



Monroe County Legislature

Office of the Republican Majority

January 28, 2021

To the Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

**Subject: Amending the 2021 Monroe County Budget to Eliminate County Food Service Fees
During the COVID-19 State of Emergency**

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Committee Assignment	
HUMAN SERVICES	-L
WAYS & MEANS	

Honorable Legislators:

Over the course of the last year, the COVID-19 pandemic has left no person, business or societal function unaffected. In Monroe County, we have lost over 800 of our fellow neighbors, friends and loved ones. The effects of the COVID-19 lockdowns have left hardworking taxpayers without jobs, family-owned businesses destroyed and livelihoods ripped apart. It is long past due to use the data and lessons learned to ensure the health and safety of our residents are protected from the virus while protecting the same from the restrictions it has ushered in.

According to a 2020 nationwide report by Yelp, 163,735 businesses listed on Yelp as open in April 2020 had closed by September. That averages out to be roughly 800 businesses closing per day. According to the University of California Santa Cruz, this number is actually closer to 1,500 businesses closing per day. In measuring businesses whose closures have become permanent, 60-percent of these closed businesses will never return. In New York, Harvard-run database TrackTheRecovery.org found that of businesses that closed in January of last year, nearly one third had remained closed into November. The implications of these closures are grave; these numbers represent livelihoods, the backbones of local economies and often the fruition of a lifetime of work.

The Small Business Association estimates that 99.7-percent of all businesses in the United States are small business entities. Prior to the pandemic, small businesses accounted for 42-percent of employment in accommodation and 64-percent of employment in food services and drinking places. In May 2020, employment in accommodation was 50-percent lower than in May 2019, and employment in food services and drinking places was 37-percent lower. These sectors of our economy have been unfairly and, according to New York State data, unjustifiably targeted.

While the government has forced these businesses to close, they have simultaneously demanded the same pre-pandemic licenses, fees and taxes. In other words, while the government demands its revenue, it is limiting the ability of private entities to collect the revenue to pay. If New York State and Governor Cuomo will not allow these private entities to collect revenue in the safe manner it has been proven capable of, and local Monroe County officials within the State's Regional Control room will not stand up for our residents, it is imperative that we do all we can do offset the financial ruin this has caused.

The waiving and reimbursement of 2021 Monroe County Food Services Fees would eliminate a financial burden on these small businesses. For example, restaurants, regardless of whether capacity is restricted or closed entirely for indoor dining due to arbitrary zone restrictions should not have to pay a fee

when they cannot operate their business fully. Caterers, whose primary function is serving large gatherings, should not have to pay a licensing fee in a year where large gatherings are prohibited for the near future and they should not be forced out of operation because they cannot or will not pay for a license that cannot be utilized fully. Further, temporary food establishments, such as food trucks and carts, should not be forced to pay a fee when their primary function is serving gatherings and whose traffic often relies upon the employees of nearby businesses, which are now prohibited and closed.

Small businesses are the backbone of our community and to stand idly by would spell economic and community devastation for years to come. The elimination of these unjustifiable fees during a global pandemic is a step in providing these small businesses with financial relief. The economic recovery from COVID-19 is going to be a long and difficult road, but requiring fees in the midst of a government-imposed shutdown is adding insult to injury.

The specific legislative actions required are:

1. Amend the 2021 Monroe County Budget to eliminate the Food Service Establishment Fees charged via the Public Health – Environmental Health 2021 Fees and Charges schedule listed on pages 292-293, as indicated below:

<u>FOOD SERVICE ESTABLISHMENTS</u>	<u>2020 Fee</u>	<u>2021 Fee</u>
Restaurants, Schools and Colleges, Institutions, Industry Cafe		
Capacity 0-25	\$170	\$170 \$0
Capacity 26-50	\$230	\$230 \$0
Capacity 51 plus	\$370	\$370 \$0
Bakeries, Commissary & Mobile Units, Delicatessens & Caterers	\$225	\$225 \$0
Temporary Food Service Establishments		
Per Booth/Site for High/Medium Risk Facility		
One Day Events	\$55	\$55 \$0
2-3 Day Events	\$85	\$85 \$0
4-14 Day Events	\$115	\$115 \$0
Applications Less Than Ten Days Prior to Event	\$18	\$18 \$0
Temporary Food Service Establishments		
Per Booth/Site for Low Risk Facility Per Event (1-14 days)	\$55	\$55 \$0
Applications Less Than Ten Days Prior to Event	\$18	\$18 \$0
Temporary Food Vendor at Seasonal Farmer's Market	\$170	\$170 \$0
Plan Review	\$75	\$75 \$0
Incubator Kitchen (3 months)	\$75	\$75 \$0

2. Authorize direct reimbursement of any 2021 Food Service Establishment Fees paid to Monroe County prior to the adoption of this legislation.

The provisions of the New York State Environmental Quality Review Act shall be complied with prior to the undertaking, funding, or approving the action in this referral. This action would have a negative net impact to the 2021 Monroe County Budget as it would decrease budgeted revenue.

Respectfully Submitted,



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President – District 16



Sean M. Delehanty
Legislator – District 11