

Calling For Continued New York State Property Tax Payments On State Owned Lands

Legislators Aiello, Bischoff, Briggs, Cahill, Cummings, Dart, Decker, Donaldson, Fabiano, Felicello, Gerentine, Gregorius, Hansut, Harris, Hochberg, Lomita, Loughran, Maloney, Noonan, R.A. Parete, R.S. Parete, Petit, Provenzano, Roberti, Roberts, Rodriguez, Ronk, Shapiro, Sheeley, Stoeckeler, Terpening, Terrizzi and Zimet offer the following:

WHEREAS, for over 120 years New York State has held ownership of forest preserve property in the Adirondack and Catskill Parks to conserve ecologically and recreationally significant tracts of land for watershed protection and the general benefit of all New Yorkers, and

WHEREAS, under existing State statute (RPTL §544), New York has been required to pay full local property taxes, “as though privately held”, on all forest preserve lands, and

WHEREAS, the legitimacy of State tax payments on the forest preserve lands was upheld by the NYS Supreme Court’s Appellate Division earlier this year in the case of Dillenburg vs. New York State, which gave all Adirondack and Catskill communities assurance that state land taxes on the Forest Preserve were neither arbitrary nor capricious, and

WHEREAS, included in the Governor’s 2009-2010 Executive Budget Proposal are statutory changes that will freeze payments for taxes on State owned lands at the level paid during State fiscal year 2008-09 and reduce payments in lieu of taxes by six percent from their scheduled amount; saving the State \$8.5 million, and

WHEREAS, these proposals will have a devastating effect on a number of communities within the Adirondack and Catskill Parks; essentially ending the State’s century old commitment to steward these vital geographic assets for future generations without placing an undue burden on the host communities, and

WHEREAS, additionally, these proposals would set a dangerous precedent by creating two separate ad valorem tax rates, one for the State and another for private property owners, shifting the State’s financial responsibility unequally to local taxpayers in municipalities with the fewest residents and the greatest amount of state land, and

WHEREAS, New York State lands occupy approximately 185,000 acres in Ulster County, and

Resolution No. 50 February 11, 2009

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WHEREAS, a freeze in tax payments on State owned lands would impose an inequitable tax burden on the Ulster County Towns and schools in the amount of \$7,800,000.00, and

WHEREAS, the Laws and Rules Committee has met and reviewed said request with a majority of the members voting approval, now, therefore, be it

RESOLVED, that the County of Ulster calls on Governor Paterson and the State Legislature to reject this proposal and continue the current equitable system of tax payments on State owned land, and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office, Senate Majority Leader Dean G. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Frank K. Skartados and the New York State Association of Counties,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 0
(Absent: Legislators Aiello and Zimet)
(Legislator Stoeckeler left at 9:11 PM)

FINANCIAL IMPACT:
TO BE DETERMINED