

Resolution No. 434 October 18, 2022

Extending The Election Of 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, By Amending Resolution No. Resolution No. 169 Adopted April 19, 2022

Referred to: The Ways and Means Committee (Chairman Gavaris and Legislators Cahill, Fabiano, Ronk, and Walter)

Legislators Kevin A. Roberts and Kenneth J. Ronk, Jr., and Legislators Corcoran, Fabiano, Hansut, Litts, and Lopez offer the following:

WHEREAS, Resolution No. 286 of 1969 imposes taxes on sales and uses of tangible personal property, and on various charges and services as set forth therein; and

WHEREAS, said Resolution No. 286 of 1969 has been amended on various occasions, including by Resolution No. 164 adopted July 8, 1971, Resolution No. 18 adopted February 8, 1973, Resolution No. 211 adopted June 10, 1976, Resolution No. 445 adopted December 14, 1976, Resolution No. 183 adopted August 12, 1993, Resolution No. 211 adopted August 10, 1995, Resolution No. 240 adopted August 14, 1997, Resolution No. 245 adopted August 12, 1999, Resolution No. 260 adopted August 22, 2001, Resolution No. 218 adopted July 30, 2003, Resolution No. 246 adopted August 31, 2005, Resolution No. 272 adopted July 31, 2007, Resolution No. 247 adopted August 12, 2009, Resolution No. 177 adopted August 16, 2011, Resolution No. 9 adopted January 23, 2014, Resolution No. 397 adopted November 18, 2014, Resolution No. 321 adopted August 18, 2015, Resolution No. 338 adopted August 15, 2017, Resolution No. 278 adopted August 18, 2020, and Resolution No. 169 adopted April 19, 2022; and

WHEREAS, the County has the authority to continue election of 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 cents-per-gallon rate is set to expire on December 1, 2022; and

WHEREAS, the Ulster County Legislature wishes to continue this provision and remove the expiration date; now, therefore be it

RESOLVED, the Ulster County Legislature hereby adopts the following:

SECTION 1.: Section 2 of Resolution No. 169 adopted April 19, 2022, is amended to read as follows:

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“SECTION 2. Effective date.

This resolution shall take effect on June 1, 2022[~~and shall expire and be deemed repealed on December 1, 2022~~].”

SECTION 2. Effective date.

This resolution shall take effect on December 1, 2022.

and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature be and hereby is directed to transmit by certified mail, return receipt requested, a certified copy of this resolution as adopted bearing the Clerk’s raised seal to:

Office of Counsel
New York State Department of Taxation and Finance
Building 9, Room 228
W.A. Harriman State Campus Albany, New York 12227

and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature be, and hereby is, directed to file certified copies of the enactment with the Secretary of State, the State Comptroller and the Ulster County Clerk, within five days of enactment, pursuant to section 1210(e) of the Tax Law,

and move its adoption.

DEFEATED BY THE FOLLOWING VOTE:

AYES: 7 NOES: 16
(Ayes: Legislators Corcoran, Fabiano, Hansut, Litts, Lopez, Roberts, and Ronk)

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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,
By Amending Resolution No. Resolution No. 169 Adopted April 19,
2022**

Defeated in Committee: Ways and Means on September 13, 2022

Petition to Discharge successfully executed.

FINANCIAL IMPACT:

**APROXIMATELY \$9,000,000.00 – ANTICIPATED DECREASE COUNTY SALES
TAX REVENUE**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution DEFEATED by the Ulster County Legislature on the 18th Day of October in the year Two Thousand Twenty-Two, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of October in the year Two Thousand Twenty-Two.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature