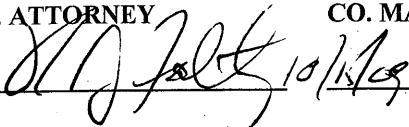


NIAGARA COUNTY LEGISLATURE

FROM: Legislator John D. Ceretto

DATE: 10/20/2009

RESOLUTION # IL-114-09

<b>APPROVED BY</b>	<b>REVIEWED BY</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	_____	Approved: Ayes _____ Abs. _____ Noes <u>0</u>
		_____	Rejected: Ayes _____ Abs. _____ Noes _____
		_____	Referred: _____

**RESOLUTION CALLING ON NEW YORK STATE LEGISLATURE TO RESCIND INCREASES IN AGRICULTURE AND MARKETS LICENSING FEES AS ADOPTED IN 2009-2010 NEW YORK STATE BUDGET**

WHEREAS, Article 20-C of the New York State Agriculture and Markets Law requires all persons maintaining or operating a food processing establishment to apply for a license from the New York State Department of Agriculture and Markets, and

WHEREAS, 100% annual increases in Agriculture and Markets Food Processing Licensing Fees were supported and enacted by the Democratic Majority leading both the New York State Assembly and the New York State Senate, including state representatives of Niagara County, and

WHEREAS, the enactment of these historically-high new fees also included a provision that requires such businesses as apply for licensing to now purchase licenses on a two-year cycle, thus again doubling the requisite payment from said businesses, and

WHEREAS, food processing businesses with multiple locations are required to apply for additional licenses for each location, and

WHEREAS, the Tax Foundation, a Washington, D.C.-based think tank, has ranked New York State 49<sup>th</sup> out of 50 rankings for its business tax climate, and

WHEREAS, following the increase in Article 20-C fees enacted by the Legislature and consequent strain placed on food industry employers in New York State, the Department of Agriculture and Markets has elected to undertake such critical efforts as providing \$48,000 for "community gardens" on April 17, 2009, and spending \$40 million to create 49 jobs at the "New York State Food Laboratory" at the State University of New York at Albany on August 7, 2009, and

WHEREAS, fees for food processing businesses are uniformly imposed regardless of business size, income, and local market conditions, thus placing a higher burden on small businesses in Upstate New York, and

WHEREAS, such small businesses are critical to the economy of Niagara County, now, therefore be it

RESOLVED, that the Niagara County Legislature does hereby call upon the New York State Legislature to rescind all increases in New York State Department of Agriculture and Markets fees impacting small businesses, and be it further

RESOLVED, that the Niagara County Legislature does hereby call upon the New York State Legislature to enact such enabling legislation as is required to provide for annual, rather than biennial, licensing of establishments governed under Article 20-C of New York State Agriculture and Markets Law, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Paterson, Senator George D. Maziarz; Senator Antoine D. Thompson; Senator Darrel Aubertine; Senator Catherine Young; Member of the Assembly Jane L. Corwin; Member of the Assembly Jim Hayes; Member of the

Assembly Francine DelMonte; Member of the Assembly Robin Schimminger; Member of the Assembly Stephen Hawley; Member of the Assembly William Magee; Member of the Assembly Cliff Crouch; Mr. Patrick Hooker, Commissioner of Agriculture and Markets; and all others deemed necessary and proper.

A handwritten signature in black ink, reading "John D. Ceretto". The signature is written in a cursive style with a long horizontal flourish extending to the right. A horizontal line is drawn across the signature.

LEGISLATOR JOHN D. CERETTO