

STRICKEN AS OF 10/27/2010
UPDATED VERSION 4/9/2010

Intro. Res. No. 1372-2010

Laid on Table 4/27/2010

Introduced by Legislators Schneiderman and Romaine

**RESOLUTION NO. -2010, DIRECTING THE COUNTY
ATTORNEY TO DETERMINE THE FEASIBILITY OF SUFFOLK
COUNTY BRINGING AN ACTION AGAINST NEW YORK STATE
REGARDING THE MTA PAYROLL TAX**

WHEREAS, Suffolk County is one of twelve Counties in the Metropolitan Commuter Transportation District ("MCTD"), which receives transportation services from the Metropolitan Transportation Authority ("MTA"); and

WHEREAS, the MTA has a lengthy history of inefficient management and exorbitant operating costs, with few services provided in Suffolk County; and

WHEREAS, in 2009, New York State imposed a payroll tax on all employers in the MCTD to bail the MTA out of a \$1.8 billion deficit; and

WHEREAS, because of this new tax, Suffolk County was forced to increase County property taxes to pay its share of the MTA payroll tax as an employer in the MCTD; and

WHEREAS, even with the bailout, the MTA has drastically reduced services and increased fares; and

WHEREAS, in December 2009, Hampton Luxury Liner commenced a lawsuit challenging the MTA payroll tax; and

WHEREAS, the Town Supervisors of the Towns of Brookhaven, Southampton, Huntington, Smithtown, Islip, Riverhead and Babylon are also commencing a lawsuit challenging the MTA payroll tax as a violation of their home rule power; and

WHEREAS, Suffolk County has an interest in these lawsuits as an employer who must pay the payroll tax; and

WHEREAS, Suffolk County should determine the feasibility of intervening in the lawsuits commenced by Hampton Luxury Liner or the Town Supervisors, or bringing its own action against New York State; now, therefore be it

1st RESOLVED, that the Department of Law is hereby authorized, empowered and directed to study the feasibility of Suffolk County intervening in the lawsuit brought by Hampton Luxury Liner or the lawsuit brought by the Towns of Brookhaven, Southampton, Huntington, Smithtown, Islip, Riverhead, and Babylon against the State of New York or in Suffolk County bringing its own lawsuit against New York State challenging the MTA tax; and be it further

2nd RESOLVED, that the County Attorney shall submit a written report of the findings and determinations of this study to the County Executive and each member of the Suffolk County Legislature no later than sixty (60) days subsequent to the effective date of this Resolution; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: