

**SUFFOLK COUNTY LEGISLATURE**

**SPECIAL MEETING**

**NINTH DAY**

**JUNE 20, 2008**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE  
BUILDING IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM  
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY**

**LUCIA BRAATEN, COURT STENOGRAPHER**

*[THE MEETING WAS CALLED TO ORDER AT 10:16 A.M.]*

**P.O. LINDSAY:**

Good morning everybody. Madam Clerk, would you call the roll, please?

**(Roll Called by Mr. Laube, Clerk)**

**P.O. LINDSAY:**

Yes.

**D.P.O. VILORIA-FISHER:**

(Not Present)

**LEG. COOPER:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. STERN:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. ALDEN:**

Here.

**MR. MONTANO:**

Here.

**LEG. EDDINGTON:**

Here.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. BEEDENBENDER:**

Here.

**LEG. BROWNING:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. ROMAINE:**

Here.

**MS. ORTIZ:**

Fifteen. (Absent: D.P.O. Viloría-Fisher/Not Present: Leg. Losquadro)

**P.O. LINDSAY:**

Could everybody rise for the Pledge of Allegiance, led by Legislator Alden?

*(\*Salutation\*)*

If everybody could just have a moment of silence for our people that are in harm's way as we speak.

*(\*Moment of Silence\*)*

I'd like to note before we start that Legislator Viloría-Fisher isn't with us today, she is in Texas with her brother, who is gravely ill, and we -- our thoughts and prayers will be with her and her family.

Madam Clerk, has the notices been -- officially went out and everything with this Special Meeting?

**MS. ORTIZ:**

Yes, sir.

**P.O. LINDSAY:**

Okay. With that, I have -- in the notice, there was a one-hour Public Portion. So, at this time, I will open the Public Portion. I have one card, Debra Alloncius from AME.

**MS. ALLONCIUS:**

Good morning, Presiding Officer Lindsay and Members of the Suffolk County Legislature. I come before you because I have been in Albany lobbying on behalf of these bills being passed. And I know the PBA has had a good presence up in Albany attempting to enlist aid to get these bills passed, because Suffolk County certainly could use the funds, and the only way we can really get anything done is by getting the message through to Albany. But I'm wondering at this point if anybody has reached out to our brothers and sisters in Labor and enlisted the Long Island Fed or any of other Labor Unions to try to put some thrust on and make calls, and do whatever they possibly can and offer any assistance that they possibly can at this time, because we are in such a fiscal bind and there's not much of a way that we could get out of it locally, unless we get a little help from the State. And I'm just hoping that somewhere along the line we can all help to get this done. If there's anything I can do or take back, I would be willing to speak on your behalf.

**P.O. LINDSAY:**

Thank you, Debra.

**MS. ALLONCIUS:**

You're welcome.

**LEG. COOPER:**

Thanks, Debra.

**P.O. LINDSAY:**

Is there anyone else in the audience that would like to speak on the subjects before us today? Seeing none, I'm going to make a motion to waive the rules and suspend the Public Portion.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Fifteen. (Absent: D.P.O. Vilorio-Fisher/Not Present: Leg. Losquadro)

**P.O. LINDSAY:**

Okay. We have a series of Home Rule Messages that -- first of all, I apologize to the Legislature for calling you back into Special Session. And it's a product of our State Legislature, in their last-minute attempt to get everything passed. We've been complaining that we have some serious fiscal problem since the beginning of the year and we've been asking for relief and it always seems to come down to the last minute, and I apologize for that, but it's with something that was totally out of our control.

The first Home Rule Message before us is to consider and vote on a *Home Rule Message authorizing Suffolk and Nassau Counties to increase the fees imposed for recording certain instruments with the County Clerk*. If it's okay with everybody, I'm going to ask the Administration to explain just what this Home Rule Message would do if the State would see fit to pass the accompanying resolution. Mr. Zwirn.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. And let me take this opportunity to thank your office, and you personally, and for all the Members of the Legislature who came back here today for a Special Meeting. We really appreciate that, and I think that your commitment being here today shows how serious we all are trying to solve the problems and trying to bring relief to the taxpayers of this County. We apologize for having to do that, but the session, as you mentioned earlier, up in Albany is scheduled to end on Monday, and there is no anticipation or we can't anticipate that they will be coming back. It's an election year, people are going back to their districts. Legislator Barraga can probably speak to that, knowing what the schedule usually is. But we have been in contact with the Legislative leadership, the Governor's Office, our State Delegation on both the Senate and the Assembly side, asking for some alternative revenue sources where -- so we do not have to go back and try not to hit the taxpayer with any other additional burdens, if we possibly can.

So that today we have a number of Home Rule Messages that will increase some of the real estate recording fees, and we have revenue projections that Mr. Kovesdy from the Budget Office will speak to, and Dennis Brown will speak to the substantive parts of the Home Rule Message with respect to the fees. So, Dennis, do you want to --

**MR. BROWN:**

Section -- Assembly Bill 11653 and Senate Bill 8550 seeks to amend Section 8021 of the CPLR. It seeks to amend two Subdivisions of the Civil Practice Law and Rules. 8021 is a section of the Civil Practice Law Rules that deals with cost and fees. Subdivision A of 8021 currently contains a recording fee for land-related documents of \$5 for the first page and \$3 for each subsequent page. The subdivision -- the bills seek to amend Subdivision A to increase the first page recording fee to \$25, and the subsequent page fees to \$5. It also seeks to amend -- the two bills also seek to amend Subdivision B of CPLR 8021. Subdivision B of CPLR 8021 covers numerous documents, but the paragraph and the subparagraph of this subdivision which seek to amend relate only to those documents which are required by law to be recorded. I don't have a list of what documents that might be, but, for example, if you went to -- if you had a document and there was some section in some statute that required that document to be recorded in the County Clerk's Office, then that would also be increased to \$25 on the first page and \$5 for each subsequent.

**MR. ZWIRN:**

This bill that is -- it's a Nassau-Suffolk specific bill on this particular one, and what this will do will give the Legislature, if it passes up in Albany with our Home Rule Message, it will give us an

opportunity later on to address those fees. This will just give us the opportunity to address that at a later time. But, by voting for this Home Rule Message today, you are not voting for those fee increases, that would have to come at another vote.

**MR. KOVESDY:**

Good morning. In order to do this, we used the County Clerk's 009 budget submission, which they provided statistics for 2007 and estimates for 2008. We thought that was the best source of information. Based on 2007 numbers, we would garner an additional 3. -- 5.1 million dollars for the recording fee going up and an additional 4.1 million dollars for the per-page fee. Based on 2008, which expects a downturn, we expect 3.7 million dollars in addition in the recording fee, and 3 million dollars additional in the per-page. So we're estimating for this year on a calendar basis approximately 6.6 million dollars. Last year, which was stronger, would have been 9.3 million dollars. This is based on the number of deeds and mortgages. The Clerk supplied us that deeds are an average of 4 pages and mortgages are an average of 9.1 pages, so this is how it was based.

**P.O. LINDSAY:**

I'm sure there's a lot of questions, but my main question, how -- now this would affect a homeowner at the time of buying a home, not selling a home, just buying the home.

**MR. ZWIRN:**

Yes.

**P.O. LINDSAY:**

Okay.

**MR. ZWIRN:**

Yes. These fees would be with respect to --

**P.O. LINDSAY:**

Okay. And --

**MR. BROWN:**

It could be larger than that. It could affect buyers and sellers. For example, you would have a fee with respect to recording a satisfaction of a mortgage. That's a land-related document. So, if you were selling your home, that could be affected, if you were a purchaser, whether you're a first-time purchaser or a subsequent purchaser. If you had a mortgage, the mortgage would be recorded, a deed would be recorded. The current fees would be increased on those documents as well, so it could affect buyers and sellers.

**P.O. LINDSAY:**

And, again, you might have said this and I missed it. What's the current fee and what's it --

**MR. BROWN:**

Yes. The current fee is \$5 for the first page and \$3 for subsequent pages.

**P.O. LINDSAY:**

And what is it -- what is this --

**MR. BROWN:**

It would be increased. As Mr. Zwirn stated, it would be increased only upon your approval of up to \$25 at -- actually, \$25 and \$5 for subsequent pages.

**P.O. LINDSAY:**

Okay. So, in the normal transaction, what would that mean to the buyer and what would it mean to the seller? Would you --

**MR. BROWN:**

For a mortgage, let's say a mortgage has ten pages, so it would be \$25 for the first page, and then \$5 times 9 for the subsequent pages, so we're talking about 45 plus 25. On a satisfaction of mortgage, which might be one page or two pages, so we'd be talking about \$25, plus another 5 or \$10. So, currently, it would be -- it might be \$8 or \$11 for a satisfaction of mortgage, and currently, a mortgage -- I'm sorry, for satisfaction of mortgage, whereas a mortgage might currently be \$5, plus \$18. I'm sorry, \$5 plus \$27. That's why I'm a lawyer and not in Budget.

**LEG. D'AMARO:**

Can I just -- excuse me. Can I just clarify that?

**LEG. NOWICK:**

Yeah, please do.

**LEG. D'AMARO:**

The increase -- the increase, based on the average per page of a mortgage would be \$38. That would be the increase. You'd have --

**LEG. NOWICK:**

Per page?

**LEG. D'AMARO:**

If you go from 5 to 25, that's 20 bucks on the cover page. And then \$2 a page for nine pages is 18. So, 20 plus 18 is a \$38 increase.

**MR. BROWN:**

You did better than I did.

**LEG. NOWICK:**

Total.

**LEG. D'AMARO:**

On a mortgage, right?

**LEG. NOWICK:**

Thirty-eight dollars?

**MR. BROWN:**

So later I can add.

**LEG. D'AMARO:**

Okay.

**MR. BROWN:**

Thanks.

**P.O. LINDSAY:**

Okay.

**LEG. NOWICK:**

That's the total?

**LEG. D'AMARO:**

That's the total.

**LEG. NOWICK:**

Thirty-eight dollars.

**LEG. D'AMARO:**

On a mortgage, yes.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I think that we can talk about the various scenarios, and having spent nine years out there, I can tell you that there are hundred-page deeds and there are three-page mortgages. So your estimate and your calculations, obviously, there's a need to go ahead and project what kind of revenue might be derived. It's a necessary evil and it's subject to a whole bunch of vagaries.

My concern with this bill is, and although there is a need for us to go ahead and raise revenue, and raise revenue wherever we can go ahead and shake it out from, unless we can craft some kind of an exception for first-time home-buyers, I will not support this and I will not support the certification bill either, because in both cases what we're doing is, is we're applying additional backdoor tax to something that individuals have no choice over. You talk about the fact that it's mandatory to record. What happens is a bank tells people that the mortgages have to go of record, a bank tells people that the deeds have to go of record. No individual homeowner ever runs around and talks about the fact, "Gee, I want to go ahead and part with another couple of hundred dollars."

And I disagree with your transaction scenario, because it's not uncommon for a first-time home-buyer to have five instruments, therefore, incurring another hundred bucks just for the recording fee, and a per-page charge that would run on average another 100 to 150. I'm unwilling to put on a first-time homeowner another 250 to \$300, unless we all agree that we'll go ahead and we'll abolish all this nonsense about affordable housing. That's my piece on it.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

I'm concerned about the County's fiscal status. I still don't have a full grasp of this, and part of that reason is the lack of information forthcoming. And I understand that every day the fiscal status of this County changes.

When we did the budget last year, the Operating Budget, which we could at any time amend right up until we voted on it in November, there was no concern about revenues. And the first time that the revenue picture hit me in the face was when I attended the State of the County Message and the County Executive said, "We have a 200 million dollar hole." I said, "Wow, things must have gone downhill real quick from November to February." That was the beginning of February. Now, as we moved into March and April, the hole became 150 million dollars. Now I'm told by some people they're not sure what the hole is, so now we have to plug the hole.

Let's sell our rights to tobacco agreement, but only after the current County Executive leaves office. All right. That will plug about 75 million dollars. Let's think about doing the tax liens. Okay. Let's think about taxing people in the budget for fifteen hundred jobs and then leave them vacant. Okay. Let's do -- let's sell Suffolk Health Plan. We'll make 16 million dollars. Let's sell the Infirmary. Let's close health centers. Let's do a whole host of things. Okay. And now we're here to do more. I think the Traffic and Parking Violations Bureau that was mentioned first by Cameron Alden and then by our Presiding Officer, Legislator Lindsay makes sense. I'm going to support that, because that's a sensible approach. I think on a demonstration project for red lights, although I'm concerned about cameras and "Big Brother", I'm willing to support that.

But then we get to Home Rules Message 17 and 18. These are nothing more than backdoor taxes. Last year was a dip in revenue, because when I was County Clerk we were taking in a half a billion dollars a year. Last year the County Clerk's Office took in 455 million dollars. That office requires about six or seven million dollars to operate. And when I was County Clerk, which I served for 16 years, I went around, people would ask me about the fee structure. I said, "Well, we don't have user fees, we have abuser fees," because we charge far more than what it takes to operate that office. And I always think a user fee is related to the cost of providing the service, but it's not. The County Clerk's Office is a cash cow. And, by the way, it's not a per-page fee, it's a per-side-per-page fee, because, if you have one letter on the back of that page, they charge you for that, too, by the way.

We are going to take the first-page fee up from \$5 to \$25. That's a 500% increase. We are going to take subsequent pages from \$3 to \$5. That's a 66% increase. Most people don't file single documents. They come in, they've paid off their mortgage, they take out a new mortgage. That's a satisfaction and a -- then you get the mortgage, the new mortgage paid, then they usually assign it out multiple times. Those are all recordable documents, and then they have to file a deed. Liens, judgements, all other types of recording documents are going to come under the purview of this.

This is a backdoor tax that's going to affect real estate, make no mistake about it. How many more fees are the State and the County going to put on the back of real estate? I just said, if you figure out, we are putting really about 150 times what it costs to run that office we're charging in fees, and we're going to put more fees and we're going to laden it up, and you know why, because we're afraid to vote for taxes. So we vote for a backdoor tax. We vote for a backdoor tax, hoping no one will notice, that the auditorium will be vacant, that we'll sit and we'll ask Albany to do it, and we'll ask them to share in the blame.

I don't believe this is the right way to go. I believe this is going to hurt first-time home-buyers. I believe it's going to hurt people selling their homes. I believe it's going to hurt people buying their homes. I believe it's going to hurt real estate sales people and brokers. I believe it's going to hurt the tight industry. Real estate industry is reeling and we're about to throw another pile of dirt on top of their coffin. Oh, it's only a small amount. Let's nickel and dime them to death. Well, we've tried the nickel-and-dime approach year after year after year. It's not the right approach.

Let me talk more specifically to Home Rule Message 18, which has nothing to do, by the way, with the County Clerk's Office, except they collect a fee. That's verification, or they'll call it certification. This is the wrong thing to do. Nassau County does not certify any of their recorded documents. The burden is on the recorder. What does that mean? Certification was a process we dreamed up in the late '70's as a way to get more revenue, and what it says is when you file a document, real property document, the Real Property Tax Service Agency, not the Clerk's Office, the Real Property Tax Service Agency, we send all those documents upstairs to Penny LaValle's Office, has to verify, that's why I call it verification, or certify, that the description on the document to be recorded matches the tax map, which, by the way, I don't believe we have a 100% accurate tax map in Suffolk County, we have gaps in that tax map. And we certify that that document has a true and accurate description.

Originally, the fee was \$3. Then we got bold and moved it to 15. Then we got bolder and moved to 30. And you know what we're doing now with this? We're moving it to whatever the market will bear, because there is no price. It gives us the total permission to set it. So, if we move it from 30 to 60, we'll do a 100% increase, or we could move it from -- this is where the real money is, by the way. If we move it from 30 to 90, we could do a 200% increase. Let's move it to 100, do a 233% increase. Not only is the fee a backdoor tax, but we should verify the burden on making sure the document is accurate should be on the recorder, not on the County. Do you know why? The County makes about 200 mistakes a year, and they have to -- excuse me, a month, about 2,000 a year, a little bit more, and they have to file in our office, Real Property Tax Service, their corrections. But we are totally liable for something we should be liable for. Nassau doesn't do certification at all, they put the burden on the recorder, but we're taking it upon ourselves? Why? To ensure accuracy? Absolutely not. To collect money. Verification is something the Clerk's Office and the Real Property

Tax Service Agency should not be doing.

We know we all need revenues, that's how government operates, but we should have the ability and the courage to tax to what we need, not to do backdoor taxes, not to set up schemes like verification and certification that really screw up the recording process. John will tell you. He served with me. He knows the problems with verification and certification.

**LEG. KENNEDY:**

Please.

**LEG. ROMAINE:**

I would urge my colleagues to think about this carefully. These two bills combined, because don't -- they talked about the first one, a few dollars. The second one is open-ended, and that's where the big money's in. The problem here is we're going to nickel and dime again through the backdoor tax through an agency, the Clerk's Office, that is already collecting exorbitant amount of fees for the services that they provide. We're going to hurt the real estate industry in a time of recession. I'm all for helping the County get additional revenues. I wasn't that supportive of tax liens, but I abstained on -- excuse me, on tobacco securitization, but I abstained on that and offered tax liens as an alternative. I want it to be constructive. I've been supportive of every other fund-raising opportunity.

I haven't thought well of the health plan, because I thought we could make money and in the end it might actually cost us money, and I look at the long range. But these two are not Home Rule Messages that I would support. I will support the next two about the red light and the tobacco -- and Traffic Bureau. Consider this, think about this, that you'll rush, and I know you all caucused, the other side caucused and they probably all told you, "You've got to do this, we need this." How many "We have to do this" do you have to hear before you start the question and say, "Maybe this one isn't the right one to do"? Maybe we should rethink this. Maybe we should rethink our revenue picture. Maybe we should get a better handle, because it keeps on changing on where we are financially. And I understand it changes every day, but just a handle. Anyway, thank you for listening.

**P.O. LINDSAY:**

I have a long list, but just to correct Legislator Romaine, this was our normal caucus day. We --

**LEG. ROMAINE:**

I know.

**P.O. LINDSAY:**

We're caucusing about our agenda next Tuesday, not about the Home Rule Messages. Legislator Nowick. Legislator Nowick. Legislator Nowick.

**LEG. NOWICK:**

I just had a few question that I had to be -- I need to have you make clear. First of all, you know, I'm going to say that I -- there's a part of me that's in support of this, but I am very concerned about first-time homebuyers. And my question to you is, if we send this Home Rule Message to Albany, is it a fait accompli, or does the -- does the ability still stay with the County to decide on whether or not -- in other words, can the County say, "Well, we passed this" -- "You passed this message, but we would like to exclude first-time homebuyers"? Or does this mean, if we pass this Home Rule Message, that whatever they say in the bill in Albany dominates what we have to do -- so I'm looking for -- I'm looking for an out for first-time homebuyers, obviously.

**MR. ZWIRN:**

Let me respond. I probably could let Legislator Barraga respond, but we can't change the bills on this Home Rule -- Home Rule messages are very specific. This bills that are up there are the only ones that we can deal with at this time and we can't change them. I mean, it may be a very nice

idea to exclude first-time homebuyers from this, or people who are -- have a means test of some kind to get away -- that's not an option today. I mean, when the Legislature comes back, if you want to talk to a State Legislator and make amendments, that's something that could happen later, but that can't happen as part of this legislation, this Home Rule Message.

**MR. BROWN:**

The fee is set by the CPLR, by the State Law, it doesn't -- it doesn't give the option of a lesser amount for some category of people. But, as Mr. Zwirn said earlier, all the -- let's say the bill was passed in Albany. It would only give you the power, it would only empower the Legislature with the option of increasing the fee, if it chooses to do so at a future date.

**LEG. NOWICK:**

Wait, wait.

**MR. BROWN:**

So it's either accept the increase --

**LEG. NOWICK:**

Could you repeat -- say that again.

**MR. BROWN:**

Sure. If the bill were -- if the bill were to be passed in Albany, as Mr. Zwirn stated, it would only empower the Legislature to --

**LEG. NOWICK:**

Up there.

**MR. BROWN:**

No, this Legislature, to act at a future date to increase the fee, the first-page recording fee, for example, from \$5 to \$25. It doesn't do it just by passage of the bill, your action is required.

**LEG. NOWICK:**

Well, our action is required to pass the bill in totality, though, not -- we can't -- we can't say, well, we're going to pass -- we're going to make this a law, this part of the bill a law, but right now we're not going to pass this part of the bill. Can we do that?

**MR. BROWN:**

No, that's correct. Like, for example, you wouldn't be able to say that a portion of the bill should be -- it shouldn't apply to first-time homebuyers, or, for example, you wouldn't be able to say that we'll pass the increase for the first page, but not for each subsequent page. So all -- what it does is if the bill passed in Albany, it would give you, as a voting member of the Legislature, to, at a future date, to vote to increase the fees for these two classes of documents. The land-related documents and documents otherwise recorded -- required to be recorded by statute.

**LEG. NOWICK:**

All right. So that bill is -- that's a Sweeney Bill; is that what it is, Tom? That's a fait accompli, though. It goes --

**MR. BROWN:**

It actually Lavine and --

**MR. ZWIRN:**

It's Charles Lavine's bill and it came down from the Senate Rules Committee. That's the bills that we have before us, the numbers that you're voting on.

**LEG. NOWICK:**

Okay. Thank you.

**P.O. LINDSAY:**

I'm sorry. Legislator Browning.

**LEG. BROWNING:**

Yeah. Legislator Nowick, actually, you asked one of the same questions I had and I'm wondering if there was a possibility that we could do a Local Law to eliminate the first-time home-buyer from the fees. I don't know if that's possible, but I think that, as you said, Ben, we are where we are today.

And Legislator Romaine talked about, you know, backdoor taxes. I vaguely remember, I think it was in Suffolk Life in 2005 where he talked about supporting a mortgage tax for offset of jail costs. What's the difference between what we're doing today and a mortgage tax. Would that not be a backdoor tax, too?

**MR. ZWIRN:**

The mortgage tax would have added \$1,000 to a closing. This adds about 65, \$70 additional, so.

**LEG. BROWNING:**

Thank you.

**P.O. LINDSAY:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Well, Legislator Browning said one of the things that I was going to bring up. But I just want to make sure we have this in the proper perspective. This situation, the discussion of the hole, and we can have a disagreement on how big it is, started at the beginning of the year and it's now June. And the one thing that I take extreme issue with is, you know, progress isn't made simply by condemning the actions of others. So I know, for example, and I'll give you a good example, our Presiding Officer, you know, has been vocal that he was against the sale or closure of the John J. Foley Skilled Nursing Facility and, in response to that, he came up with ideas to help to offset the revenue that would be gained by selling that. And he has put in bills to raise revenues and they're in our packet now, and he has proposed ways to do it. So that's responsible opposition. And what -- and I know I've only been here I guess five months and twenty days now, but I guess I feel confident enough to say that that's not responsible. And we can't sit here and pretend that, you know, if you oppose one thing, come up with something else and --

**LEG. ROMAINE:**

I came up with the tax liens for the tobacco securitization.

**P.O. LINDSAY:**

Okay. Come on, come on, come on.

**LEG. BEEDENBENDER:**

All right. And the last point that I just want to make, because I'm not going to belabor this, is that are we really to believe that \$38, \$60, \$70, \$100, whatever the number we're going to use, \$100 on a closing, you know, even with the poor housing market, you can't sell me on the idea that adding \$100 to a \$350,000 purchase is going to prevent somebody from making that decision.

**P.O. LINDSAY:**

Are you done?

**LEG. BEEDENBENDER:**

Yeah.

**P.O. LINDSAY:**

Okay. Legislator Montano.

**LEG. MONTANO:**

Yeah, I just have a few questions. Dennis, you gave some figures -- can you hear me? You gave some figure earlier with respect to how much revenue these Home Rule Messages would generate. I don't know if it was you or Allen.

**MR. BROWN:**

It was Allen.

**LEG. MONTANO:**

Hold on a second. The first one, Home Rule Message 17, how much do you anticipate this is going to generate?

**MR. KOVESDY:**

Based on the Clerk's projection for 2008, we estimate --

**LEG. MONTANO:**

She's not here today, right?

**MR. KOVESDY:**

Excuse me?

**LEG. MONTANO:**

The Clerk is not here today.

**MR. KOVESDY:**

Not, but she --

**LEG. MONTANO:**

She gave you those figures?

**MR. KOVESDY:**

She confirmed the figures.

**LEG. MONTANO:**

Okay, good.

**MR. KOVESDY:**

Okay? 6.6 million dollars --

**LEG. MONTANO:**

For two thousand --

**MR. KOVESDY:**

For 2008 on a calendar year.

**LEG. MONTANO:**

And for 2009, did you give the figure?

**MR. KOVESDY:**

No. We're hoping the market goes up in 2009.

**LEG. LOSQUADRO:**

Wait a minute. So --

**LEG. MONTANO:**

Wait, wait, wait. I'm not done yet. Is that for the -- you said 2007?

**MR. KOVESDY:**

No, sir. I said 2008.

**LEG. MONTANO:**

All right.

**MR. KOVESDY:**

They gave me a number for 2008. Two thousand and --

**LEG. MONTANO:**

Yeah, I was thinking 2007 passed.

**MR. KOVESDY:**

2007 was 9.357.

**LEG. MONTANO:**

So this is going to generate 2008 for calendar year -- I mean, 6.3 million for calendar year 2008?

**MR. KOVESDY:**

No. If it -- when it passes, it would be on a month-by-month basis. I did it on a calendar basis. Okay. I annualized the number, sir, if it's six months divided in half. I gave you calendar numbers.

**LEG. MONTANO:**

So you gave me a calendar, but, in reality, half the year is over, right?

**MR. KOVESDY:**

Right. We've always been looking, the Budget Review Office and ourselves, on a 2008-2009, together, picture. If you wanted to do it that way, you get approximately 3 million dollars this year --

**LEG. MONTANO:**

So, if you --

**MR. KOVESDY:**

-- six next year.

**LEG. MONTANO:**

So, if you annualized it over 2008, if we had passed this January 1st, we would have collected 6.3 million, is what you're saying.

**MR. KOVESDY:**

6.6, sir.

**LEG. MONTANO:**

I mean, 6.3 million.

**MR. KOVESDY:**

6.6.

**LEG. MONTANO:**

6.6? Why am I writing 6.3? Okay.

**MR. KOVESDY:**

Sorry if I confused you.

**LEG. MONTANO:**

No, I'm confused, you didn't confuse me. Home Rule Message 18, what is the revenue projected?

**MR. KOVESDY:**

That's the certification fee. The Director of Real Property gave me numbers, and based on 2008 numbers, it would bring in 6 million dollars additional on an annual basis.

**LEG. MONTANO:**

Okay, that's annualized.

**MR. KOVESDY:**

Yes, sir. That's a doubling of the fee from 30 to 60.

**LEG. MONTANO:**

All right. Doubles? Okay, from 30 to 60. And Home Rule Message 19, to salvage the demonstration program, imposing monetary liability -- and you have to forgive me, I didn't get these earlier, I got them this morning, so I read them as you were making the presentation.

**LEG. ROMAINE:**

None of us got them.

**LEG. MONTANO:**

Yeah, I know, that's my point. What is the anticipated revenue from there?

**MR. KOVESDY:**

Is this the Red Light?

**LEG. MONTANO:**

Yeah, Red Light.

**MR. KOVESDY:**

Okay. This is a little trickier. The revenue side alone, we're projecting on a calendar basis 3.5 million dollars. There are some offsetting expenses against it, which we have no idea of at this particular time. But the revenue, it would be 50 cameras, \$50 fine. The State projected 3.5 million dollars. That's a revenue of \$70,000 per camera. But we have no idea what the offsetting costs will be, whether we'd go to -- whether we'd bid this out to have a firm do it, whether we'd establish it ourselves. So this is the gross amount, it's not the net amount.

**LEG. MONTANO:**

And we wouldn't need to pass Local Laws to implement -- if these bills were passed in Albany -- Dennis, if we pass these, the procedure is that it goes back to Albany on Monday, they pass it, and then the bills have to come back, not these bills, but we would have to pass Local Laws setting the new fees.

**MR. BROWN:**

With respect to the increase in the recording fee, that would require a Local Law. With respect to the increase -- with respect to the change in the certification fee, that would require a Local Law also.

**LEG. MONTANO:**

Okay.

**MR. BROWN:**

But I'll have to defer. I'm going to ask -- I'm going to ask Mr. Nolan about the Red Light Program, because I haven't looked at that since March.

**LEG. MONTANO:**

Right, I understand.

**LEG. ALDEN:**

What, are you waiting?

**LEG. MONTANO:**

Yeah, I'm waiting for an answer.

**MR. NOLAN:**

We did pass a Local Law anticipating the State-authorizing legislation. I believe we passed it in 2001, a Local Law authorizing Red Light Camera Program here in Suffolk County, and we've been waiting for the State to pass a Home -- pass this authorizing State legislation ever since.

**P.O. LINDSAY:**

But just to clarify that --

**LEG. MONTANO:**

Yeah, would you clarify that?

**P.O. LINDSAY:**

-- I'm going to jump in --

**LEG. MONTANO:**

Go ahead, bill.

**P.O. LINDSAY:**

-- because I've been carrying this for seven years. You're going to have to pass another bill to appropriate the money to install the cameras, or else, to hire a firm, there are firms out there that will install them, collect the money, and --

**LEG. MONTANO:**

Take a commission?

**P.O. LINDSAY:**

And take a commission, a huge chunk. But, again, that's another bill, an RFP, so it has to come back before us.

**LEG. MONTANO:**

Last thing. In terms of the procedure for the Home Rule Messages, I'm struck by the oddity of the fact that Home Rule Message 17 doesn't have a local sponsor. There is no local Legislator, either in the Assembly or on the Senate side. In fact, this came out of Rules. There's not even a sponsor on the Senate side. Can you explain that to me? I mean, generally, a local Home Rule Message would be supported by our local Delegation.

**MR. BROWN:**

Seventeen is the recording --

**LEG. BARRAGA:**

Fee.

**LEG. MONTANO:**

I know that, that's my --

**MR. BROWN:**

Yeah, yeah, it was --

**LEG. MONTANO:**

Tom, would you wait, please? We're getting there.

**LEG. MONTANO:**

I'm sorry, Dennis, go ahead.

**MR. ZWIRN:**

On the recording fee, it's Nassau -- it was a Nassau/Suffolk bill. So we had a Nassau Legislator who introduced it originally and we --

**LEG. MONTANO:**

You have no Suffolk cosponsors on that?

**MR. ZWIRN:**

I don't remember.

**LEG. MONTANO:**

Well, I could tell you, I read it.

**MR. ZWIRN:**

Yeah, I'm just saying.

**LEG. MONTANO:**

It's Lavine in the Assembly, and it's sponsored by the Rules Committee.

**MR. ZWIRN:**

Right. It was Senator --

**LEG. MONTANO:**

So then there's no cosponsors, no --

**MR. ZWIRN:**

It was Senator Johnson's Office that helped us on this one and got it approved for us.

**LEG. MONTANO:**

Well, Senator Johnson sponsored Home Rule Message 18 along with Fields.

**MR. ZWIRN:**

I understand. This came down through the Rules Committee.

**LEG. MONTANO:**

They're the only two sponsors. And on Home Rule Message 19, again, you have Lavine, who's a Nassau Legislator --

**MR. ZWIRN:**

Right.

**LEG. MONTANO:**

-- and I believe there's no Senate sponsor. And even on the cosponsors in the Assembly, there's

no -- there are several cosponsors, but there is no one from the Suffolk Delegation. I was just wondering if you would just comment on the oddity of that. I find that to be an odd process, although I think Legislator Barraga would be better -- better able to explain that. Is there a reason for that?

**MR. ZWIRN:**

No, I don't think there's a particular reason, but we did work with Nassau on this, because these are Nassau-Suffolk specific. This one is a Nassau-Suffolk --

**LEG. MONTANO:**

And these bills have the support of the Suffolk Delegation up in Albany?

**MR. ZWIRN:**

Yes.

**LEG. MONTANO:**

Okay. Thank you.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

My first question deals with what this applies to. So, if you went out and got a home equity loan and the bank required you to put a new mortgage or consolidation of a mortgage, or if you deeded out your house to your spouse, or if a spouse dies and it gets deeded to the other spouse, all these fees would apply to all those.

**MR. BROWN:**

Yeah.

**LEG. ALDEN:**

All those actions.

**MR. BROWN:**

With respect to Subdivision A of 8021, those are all the land documents. So it would be mortgages, deeds, modifications of mortgages, satisfactions of mortgages, splitters, spreaders. I don't know all the documents, but it captures a category of about 13 to 15 documents.

**LEG. ALDEN:**

Yeah, that was my reading of it, so it applies to just about everything that somebody could think of doing with real property.

**MR. BROWN:**

Land related instruments.

**LEG. ALDEN:**

Exactly.

**MR. BROWN:**

Yes.

**LEG. ALDEN:**

Then my next comment's a little bit more broad-based. We have to really be careful when we minimize an impact of a fee on the citizens of Suffolk County. And I remember when I tried to do away with the Home Energy Sales Tax, and I was told that it's about \$2 a delivery. Well, one of my constituents a few months ago, when they got their last delivery, said that the Suffolk County

portion of that sales tax was over \$100. That's one delivery, over 100 bucks, yet there was testimony in this body that it would -- the impact would only be \$2, \$4, \$5, something along those lines. Well, then we find out later on that our actions, and our actions are imposing that in leaving it on there, resulted in a huge impact, especially on a person that might be a little marginal as far as being able to afford their house.

And I really have to agree with some comments that were made by Legislator Kennedy and Legislator Romaine, that every action we take -- and it should be debated, so, Brian, I disagree with you a little bit there. Every action we take has long-term repercussions. So there has to be that voice of opposition, because, otherwise, you start throwing things out there like the Home Energy Tax. Oh, it's a \$2 impact. Well, no. It went from about a 5 million dollar a year revenue stream to the County to today, it's about 75, 80 million dollars. That's 70 million dollars that the County citizens are paying in tax. So things can turn out to be very, very huge.

And I remember when we were debating this -- the acquisition of land, and I really didn't think that we could afford, and the citizens could afford in this County, taking on a half a billion dollars worth of debt to buy land. I thought that maybe we should go a little slower on that, that there might be a little bit of a problem with our budget, yet there is a rush in this body to go and take on an obligation to buy a half billion dollars worth of land and have to pay that off. And maybe it's over the course of 25 years and whatever the interest rate ends up, that you can bet your bottom dollar that it's more than a half a billion dollars that we end up paying back. It's more like close to a billion dollars that we pay pack for that acquisition.

So we really have to take very much care and look at all sides of an issue. I don't agree with if somebody says something maybe on the negative side of an action we're proposing to take that they have to come up with a proposal. Just the act of questioning what we're doing and what the long-term impact, I think that that's what our jobs are.

**P.O. LINDSAY:**

Yeah, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. We're not really making the policy decision here today, we're going to get another bite at the apple, so to speak, when -- if and when Albany passes the bill. But just a couple of thoughts.

We know the financial picture here in Suffolk County. We -- I really don't agree that it's in a state of flux. What we do know is what our BRO tells us, and we know that we're deficient approximately 130 million dollars going into next year's budget. So, to somehow characterize the state of our local budget in a state of flux, I just -- I don't agree with that. That's, in fact, why we've been working pretty much on a bipartisan and across-the-street kind of basis, to try and get this budget gap closed by avoiding tax increases. And to characterize this type of fee as a backdoor tax, first of all, I don't even know what that means, but it's not a tax. In fact, it is a -- probably a responsible way to avoid a tax. And let me tell you how that helps first-time homebuyers.

First-time homebuyers are going to go to closing, and, yes, their fees are going to go up slightly on that title bill. And, by the way, we won't even talk about the extra \$200 per document that the title company throws on as a junk fee to record those documents, because that's a whole other issue, and those fees have been going up more than these fees are. So that's issue number one.

**LEG. KENNEDY:**

Only if you dispute.

**LEG. D'AMARO:**

Yeah. Well, in any event, what we're trying to do here is avoid the tax increase, and that, ultimately, is what's going to hurt the first-time home-buyer. Look, we have to make up the revenue. We're talking about lesser of two evils here. So, if we don't pass measures to enhance our

revenue in a way that is least long term, and that has the least impact on Suffolk County residents, including first-time homebuyers, we're going to have the opposite effect. You know, the alternative here is we can close that budget hole in an instant. All we have to do is raise proper taxes. We are not prepared to do that. It's not -- it's not about a political decision, it's about helping those first-time homebuyers. First-time homebuyers are going to pay an extra \$75 at closing for a three or four hundred thousand dollar home, or we're going to raise their taxes, that they're going to be paying those increases for the 25 years that they live in that home.

So who -- you know, this is a responsible approach to a very dire situation, and I think it's something that we should think seriously about. And, as an aside, the County does have programs in place to help first-time homebuyers. I don't think going out and trying to responsibly raise additional revenue in difficult economic times with a downturn in the local economy that we really don't control, I don't think it's such a bad thing to go out and try and say, "You know what, let's help the first" -- "Let's be sensitive to first-time homebuyers by not raising their property taxes, because that goes to the real affordability issue of staying here on Long Island, let's do it in a more responsible way where, yeah, you're going to take a little bit more of a hit at the closing table, but you're not going to be paying that long-term.

So, yeah, I think this is something that we'd have to seriously consider. I think we're making a lot of difficult decisions here in this budget process. It's not easy to come up with 130 to 150 million dollars, and I think we're doing a great job of debating those issues, but I would much prefer to support a one-time hit at a closing table 75 to 80 dollars than to raise in perpetuity real proper taxes, especially on first-time homebuyers.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Mr. Chair, thank you. With all due respect, I do disagree with some of the characterization about first-time homebuyers and the fees that they accept at the table, but I think that's somewhat immaterial, because amongst us we could each share some of the personal experiences that we've had.

I started this debate by indicating that I was not in support of this measure because of the fact that it didn't have an exemption. I do not oppose or disagree with having entrepreneurs, commercial developers, vacation homeowners and sellers, or anybody else who's had the luxury or the benefit to be able to get in the game, as you say, and begin to start with the equity and pay the freight going forward. And I agree, that we should look at every option that we can to avoid increasing property tax because of the repetitive nature that individuals are going to have to incur every year. However, as I said at the beginning, I don't think it's unreasonable, I don't think it's unwarranted, and had I seen this before yesterday midday, I would have shared that suggestion, but nobody ever asked me, nobody ever posed it to me, nobody ever suggested that this was a direction that the Administration wanted to go in. This is my first opportunity to put forward some kind of a credible alternative to give a certain segment of our communities. My four kids, me, if I had to buy my house now, I'd want that relief.

So I don't think this is something that's an unreasonable opposition to raise, and I think in the spirit of what we're debating now, it's something we should be able to communicate back to the State Legislature.

**LEG. NOWICK:**

Bill, I have a question.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yes. In response to Legislator Montano, I reached out to my Assemblywoman's Office, and she had been a sponsor for a number of years, actually with working with you, Mr. Lindsay, and that this year she combined with Mr. Lavine, and she is, in fact, the cosponsor, figuring it would give it more power with a Nassau County/Suffolk County initiative, and it will be happening.

**P.O. LINDSAY:**

Thank you. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Thank you, Mr. Presiding Officer. The first thing I want to say is I do think it's a failure of the bill to not include an affordable housing provision, a first-time home-buyer provision.

Secondly, the increase in the fees is enormous. We talk about -- you know, we have rules in place for our budget and taxes going up by more than 3 or 4% and supermajority overrides, but when you take a fee and you increase it by 500% in one case, 100% in the certification case, 60 to 70% in the per-page fee, I know there would be some limits as to how much we increase fees by. I don't have a problem with increasing fees here and there. As time goes on with inflation, we need to adjust these fees, but a major jump, that I do have a problem with, but particularly the timing of this bill.

And I talk a lot with people in the real estate industry. I've had conversations with surveyors, with appraisers, with home inspectors, with sales agents. We are entering a very uncertain time in real estate. There are contractors out of work. There are -- it's very -- it's very slow. I don't know that we want to contribute to the downfall of an industry that is probably 20, 25% of our economy in Suffolk County. We certainly should have them at the table if we're contemplating something like this to see how it might affect them, but this is bad timing for this, very bad timing. And the months ahead will either prove me right or wrong, but when the surveyors are telling me that they've got no work right now, that is a warning of what is coming ahead, because you survey at the beginning of the process and at the end of the process. And I'm deeply concerned, knowing how many sales agents live in my District, how many contractors live in my District, how many people earn their living off of real estate, and I don't want to send a message that we're going to try to get the County out of the fiscal crisis on the backs of that one particular industry. This is bad timing.

So the other issues with the red light cameras, I don't have a problem with those other -- the other two bills. But the ones that put additional -- an additional burden on the real estate market, and particularly an exemption for first-time homebuyers, and with such a large percentage increase, I do have a problem with those.

**P.O. LINDSAY:**

Mr. Zwirn, did you want to answer something that Mr. Schneiderman said? I see you jumping around in your seat.

**MR. ZWIRN:**

Well, because I don't think anybody has responded to Legislator D'Amaro's comments. This is a one-time, one-time fee, one-time for a hundred -- less than a hundred -- about \$100. You could raise your taxes \$100, you live in your house 20 years, or you raise it \$200, you do the math. This is a one-time shot on somebody who's making a rather large purchase and getting a large influx of cash on a mortgage. I don't think this is going to drive the East Hampton real estate market into the ground, I just don't. And I don't think Legislator Kennedy has responded to -- nobody has responded to Legislator D'Amaro's comments.

**LEG. SCHNEIDERMAN:**

I would like to respond to Mr. Zwirn very quickly relating to Legislator D'Amaro in terms of how you do the math. When you take just a sector of the economy and you place a fee, yes, it's a one-time fee at closing, compared to a tax increase, and I'm not suggesting that we increase taxes. But the tax increase is spread over everybody, not just a sector, and it's spread over time, so you're

collecting the same amount of money. So that \$75, and I believe it's going to be significantly higher at the closing, but if it's spread out, it may turn into a dollar or two in terms of a -- maybe less than a dollar in a property tax when you spread it out over the entire population. So it's not fair to make it sound like they're going to pay \$75 every year in a property tax bill.

**LEG. D'AMARO:**

Bill, can I respond?

**LEG. SCHNEIDERMAN:**

That's not the math.

**P.O. LINDSAY:**

This is what I'm trying to avoid. I'm trying to avoid, and that's why I didn't, you know --

**MR. ZWIRN:**

I'm sorry, I apologize.

**P.O. LINDSAY:**

Let me go through my list; okay? And do you want to go on the list? And this way I'll -- because if -- you know, if you respond, he responds.

**LEG. D'AMARO:**

Oh, that's fine.

**P.O. LINDSAY:**

All right?

**LEG. D'AMARO:**

Yeah. Yeah, that's fine.

**P.O. LINDSAY:**

Legislator Nowick has been waiting patiently.

**LEG. NOWICK:**

As I always do. I have a question, and I think it might be more for Budget Review, or whoever can answer this question. We have four Home Rule Messages before us; is that correct?

**P.O. LINDSAY:**

It's really only three, Lynne.

**LEG. NOWICK:**

Three. Actually, it's only three that really matter. Can you tell me -- can you tell me, on Home Rule Message -- I want to go through the three of them. Home Rule Message 17, what is the amount of revenue we can expect in 2009 if we pass this, and if we go ahead with the implementation?

**MR. LIPP:**

The analysis by Mr. Kovesdy we concur with. Actually we had -- originally, when we were doing a short-form mitigating plan, we had actually a higher number than the 6.6 million he had in there, and that was based upon, as Mr. Kovesdy said, the earlier numbers. So looking at 2007 numbers, he had close to 10 million, and that was in the neighborhood we were at. And he is using a more conservative number now for 2008, 6.6 million, so that's a reasonable number. Of course, it depends upon how much the real estate market unwinds, but based upon current information, that's a reasonable number.

**LEG. NOWICK:**

So, for 2009, for that particular budget that we're actually dealing with, we can raise how much in revenue?

**MR. LIPP:**

Hopefully, 6.6 million.

**LEG. NOWICK:**

6.6 million on -- that's on Home Rule Message 17?

**MR. LIPP:**

Correct.

**LEG. NOWICK:**

18 doesn't count. 19, the -- hold on. The Red Light, how much can we expect if we can get the Red Light Camera Message?

**MR. LIPP:**

Okay. With the Red Light Cameras, as Mr. Kovesdy said, the numbers are difficult to come up with. So, based upon what he had -- what they had in their fiscal analysis of 3.5 million, as Mr. Kovesdy said, that is the gross revenue. The big question is what would the cost be for putting up the 50 red light cameras. If you want to really be conservative, you could say, well -- and I do not know at this point what the cost of putting up a camera is. But if it was as high as \$70,000, then you'd have a first-year cost of the same amount, 3 1/2 million. The point to be made is that you wouldn't actually, if that was true, but it remains to be seen, you wouldn't make money until year two.

**LEG. NOWICK:**

To the year what?

**MR. LIPP:**

Until the second year.

**LEG. NOWICK:**

Oh, and that's understandable, so -- but lets assume this goes through. Let's forget what it cost us.

**MR. LIPP:**

So we're talking 3 1/2 million.

**LEG. NOWICK:**

What kind of revenue each year could we anticipate?

**MR. LIPP:**

We're talking 3 1/2, but to be perfectly honest, I think we would both agree that that -- those numbers are a lot more iffy.

**LEG. NOWICK:**

Okay. And, also, then the third, which is the -- what is this, the traffic --

**MR. NOLAN:**

No, Number 18, Lynne.

**LEG. NOWICK:**

Number 18. All right. I can't see -- yeah, here we go.

**MR. LIPP:**

Number 18 is the Real Property Tax recording conveyances. And Mr. Kovesdy did say 6 million, and that is probably a number more like for 2008, 2009 and two thousand and -- it was 2007, it would

have been a higher number. So, assuming that the real estate market doesn't unwind significantly more, that's a decent number.

**LEG. NOWICK:**

But that's the 6.6 that we just discussed.

**MR. LIPP:**

That's 6 million, not 6.6. 6.6 was -- 6.6 was the first Home Rule.

**LEG. NOWICK:**

Seventeen.

**MR. LIPP:**

Seventeen.

**LEG. NOWICK:**

Okay.

**MR. LIPP:**

Six million even was 18. And 19, which is the Red Light Cameras, we're saying the numbers are more iffy, could be first year push, that is cost equal to revenue, but that remains to be seen, and perhaps 3 1/2 million each year thereafter. And the other one was obviously on the agenda, the Traffic Violation Bureau, which isn't here, because I assume that an Assembly or a Senate bill has not been finalized yet.

**LEG. NOWICK:**

Oh, okay, so that's what I was missing there. Okay. All right. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Barraga. Thank you for being patient.

**LEG. BARRAGA:**

Thank you. You know, sometimes you take a look at a piece of legislation and, you know, it is what it is. This is a fee increase, and no one's enamored with that. I mean, I think we've taken a look at a number of different pieces of legislation in the last four or five months and we've had to do things that we really didn't want to do. We face this gap that doesn't go away. I mean, I certainly understand Mr. Romaine's point of view and Mr. Kennedy's point of view, but the reality is that we have to do this, because we need the revenue. And if that revenue for both of these bills, 17 and 18, comes in at 12.6 million, that's 12.6 million that this County needs. And if we didn't need it, we wouldn't have this legislation before, we wouldn't have done this.

Now, I know our world centers around what we do here in Suffolk County, but this State Legislature is in the last couple of days of their regular session. They're passing literally hundreds of bills in the next several days. And, you know, you've heard concepts like the Rules Committee. If I were still in the Assembly in the Minority, they would come to me on a bill like this and say, "Would you like to be the prime sponsor of this bill", because there's a fee increase. That's why Rules Committees exist, because people are looking for cover. It's just the way it is. And don't be surprised when these go through if certain members, I'm not saying it's going to happen, but I've seen it happen in the past, from Nassau or Suffolk, on both sides of the aisle vote no, because they know it's going to pass statewide.

**LEG. ROMAINE:**

Well, we'll vote yes.

**LEG. BARRAGA:**

So they'll vote no, but everybody else will vote yes, and you'll wind up getting your Home Rule passed.

So, you know, time is of the essence here. And you can want to put exceptions in, you can possibly say, "I didn't have much of an input, this is the County Executive's bill," but I'm not so sure I was ready to put my name on this bill either for a fee increase. But times are fleeting, and that 12 million for those two bills is important, we have to have it. And there's no visibility here. I mean, whether we're talking about Suffolk County and what's going to happen in a couple of months from an economic perspective. We could go to any CEO of any company. They cannot tell you in their industry what's going to happen. Every day we turn around, things get a little worse, so we need the 12 million. So we can debate this, and we should, but in reality, let's take the vote, let's get the messages up there, let's make sure this gets passed, or at least hopefully it gets passed. Thank you.

**P.O. LINDSAY:**

Okay. Thank you very much Legislator Barraga. I don't think -- I think everybody's kind of talked, but I did want to say -- maybe get the last word in, just in response to some things that were said that were absolutely correct. First, to Legislator Kennedy about not having the opportunity to look at these bills.

This week has been one of the most hectic weeks that I've spent as the Presiding Officer, and most of it had to do with what's going on in Albany, and a constant stream of conversations with everyone from State Legislators to the Executive Office, to some of our local constituents, to our local Union Leaders about concern about what's going on in this County. And as late as last night, this thing was all-evolving. As you can see, I'm one that likes to be precise. I don't like to call Special Meetings. I had to call a Special Meeting, and then I had to send out an addendum to the notice, because the whole situation keeps evolving by the hour, and I don't have any control over that system. I wish I did. It seems very chaotic to me. It makes me glad that I'm a Legislator in Suffolk County and not a State Legislator, all right, because it's a very disturbing process.

As far as our -- you know, Legislator Romaine talked about the evolution of our financial woes. Almost on a weekly basis I consult with Ms. Vizzini about where is our sales tax revenue, when are we getting the next check, is it up, is it down. We've been following it religiously, and, you know, it looked good in the beginning of the year and now it's starting to drop off again. You know, we all hope that it picks up, that we don't have to face some of the decisions that we're going to have to face. What I do know, in about three months, we're going to have the County Executive's budget delivered to us, and when that budget's delivered to us, I want as many options as possible, and that's what today's meeting is about, is to giving us more options.

I don't want to raise property taxes by 500%. It isn't a dollar, Legislator Schneiderman. It could literally be five times what we're paying in the General Fund now we would have to raise in order to fill the hole if we did it just through tax increases. I don't want to close and sell our Nursing Home. You know my position on this. I don't want to abandon the elderly, I don't want to abandon an institution that has been in this County for over a hundred years. I don't want State Troopers patrolling the Long Island Expressway and Sunrise Highway, I want our Police on those two roads for the simple reason that we have more control over how that job is done.

You know, somebody said to me the other day that if the State Troopers take over, they are committed to responding to 911 calls. I don't want somebody to respond to pick up the body parts. I want to prevent that accident from happening through enforcement.

So, in a nutshell, I don't like raising anything either, but I implore you to at least take this first step of giving us the options as we come into September to look at the whole thing and to find out which is the least objectionable way to go. All right? And unless something dramatically changes as far as our sales tax revenue, our options are going to be raise taxes or fees, or dramatically cut services in areas that we don't want to cut.

So, with that, unless anybody's got anything else to say, I'd like to call the roll.

**LEG. SCHNEIDERMAN:**

There hasn't been a motion yet on the bill and a second.

**P.O. LINDSAY:**

Okay. I will make a motion to approve *Home Rule 17*.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. Roll call.

**(Roll Called by Ms. Ortiz, Chief Deputy Clerk)**

**P.O. LINDSAY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Pass.

**LEG. KENNEDY:**

No.

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

Pass.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. ROMAINE:**

No.

**D.P.O. VILORIA-FISHER:**

(Absent)

**LEG. MONTANO:**

No.

**LEG. LOSQUADRO:**

You missed Lynne.

**LEG. MONTANO:**

You missed Lynne.

**MS. ORTIZ:**

I'm sorry. Legislator Nowick.

**LEG. NOWICK:**

I'm going to abstain.

**MS. ORTIZ:**

Abstain.

**LEG. MONTANO:**

You got ten.

**MS. ORTIZ:**

Ten. (Absent: Leg. Viloría-Fisher).

**P.O. LINDSAY:**

Okay. We come to *Home Rule Message Number 18* that we've pretty well debated already. Does -- anyone else like to speak on 18? Seeing none, I will make a motion to approve.

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. Roll call.

**(Roll Called by Ms. Ortiz, Chief Deputy Clerk)**

**P.O. LINDSAY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Abstain.

**LEG. KENNEDY:**

No.

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. ROMAINE:**

No.

**D.P.O. VILORIA-FISHER:**

(Absent)

**MS. ORTIZ:**

Ten. (Absent: Leg. Viloría-Fisher).

**P.O. LINDSAY:**

As far as Item 4 on the agenda, I owe everybody an explanation. We passed a Home Rule Message earlier this year to create a Traffic and Parking Violations Bureau, and I believe the bill in the Assembly was being carried by Legislator Thiele from Suffolk County. I'm not sure who the Senate sponsor was. But in the discussions, the chaotic discussions that were going on this week, I was told that there was a new bill going to be introduced, and we put it on the agenda, figuring we would get the bill numbers at the very last minute. It was never introduced. We've already passed a Home Rule on this issue, so it's moot. There's nothing for us to do on that issue. But I was trying to be prepared in case something came in the last minute, because it very well could have.

And *Item 5 is to consider and vote on a Home Rule Message authorizing Suffolk County to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator to comply with traffic control indications.* And I think everybody that's here has heard me speak on this subject for seven years, you know. And unless somebody wants to talk, I'm just going to make a motion to approve.

**LEG. LOSQUADRO:**

I'll second that, Mr. Chairman.

**P.O. LINDSAY:**

Second by Legislator Losquadro. I'm going to call the roll again, because it's important issues.

**(Roll Called by Ms. Ortiz, Chief Deputy Clerk)**

**P.O. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**D.P.O. VILORIA-FISHER:**

(Absent)

**MS. ORTIZ:**

Sixteen.

**P.O. LINDSAY:**

Okay. Thank you. Unless there's a phone call from Albany, I am going to make a motion to adjourn.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Second. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen. Sorry, 16.

***[THE MEETING WAS ADJOURNED AT 11:28 A.M.]***