Mr. Holgate stated that is actually the way it is today, they can choose what price are going to put on their fuel. For example, the Dandy in Dundee, they decided that they're going to make a profit of a certain percentage, as long as they make their certain percentage, they should go along with this.

Mr. Button stated that the thing a lot of people don't realize is that the tax is actually collected at the terminal tank when the tanker pulls under puts the fuel in and it's compensated for the temperature for the amount of gallons that they are going to be billed for it, the state will then collect the fuel tax right there. Nobody's going to give a 30 some thousand dollar tanker load of gas going down the road, without it being already paid for, but the tax that already collected. The gas station, the ultimate vendor, is not going to collect the tax and turn it in quarterly.

Nonie clarified that the tax is collected by the State and then the State pays the County their portion.

Mr. Button stated that they can't make the vendor, ultimately the person selling the fuel, tell them whether they've backed the tax out or not, they can't see their records, they've already paid it.

Mr. Holgate stated that it would be nice if they had some positive press, which they are getting some positive press. People in Schuyler County have said they are going to come to Yates County to get fuel. Bill thinks they should make it so that they are tourist friendly. They should do everything they can to make it sound like Yates County is a good place to come.

Ms. Chilson stated that this is something that's driven apparently from our governor because she's put timelines on it. She asked if the governor can reinforce this if the gas stations don't

follow through on their end and give the taxpayer that break. She thinks that the gas stations in Yates County are going to be compliant with it and if not, the people can always pick it, they can get their picket signs out and say the gas stations are gouging them as citizens and then the Legislature can do their part and contact the governor.

Mr. Jayne asked if it would include boat gas at the pumps on the marina. Dr. Cutler & Mr. Button stated that it would not.

Mr. Banach stated that he is conflicted on this whole thing. One of the problems is that he understands getting the press and where they are going to give their vacationers a break, but he gets the feeling that it's almost a feel good type of thing and he has never ever been in favor of feel good legislation. It leaves it up in the air for the gas companies and their prices have always been higher in Yates County. He doesn't think people will drive 12 miles to get gas, it would cost them more, and it doesn't make sense to him.

Mr. Killen stated that he thinks it is shameful, right now, what is going on with their energy policy for the federal level and the impact that it's having on everyone. It hurts across the board and the people with the least resources it hurts the worst because they still have to go to work, they still have to go buy groceries, and this inflation and cost is hurting everybody, and even though this is a small period of time and a finite window to do something to try and assist people. He think it's a benefit to their taxpayers in their Community and to the guests and visitors in their Community, and I think that it speaks clear. The policies are hurting people and they can give a little bit of break on their sales tax collection on gas, so that people can afford to go to work, afford to go get their medicine, or go do their shopping and not be scrimping and saving and counting every penny, it's a good thing.

Ms. Chilson stated it's not for a long period of time, they have an endpoint, so if it doesn't work it doesn't work they have learned a lesson, if it works they have given their tax payers and their citizens in their county a break. A well-deserved break, but much needed break, they're fighting to get formula for their babies.

Mr. Banach stated that the problem is everybody's assuming that this is going to be passed on and that's the problem that bothers him. He hopes it gets passed on, but with the shenanigans that they try to pull in Yates County every time they are five or six cents more a gallon than someplace else, he thinks what they'll do is put it in their pocket.

Mr. Harper stated that the tax on gas right now is 16 cents versus 8 cents a gallon doing this. He would think the gas station owners would take this to their advantage by wanting to pull in more customers. There are two different ways to get there, they can raise their price and sell to fewer or they can lower their price and attract a lot more, and maybe even make more money that way so hopefully they would go that route. He asked if they saw them not lowering prices to what they believe they should be, does this resolution have to run to the end, or is the legislature able to end this after a quarter.

Ms. Flynn stated that they could rescind the resolution if they didn't like the way it was progressing.

RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF YATES ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK AND RESCINDING RESOLUTION NO. 220-22

WHEREAS, Resolution No. 220-22 “Resolution of the Legislature of the County of Yates Electing a Cents per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of Such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York” was adopted on 5/9/2022; and

WHEREAS, the expiration date of the resolution must be clearly defined; and

WHEREAS, Resolution No. 112-1967 adopted 3% County Wide Sales and Use Tax, in Yates County, effective March 1, 1968; and

WHEREAS, Resolution No. 241-2003 requesting home rule legislation be passed by the Assembly in bill A5417-A and the Senate by bill S2478-A to amend the tax law in relation to the imposition by the County of an additional 1% on the county portion of the sales tax rate in Yates County; and

WHEREAS, every three years a resolution must be passed by home rule enacting an extension of the additional 1% on the county portion of the sales tax rate in Yates County, the last one being Resolution No. 250-2020; and

WHEREAS, the County has the authority to elect a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York; and

WHEREAS, The State Legislature recently passed Governor program bill S.8947/A.10079 that extends the certification period for local counties to elect to suspend certain taxes on motor fuel and diesel motor fuel and provide an expiration and repeal of such election;

NOW, THEREFORE, BE IT RESOLVED, notwithstanding any provision of this enactment to the contrary, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for the purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to TWO (\$2.00) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law; and be it further

RESOLVED, this resolution shall take effect June 1, 2022 and shall expire as of January 2, 2023; and be it further

RESOLVED, that Resolution No. 220-22 is hereby rescinded; and be it further

RESOLVED, that the Clerk of the Legislature is directed to transmit a certified copy of this resolution as adopted bearing the County’s raised seal to Deborah Liebman, the Secretary of State, the State Comptroller, and the Yates County Clerk, within five days of enactment, pursuant to section 1210(d) of the Tax Law.

VOTE: Roll Call –Killen, Cutler, Bronson, Chilson, Morris, Paddock, Holgate, Jayne, Harper, Church voting “Yes”; Banach, Button voting “No”. Motion carried.

Meeting adjourned at 1:18 p.m.