

WAYS & MEANS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways & Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on August 27, 2009.

Members Present:

Legislator Lou D'Amaro, Chairman
Legislator Brian Beedenbender, Vice-Chair
Legislator Vilorio-Fisher

Member(s) Not Present:

Legislator Lynne C. Nowick
Legislator Cameron Alden

Also in Attendance:

Legislator Edward P. Romaine, District 1
Legislator Kate M. Browning, District 3
Legislator DuWayne Gregory, District 15
Tim Laube, Clerk of the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
George N. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Linda Bay, Aide to Legislator Losquadro
Justin Litell, Aide to Legislator D'Amaro
Tom Ryan, Aide to Legislator Vilorio-Fisher
Gail Vizzini, Director of Budget Review Office
Robert Lipp, Deputy Director of Budget Review Office
Lance Reinheimer, Asst. Director/Budget Review Office
Bennie Pernice, Budget Review Office
Ben Zwirn, Deputy County Executive
Ed Hennessy, County Executive's Office
James Ryan, Town of Brookhaven Assessor
Ester Bivona, Receiver of Taxes for the Town of Huntington

Minutes Taken By:

Gabrielle Skolom - Court Stenographer

[The meeting was called to order at 9:31 AM]

CHAIRMAN D'AMARO:

Good morning. Welcome to the special meeting of the Ways and Means Committee. Please rise and join us in saying the Pledge of Allegiance led by Legislator Viloría-Fisher.

[Salutation]

And please remain standing for a few words from our Deputy Presiding Officer, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I just ask everyone for a moment of silence upon the death of Ted Kennedy, and I'm just going to read very quickly one of his famous quotes: "For all those whose cares have been our concern, the work goes on; the cause endures; the hope still lives; and the dream shall never die."

[Moment of Silence Observed]

CHAIRMAN D'AMARO:

Okay. Thank you. Thank you, Legislator Viloría-Fisher.

The purpose of the special meeting, as indicated on our agenda, is to consider one local law this morning, and there's no other business before the Committee. I'll call that resolution. It is number 17 -- oh, I'm sorry. I apologize. Before we do that, we will, of course, go to the public portion. I do have one card here -- my apologies for that -- is from James Ryan. Mr. Ryan, Brookhaven Assessor, good morning, sir, and welcome.

MR. RYAN:

Good morning, ladies and gentlemen --

CHAIRMAN D'AMARO:

I just want to make sure your mike is on there.

MR. LAUBE:

You've got to hold the mike down. Hold this down.

MR. RYAN:

Oh, I'm sorry. Thank you. Good morning, ladies and gentlemen. Thank you for giving me this opportunity. I recently was provided with a copy of legislation concerning the Metropolitan Transportation commuter tax, and, at first blush, I assume that most people feel it's a transparent type of tax. It's an MTA commuter tax, and that imposing against real property is the simplest and most transparent way to collect that tax on behalf of the County.

I do have a couple of questions I'd like to pose, and I certainly don't necessarily expect an answer right now or today, but it's something to think about. One of the first issues that comes to mind in this legislation is that it poses a \$3.40 per thousand dollars of assessed value dollar tax rate, and having a single tax rate Countywide is perplexing to me given the fact that almost all of the ten towns, with the exception of Shelter Island and Southampton, we assess at all different levels of assessed value -- pardon me, of market value, which would necessarily dictate that

each town, again with the exception of Shelter Island, Southampton, would have a different tax rate. So I would like to know how the math actually works for something like that.

Along those same lines, the payroll tax would necessarily be different for the five eastern towns as opposed to the five western towns, presuming, of course, that we are considering the payroll of the Suffolk County Police Department in that calculation. Now, if that's different than -- if that's not the case, then fine.

And then, the only other question that comes to mind is, given that we impose a real property tax once a year, how did we project the payroll tax over -- I should say, what period did we use to estimate or determine the payroll tax? Those are really just a couple questions I have, and again, it's just at first blush; there may be others, and perhaps we can find out some answers to these questions. Thank you very much.

CHAIRMAN D'AMARO:

Okay. Thank you. Are there any questions at this point?

LEG. VILORIA-FISHER:

You know, I was hoping that, since I ran into Connie Corso coming in, and I had been asking some of the same questions, and I was hoping someone could answer Mr. -- I forget Jim's last name --

CHAIRMAN D'AMARO:

-- Ryan.

LEG. VILORIA-FISHER:

-- Jim Ryan's questions.

CHAIRMAN D'AMARO:

All right. Before we do that, is there anyone else, any members of the public who would like to address the Committee this morning? Ester, come on up. Ester, good morning. Just state your name for the record.

MS. BONIVA:

Good morning, and I did fill out a card. I don't know what happened to it.

CHAIRMAN D'AMARO:

Oh, I'm sorry. My apologies. I don't have it here.

MS. BONIVA:

That's okay. My name is Ester Bivona, and I am the Receiver of Taxes in the Town of Huntington, and I've been the Receiver for the last 18 years. There's no doubt that the MTA payroll tax is an unfunded mandate levied against the taxpayers of the County and others in the 12-county MTA region. I believe it's important to show the taxpayers of Suffolk County the actual cost to them. I believe this resolution does not go far enough to that end. If the only portion of the MTA payroll tax to be shown on the tax bill is the County portion, it will miss the truly dramatic impact of this tax. The only way the taxpayer of this County will see what the MTA tax means is to have every taxing district included in the calculation, not just the County portion. Only then will the magnitude of the MTA payroll tax be clearly shown, and I believe this is something that we can do. The receivers can work with the County to provide this number on the tax bill so that each and every taxpayer knows what the MTA tax is to them. Thank you.

LEG. VILORIA-FISHER:

Thank you, Ester.

CHAIRMAN D'AMARO:

All right. Thank you.

LEG. VILORIA-FISHER:

Can I just ask her something?

CHAIRMAN D'AMARO:

Yes. I'm sorry.

LEG. VILORIA-FISHER:

Ester, I'm sorry. Can you come back up, Ester -- rather, Ms. Bivona, are you going to stay here for the general meeting in 20 minutes?

MS. BIVONA:

Yes.

LEG. VILORIA-FISHER:

Okay. Because I did want to ask both you and Mr. Ryan questions, and I actually mentioned at our last general meeting some of what you just said, which is there's no reflection of the impact of the entire payroll tax on individual taxpayers by just putting the County chair -- share, rather. So I did want to explore that, and I guess that could be very complicated because of all of the school districts within the towns, their impact --

MS. BIVONA:

I think it can be done, and I think if we work together, we can put it together.

LEG. VILORIA-FISHER:

Okay. All right. That's very interesting, and I'll look forward to hearing that, but I will wait until the general meeting in a few minutes. Thank you.

CHAIRMAN D'AMARO:

Thank you. Is there anyone else present who would like to address the Committee this morning?

[No response]

Okay. I'm going to go right to the agenda and call the bill before the Committee. It's **1707-2009, Adopting Local Law No. -2009, A Local Law requiring disclosure of the Metropolitan Commuter Transportation District mobility payroll tax on real property tax bills. (County Executive)**

LEG. BEEDENBENDER:

Motion to discharge.

CHAIRMAN D'AMARO:

Motion to discharge by Legislator Beedenbender.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Vloria-Fisher. All in favor? Any opposed? Abstentions?
The motion carries. The resolution is discharged.

(VOTE: 4-0-0-1, Legislator Nowick not present)

There's no other business before the Committee. We're going to adjourn at this time, and the full Legislature is going to be meeting in about 20 minutes to take up the same topic. I'd appreciate and recommend if you would like to stay, it would be helpful. Thank you.

[The meeting was concluded at 9:40 A.M.]