

For Immediate Release:
Schuyler County Municipalities Fight Wal-Mart's Tax Reduction Claim

Watkins Glen, NY—A preliminary conference has been scheduled for June 23 in the case of Wal-Mart Real Estate Business Trust (“Wal-Mart”) against the Town of Dix Board of Assessment Review and other affected Schuyler County municipalities.

In the meantime, attorneys for the affected municipalities, Schuyler County Attorney Steven Getman and Town of Dix Attorney Robert Halpin have served a demand to audit Wal-Mart's books and records to substantiate the retail giant's statement of income and expenses.

In July 2016, Wal-Mart, the world's largest retailer, filed suit alleging that their store in the Village of Watkins Glen was over-assessed. The current assessment values the property at \$11,700,000.00 (Eleven Million, Seven Hundred Thousand Dollars). Wal-Mart has claimed their property is only worth \$7,500,000.00 (Seven Million, Five Hundred Thousand Dollars). In 2012, Wal-Mart agreed that their property was valued at \$11,400,000.00 (Eleven Million, Four Hundred Thousand, Dollars)

Because any such assessment reduction would adversely affect all real property tax jurisdictions in the county deriving taxes from the Wal-Mart property, the affected municipalities—the Town of Dix, the Village of Watkins Glen, the Watkins Glen School District and Schuyler County--joined forces to fight Wal-Mart's claims.

According to Schuyler County Administrator Tim O'Hearn, “this continued collaboration among municipal partners is a testament to our resolve to ensure that all property taxpayers pay their fair share. If granted a reduction, Walmart would in effect be shifting their portion of the tax burden to the rest of our taxpayers.”

According to Getman, the June 23 preliminary conference will likely result in the court fixing a date for trial, as well as directing the parties to obtain appraisals and sales reports, and to exchange and file appraisal reports and sales reports.

In anticipation of that trial, the defendants have already served a demand upon Wal-Mart to make their relevant books and records available for audit. That audit should be completed in approximately 120 days, Getman noted.

“The affected municipalities have called into question Wal-Mart's claims as to the Watkins Glen Supercenter dropping in value given the overall trend experienced countywide that has shown property to be continually appreciating in value,” Getman said. “Once the tax roll is completed, it is presumed to be accurate and free of error. If a taxpayer such as Wal-Mart contends otherwise the burden is on the taxpayer to demonstrate that by clear and convincing evidence.”

Nationally, some reports have previously criticized Wal-Mart for what has been called a “systemic” attempt by the company to lower its taxes while benefitting from billions of dollars in public subsidies to build its stores and site infrastructure. In 2007, the Huffington Post called the company “America’s tax deadbeat” for such attempts. That article cited efforts by the company in other parts of upstate New York, including Geneva and Wilton, to lower its taxes.

The Schuyler County case is being heard in Schuyler County Supreme Court with Hon. Dennis J. Morris presiding. Wal-Mart is being represented by Buffalo law firm Kavinoky Cook LLP. Town of Dix Attorney Robert Halpin (Montour Falls) and Schuyler County Attorney Steven Getman (Watkins Glen) are jointly representing the affected municipalities, the Town of Dix, the Village of Watkins Glen, the Watkins Glen School District and Schuyler County.

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