

SUFFOLK COUNTY LEGISLATURE

SPECIAL MEETING

THIRTEENTH DAY

AUGUST 27, 2009

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

**VERBATIM TRANSCRIPT TAKEN BY
LUCIA BRAATEN, COURT REPORTER
AND TRANSCRIBED BY
KIM CASTIGLIONE, LEGISLATIVE SECRETARY**

[THE MEETING WAS CALLED TO ORDER AT 10:03 A.M.]

P.O. LINDSAY:

Okay. Could all of the Legislators take their seats at the horseshoe, please? Okay. Mr. Clerk, are you ready? Call the roll.

MR. LAUBE:

I am. Good morning.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

(Not Present)

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Twelve. (Not Present at Roll Call: Legs. Losquadro, Montano, Alden, Kennedy, Nowick, Cooper)

P.O. LINDSAY:

Okay. Could everyone rise for the Pledge, led by Deputy Presiding Officer -- Legislator Viloría-Fisher?

(*Salutation*)

D.P.O. VILORIA-FISHER:

And please stay standing for a moment of silence upon the death of Ted Kennedy. 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*)

P.O. LINDSAY:

Before we sit down, as we do at every one of our meetings, please remember and if you are believer pray for our young men and women who are in harm's way every day to protect our freedom.

Good morning, everyone, for this unexpected meeting. This is a Special Meeting that's been called by the County Executive to address Bill Number 1707. And the only thing that wasn't on the meeting notice was there wasn't a time for a public portion and we always have public portion, so we're going to have it anyway. And I have two cards so far from two of our tax assessors, which I really appreciate them coming down to help us through this very complicated bill to give it some clarity. Maybe I have three cards. The first card is number two. Did somebody take a card?

D.P.O. VILORIA-FISHER:

Jim Ryan was here earlier.

P.O. LINDSAY:

I got him. Okay.

D.P.O. VILORIA-FISHER:

Esther Bivona.

P.O. LINDSAY:

If I miss somebody, you know, I'll pick them up at the end. The first card I have is Lou Marcoccia. Nice to see you again, Lou.

MR. MARCOCCIA:

Good morning.

P.O. LINDSAY:

If you feel more comfortable, if you want to sit at the table, you want to stand.

MR. MARCOCCIA:

I asked Jim Ryan, the Tax Assessor for Brookhaven Town, to come up and he'll be speaking on some of the technical assessment issues. What I want to talk about is very likely that if we move forward with this that the other taxing entities would want to do the same thing, and what that certainly will drive Brookhaven Town is to go to two pages -- a two-page tax bill, and there's no question that that will increase our cost for postage.

You know, we have 180,000 parcels, and last year, when I first got elected, we implemented for the first time bar coding and bulk rate stamp and that saved us thousands of dollars in sending out tax bills. And we're actually -- I'm actually looking at pushing legislation in the State to actually E-mail out the tax bill to try to reduce the cost both from a printing standpoint and from a mailing standpoint. But there's no question that if the County takes this action and creates that separate line, which currently we probably have room for, that if you wish to do that, there's no doubt that the other taxing entities very likely would want to do the same thing and that will clearly drive Brookhaven Town in producing a two-page tax bill. And just like the State obviously created an unfunded mandate, in some respect the Town, at least Brookhaven Town, would have some sort of unfunded mandate, because it would increase the cost that we really worked very hard to drive -- to drive down in our efforts. So this would increase printing, would increase -- and then the other issue is, you know, at what point, and certainly it's not my judgment, it has to be the judgment of this body, at what point do we include all items on a tax bill, and how big do we want our tax bill to be? Thank you very much.

P.O. LINDSAY:

Thank you, Lou. If you would hang around, this is a public portion, but I know, with your technical expertise, the body might have some questions for you later on.

MR. MARCOCCIA:

I'll be happy to do that.

P.O. LINDSAY:

Thank you very much.

MR. MARCOCCIA:

Thank you.

P.O. LINDSAY:

Jim Ryan. Thank you, Mr. Ryan, for coming down here this morning and helping us with this problem.

MR. RYAN:

You're quite welcome. Ladies and Gentlemen of the Legislature, I'd like to thank you for the opportunity -- I'd like to thank you for the opportunity to address a couple of issues. I think my -- the primary focus that I have on this proposed legislation is that it purports that there should be one tax rate County-wide, and that seems to me to at first blush to be mathematically inconsistent with the fact that each of the towns County-wide, with the exception of Shelter Island and

Southampton, assess at different levels of market value, and would necessarily mean that the tax rate would differ in each of those towns.

A second thought to be considered is that when calculating this tax rate, the question comes to mind that the payroll on the County level for the five East End Towns is different than it would be for the five western towns. Presuming that the Suffolk County Police Department payroll would be considered in this calculation, I don't believe the East End Towns pay that portion of the County budget.

And then lastly, one of the concerns I have is since you are -- we issue tax bills but once a year, the question is what is the payroll period that you've used to calculate the rate, or have you just -- or have you projected based on a prior payroll?

These are some of the questions that immediately come to mind at first blush and I have not had a great deal of time to flesh it out beyond that. But, certainly, I will take a look at it in the future. Thank you very much.

P.O. LINDSAY:

Mr. Ryan, thank you, again, for coming down. And I -- and again, if your schedule permits, if you could hang around for when we start debating the bill, your knowledge could certainly be invaluable to us in our deliberations, if you don't mind.

MR. RYAN:

No, not at all. And thank you very much.

P.O. LINDSAY:

You're welcome. I don't have any other cards. Is there any -- Ester, did you want to -- that's probably the card I lost. I'm sorry. Ester Bivona, who's the longtime -- the "Dean" of Tax Receivers, right?

MS. BIVONA:

Yes. I think lots of people like to lose anything that I turn in, so.

*(*Laughter*)*

It's okay.

P.O. LINDSAY:

As long as it isn't a check.

MS. BIVONA:

That's right. I'd just like to say there's no doubt that the MTA payroll tax is an unfunded mandate levied against the taxpayers of this County and others in the twelve-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's portion, it will miss the truly dramatic impact of this tax. The only way the taxpayers 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. The MTA line should include all taxing districts. Only then will the magnitude of the MTA payroll tax be clearly shown on a tax bill. Thank you.

P.O. LINDSAY:

Thank you. And, Ester, again, if your schedule permits, if you could stick around, it might be invaluable to us. Thank you very much.

MS. BIVONA:

Thank you.

P.O. LINDSAY:

I don't have any other cards. Is there anyone else in the audience that would like to address us under the public portion? Yes, sir, please come forward. If you could identify yourself for the record.

MR. LIEDTKE:

Certainly. Thank you, Mr. Chairman. I apologize for not making out the card in advance. I understood the procedure, but I wasn't sure that, until I heard the Legislature debate the issue, that I was prepared to make any statement. My name is Anthony Liedtke. I live in Port Jefferson. I've been a Suffolk County resident for 48 years. I've been doing business in Suffolk and Nassau County for about 25 years; certainly was opposed to the MTA tax. I think out of the nine Senators from Long Island, if it wasn't for Senator Foley and Senator Craig Johnson, we wouldn't even be here today. Personally, it's going to cost me 16,000, so one-third of one cent, as per Mr. Foley. I don't think he ever ran the calculations. But that being what it is, we're here today.

I would like to see it beyond the tax bill so that there's some accountability. And the people -- I have met numerous numbers of businesspeople that aren't even aware of this tax. It starts in March, it's retro 'til March, and we're going to pay it November 2nd. There seems to be a lot of ignorance and naivete about this, and I think it's just more important now, that because of that people are made aware of who's accountable for this. And I don't understand why the rest of New York State was not involved. My people in Suffolk County use the MTA as much as the people in Buffalo, so this should have been a state mandate in my opinion, but, obviously, that's not what the committee and the Legislators are here for today.

But I do appreciate the opportunity to speak and I apologize again for not filling out the speaker card.

P.O. LINDSAY:

Thank you very much for taking the time to come down this morning. Is there anyone else that would like to address the audience? Seeing none, I'll accept a motion to close the public portion by Legislator Eddington, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. The public portion is closed. What I need now is someone from the Administration to come forward and to explain this, because I'm still unclear about a lot of issues here.

MR. ZWIRN:

Good morning, Mr. Presiding Officer. I know that Legislator Cooper put in a bill for increased security at the Legislature. I'm not sure if the ropes are it, but it has a devastating effect mentally.

P.O. LINDSAY:

Well, we were looking for metal detectors, but because of the budget crisis we got ropes.

*(*Laughter*)*

MR. ZWIRN:

I had to give Legislator Romaine \$20 just to get on the list to get in here.

LEG. SCHNEIDERMAN:

He bonded for the ropes, too.

*(*Laughter*)*

MR. ZWIRN:

That's my statement.

MS. CORSO:

Good morning. I'm Connie Corso, the Budget Director. I'm actually available for any questions, but I think -- and I guess that's the way we should start. You want to ask questions or do you want me --

MR. ZWIRN:

If I can, Mr. Presiding Officer. I would just say what this gentleman said I think pretty much summarizes the County Executive's motivation for asking for this line. It is an unfunded mandate. He does not want the taxpayers of Suffolk County to think that the Legislature or the County Executive has hit them with an additional three million dollars, \$3.2 million tax. He thinks it should be on its own line. Ultimately I think the thought is that if other taxing jurisdictions that have -- that are paying the tax, school districts, villages, towns, want to add to this line, that makes a lot of sense, but this at least would get it started.

It is not a shot, as reported in the paper today, it is not a shot at Senator Foley. Senator Foley has been a good friend to us here in Suffolk County. He has done a good job. I know I go up there on a regular basis. He has gotten a lot of money for us restored in the Governor's budget, and he continues to work with us.

But this is a line that hopefully will identify for the taxpayers, the people who look at their bills, at least they'll have the opportunity to say look, there is \$3.2 million in additional expenses that you're paying for where you may not be getting any services and it has nothing to do with Suffolk County Government.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

So, Mr. Zwirn, as I understand your comment, you're pretty much in line with Ms. Bivona's comment with regard to other entities. If they wish to be part of this line they can do so, there's no problem?

MR. ZWIRN:

The answer is yes.

LEG. BARRAGA:

So it isn't a question, as maybe was pointed out by another speaker, that you'd need all -- additional lines for school districts and towns and everything else. Everybody can be on the one line if they choose to.

MR. ZWIRN:

Yes.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Vioria-Fisher.

D.P.O. VILORIA-FISHER:

Ben, I just want to redirect that, because I thought that in the legislation it was only the County portion of it that could be reflected on that line. Can we just look at that technically and see if -- would we have to amend this legislation to include all of the other entities?

MR. ZWIRN:

Yes. We'd have to get them on board and then we would have to work with them to do that, but right now that's why we're just --

D.P.O. VILORIA-FISHER:

We would have to have an amending resolution then.

MR. ZWIRN:

Yes, but the County Executive is amenable to that.

D.P.O. VILORIA-FISHER:

Okay. But this particular legislation is only for County expenses.

MR. ZWIRN:

Which is what we have -- we wouldn't have jurisdiction. At this stage, we're trying to get it started.

D.P.O. VILORIA-FISHER:

Okay. All right. I'd like to ask Counsel to comment on that, please. George?

MR. NOLAN:

Well, it's very difficult to understand, but the law, as it's drafted right now, applies only to the County taxes. I think if there's future amendments, I think the way it would work out is that for school district on a tax bill there'd be a separate MTA line, for the town a separate -- I don't know how you would blend the town, the school districts, the County into one line, but I would defer to the budget people on how you would do that technically. I don't know how you would do that myself.

D.P.O. VILORIA-FISHER:

Well, Esther Bivona said that she thinks it can be done. I'm just trying to see how we could do it through legislation. We could do just an amendment to this, another resolution amending this?

MR. NOLAN:

You would definitely have to do an amendment to this law to capture the other taxing jurisdictions. This law applies only to the County portion of the tax bill.

MR. ZWIRN:

If I might, Deputy Presiding Officer Vioria-Fisher. Probably the towns would have to pass their own resolution, the school boards would have to pass a resolution, among themselves.

D.P.O. VILORIA-FISHER:

To be on board.

MR. ZWIRN:

To be on board.

D.P.O. VILORIA-FISHER:

Okay. And I just wanted to, as Mr. Marcoccia mentioned -- we had had breakfast before this meeting this morning so, you know, we were discussing a lot of these questions. One of them was Jim Ryan's question regarding the \$3.40 -- a cent -- you know, per thousand assessment. How does that work? And were you hearing -- did you hear his question regarding one size does not fit all, that we have different -- all of the different towns have different -- who's looking at answering that question? Okay, Gail?

MR. LIPP:

The way it would work operationally is similar to currently on the tax warrants we have a group of lines for erroneous assessments. There's like tax certioraries, and there's a sub-line for each taxing jurisdiction like General Fund, town, District Court, you know, the various things. So, if you provide the dollar amount by town, which we would with the County, then the town would know how to parse it out in terms of which grouping of property owners fall in all of those sub-categories, or just a few, or just one or none.

D.P.O. VILORIA-FISHER:

So, for example, those towns that are not in the Police District would break out that portion?

MR. LIPP:

Right, and also villages. So if you had the dollar number on the tax warrant in the town that had village police departments that are outside the County Police District, then the town would see that they would know to not include that piece in the property owners within the village that had a Police Department, like Asharoken or something like that.

D.P.O. VILORIA-FISHER:

So this is not unique to this particular legislation, this is something that we've done?

MR. LIPP:

Administratively it can be done. And also the same thing if schools or towns sort of bought into it, then you would just require them to cost out what the dollar amount is and they would -- we would have a line on the tax warrant for each of them and then the town would know what piece was associated with which school, that kind of thing.

D.P.O. VILORIA-FISHER:

Okay. I just have one more question, and maybe -- could I ask Christine Malafi, Mr. Chair?

P.O. LINDSAY:

Go ahead, ask anybody you want.

D.P.O. VILORIA-FISHER:

As you know, State statute requires that we raise the General Fund property tax by 2 1/2% in order to access the rainy day fund. With this line being added to the tax

bill, does that allow us access to the rainy day fund?

MS. MALAFI:

This line is part of the General Fund, so if the General Fund increases, you could access the Tax Stabilization Fund just the way you would on any increase to the General Fund of over 2 1/2%.

D.P.O. VILORIA-FISHER:

Although this is a separate line and it includes the Police District and Court and Community College in determining the number, it still would raise us to the level of 2 1/2% increase so we can access the rainy day fund.

MS. MALAFI:

My knowledge is that it's all part of the General Fund. I don't think this college -- it would be included in this at all. The college is separate.

D.P.O. VILORIA-FISHER:

I thought it was. I thought when I asked Fred he said it includes all of the -- all of the payroll in the County, including Police District.

MS. MALAFI:

Police District, but not the college. The college is separate.

D.P.O. VILORIA-FISHER:

What about courts?

MS. MALAFI:

I don't believe we -- the courts is a separate fund, too, it's not the County.

MS. CORSO:

In the District Court there's no staff, so you don't have that. And the college, obviously the tax is attributable to them, but they will have to handle that within their own budget because we've already set the --

D.P.O. VILORIA-FISHER:

Okay. So what constituted the three-and-a-half million payroll, because when it was explained --

P.O. LINDSAY:

Three point two.

D.P.O. VILORIA-FISHER:

Three point two million payroll tax. It wasn't just General Fund, according to an answer that Fred gave me, Fred Pollert gave me.

MS. CORSO:

Right. That's because when you look at things budgetarily and you look at things County-wise, when you look at things County-wise, Fund 38, Fund 39, they're all part of the General Fund for accounting purposes. So the other funds that are involved are part of the General Fund, even though they're different fund numbers.

D.P.O. VILORIA-FISHER:

Okay. All right. So we'll -- we would be able to access the rainy day fund based on this added tax line?

MS. MALAFI:

Only if the overall General Fund went up.

D.P.O. VILORIA-FISHER:

Well, it would have to go up if we're collecting more money.

MS. VIZZINI:

Mr. Presiding Officer.

D.P.O. VILORIA-FISHER:

Spending more money. Gail.

MS. VIZZINI:

I would suggest to the Legislature that this would be a good time to clarify who can initiate accessing funds from the Tax Stabilization Reserve. Perhaps you might want to ask the County Attorney. And I would also defer to Legislative Counsel, because even if you increase taxes in the General Fund 2 1/2% the --

D.P.O. VILORIA-FISHER:

Well, it still has to be the County Executive.

MS. VIZZINI:

-- next step is who can access it.

D.P.O. VILORIA-FISHER:

I think we established that last year, that it's the County Executive who initiates that. I was just asking so that we can at some point if we put this line on the bill, that we could, you know, ask the County Executive to access the General Fund -- rather, the rainy day fund, because we have the ability to do so.

MR. NOLAN:

Right. The two pieces are it has to be a 2 1/2% increase in the General Fund and the County Executive has to recommend taking "X" amount of dollars out of Tax Stabilization Reserve. If he doesn't do that, we can't access it.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I wanted to ask, maybe to the Administration, I guess, this question again about the notion of accommodating other taxing entities, libraries, schools. Schools, it's questionable as to whether or not they can actually go on based on the research that I've done. But for the other levels of government, how is it that we could accommodate on one single page these additional amounts that would come on based on what we've just spoken about? I think it's pretty clear that we would have to have separate lines for these other entities.

MR. LIPP:

The way it would work, based on my explanation earlier, is you would show on the tax warrant a separate line for each taxing municipal unit, Police District, General Fund, etcetera, and even if it was towns, special districts -- let's say every municipality. Let's say for argument's sake you had in a given town let's say 30 different lines. What you're doing is you're putting the 30 lines on the tax warrant, then the town would take that line and collapse it into one line for each grouping of like property owners. For instance, everyone in the same school district, if they

also were in the Police District General Fund, that kind of thing, so they would know what your bill would be, what your bill would be, etcetera, etcetera, and they would aggregate to one line the MTA payroll tax.

LEG. KENNEDY:

Part of the reason that I'm asking this is the four Tax Receivers I spoke to yesterday, amongst the questions as to how to implement a disproportionate impact on their offices as far as the ability to explain what, in fact, this actually is when the inevitable phone calls come in. It was also across-the-board concern about any room left on the single page that all of our Tax Receivers now send out.

MR. LIPP:

Right. So what I'm saying is you could implement it by putting one additional line on each of the tax bills, whether or not that's an issue for the towns, that's a question for them. But you wouldn't need multiple lines, and the County, the note on the back of the page -- the County prints the paper, gives it to the towns, and it also prints the notes that are on the back of the page. So that would be -- the note on the back would be seamless for the towns other than, you know, depending on the town and -- well, I'm not sure how much room is left on the back. It could be, for instance, if it was crowded to begin with, they might have to reduce the font, perhaps.

LEG. KENNEDY:

Well, my understanding is that, in essence, there's no room left on the back of a tax bill at this point at all.

MR. LIPP:

Not if you reduce the font, though.

LEG. KENNEDY:

Well, then again you get into plain language. The whole ability here is transparency, and that would be defeated because it would make it impossible for many of our residence to actually read what, in fact, it is we were attempting to do. What do we pay right now for preparation of all these bills?

MR. LIPP:

I don't have that number with me.

LEG. KENNEDY:

But that is an expense that we incur, correct, for the form?

MR. LIPP:

We print out the paper and then -- the issue for the towns is to, I guess, code their computers and be able to print it out, the front side, and then it's a matter of whether or not they have sufficient room on the front.

LEG. KENNEDY:

Mr. Chair, can I ask one of the Tax Receivers to speak to some of this?

P.O. LINDSAY:

Go right ahead. That's why we asked them to stick around. Who do you want, Ester or Lou?

LEG. KENNEDY:

Both. As a matter of fact, if you could speak to, Ester, just some of -- this is a multi-step process that we're discussing here, and so part of this is how we would

have additional tax embedded in the back of a preprinted bill, but then we would be compelling you to take some further action at your level? How does that go?

MS. BIVONA:

Well, this is my tax bill. This is the back of my tax bill, and you can see it's pretty crowded, and all of this is mandated by State Law. So there's a lot of information there. As far as the front of a tax bill, several years ago the County, by Local Law, required us to have two lines for the County information; one, the County General Fund, and two, the mandated services. So no tax -- and what I can say to you is no Tax Receiver has called me, and I have sent them all this information, and said to me, "I don't have that line on my bill any longer." So I know I have it, it's doable for my town, and like I said, no one has said to me that they don't have that line still remaining, because the following year that was rescinded and we went back to one County line, so there is that second County line that's still floating on most of our bills.

MR. MARCOCCIA:

I just wanted to add, it is true, you can probably put everything on the County line, but think about it. If I'm a taxing entity and my numbers are going up and I don't want to show that, in fact, I've increased taxes, why wouldn't I want to show at the town level or at the school level this MTA tax? And so it is very likely, even though you can probably get it on one line tomorrow if it turns out that way, but I can certainly see a scenario that's reasonable to assume that, in fact, a town or another taxing entity could say, "You know what? I'm raising my General Funds, I don't want this to be reflected upon me. I want it to be shown at the town level and not at the County level." So I think it is very likely in the long run that you could easily, easily get multiple lines.

Again, I'm not making a judgment that's bad or good. I do believe in transparency. As a matter of fact, to be quite honest, if we do do this, I believe it's less transparent to put at the County level than actually putting at the taxing districts. If you really want to have full disclosure, transparency, it really should be throughout all the taxing districts. Why should any town have their dollars reflected at the County line when it actually affects them? Brookhaven Town will have to pay approximately \$200,000. Why wouldn't I want to show that at the town level? That probably should be displayed at the town level. Again, I'm not making a judgment where it should be, but I do believe and I do see a scenario, Mr. Barraga, that you could have multiple lines, and I think that's reasonable to at least assume now that likely that that could happen.

LEG. BARRAGA:

But it doesn't have to happen.

MR. MARCOCCIA:

That's correct, it doesn't have to happen. That's correct.

P.O. LINDSAY:

Are you done?

LEG. KENNEDY:

Just one more for them. Thank you.

P.O. LINDSAY:

Yeah, but if you guys could stay there because I know Legislator Losquadro wants to ask the same thing.

LEG. KENNEDY:

Well, if Ester has got more to add -- Ester, do you have more to add to that?

MS. BIVONA:

Yeah. What I'd like to say is that let's do it as actual numbers so that everybody understands what we're talking about. Say my County bill right now is a \$155 and this new -- the MTA portion for next year will be \$5. So if we left it the way it is right now, my County bill would say \$160. Using this piece of legislation, my County bill would say \$155 for the County General Fund and MTA, however we're going to identify it, would read \$5. If we add the town in and say my town bill is \$200 and the MTA would raise it to \$210, again, my town line would still read the \$200 and that five -- that \$10 would be added into the MTA line and the MTA line would become \$15. Does that make sense?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

I just have to jump in. I mean, we're all talking about this, that this is an identification type of thing, that we're blaming the MTA for this tax. This is about a tax increase. So, if the town raised the town taxes to recoup the MTA tax, and I don't know, then if it's on the County MTA line, we collect the money and then what, we have to give it back to the other taxing jurisdictions?

MS. BIVONA:

Why would you call it a County MTA line? Call it an MTA line so it includes everything. The only issue then becomes where does the money go, where does it show on the warrant? And that, I think, we would have to work it out.

P.O. LINDSAY:

Okay. But somewhere along the line you guys are going to collect this money.

MS. BIVONA:

Hopefully, yes.

P.O. LINDSAY:

So then on that MTA line you're going to have to divide it up, this goes to the town, this goes to the County.

MS. BIVONA:

Okay. Again, if the line on the warrant shows up on the County side, then the town is collecting it for the County and the County is going to distribute it. So at the town level we've created it, but we're not actually collecting it. It's not going to be paid out every 10th day the way every other payment is being made, it's going to be paid out when the County gets the records back and they pay the balance of the warrant.

P.O. LINDSAY:

Are you done? I'm sorry. I'm sorry to jump in.

LEG. KENNEDY:

No, that's all right, Mr. Chair. And I think this is important, because I am -- I'm very concerned that we're being asked to take an action on something that to me, at this point, seems to be confusing at best and woefully misguided. One last question to BRO. We don't know how much we pay right now for the single page tax bills that we prepare?

MR. LIPP:

You asked that question before. I don't have that number.

LEG. KENNEDY:

So then clearly you can't tell me what it would cost if we had to get a second.

MR. LIPP:

We're assuming here that it's still a one-page bill and that, you know, we're just printing the notes on the back and providing the template for them to put the numbers on. And at the end of the day, if it does come to a two-page bill, then you're talking an expense to the Towns, too, because their postage will probably like really jump.

LEG. KENNEDY:

Okay. No, I appreciate it. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just want to say, just because we're the first on board with this, just because we had the foresight -- you know, I think everyone's saying why wouldn't other taxing entities want to do this, why wouldn't they want to show that they're not responsible for this unfair burden placed on them? Well, I agree, why wouldn't they? But just because we're the ones who had the foresight to say we're going to do this, we're not going to be held to account for actions that were beyond our control, doesn't mean we should wait until other taxing entities decide to pass resolutions and get on board. We should do it now. We should take the lead like we usually do, and then we can offer or, you know, entertain with these other entities for them to pass resolutions and get on board. We said we'll have to pass an amending resolution for them to get on board. At that point, we can amend the language as necessary to keep it onto one line, as was recommended. I think that's very simple, it's something we should do. We should be the leader in this, as we always are.

And I agree with Mr. Marcoccia 100%. Why wouldn't any taxing entity affected by this want to show the residents that they're still being responsible, that they had this placed upon them? This mantle was placed upon them beyond their control. I think this is not only justifiable and reasonable, but necessary. And I really believe that, you know, we're overthinking it a little bit in terms of, you know, these multiple lines and second pages and what have you, because once we have other entities who want to get on board, which I'm sure they will, we have to do an amending resolution anyway. We can just make the language such that it gets added on to that line as an MTA mobility tax, whatever it is line, and people can see what it's costing them over those taxing entities within their district. And I really think, at this point, once we do this, those other taxing entities will get on board, because I think they'd be foolish not to.

P.O. LINDSAY:

I know a lot of my colleagues want to be recognized; I've got a long list. I'm getting to you. Legislator Romaine.

LEG. ROMAINE:

Yes. I intend to agree with our Minority Leader. I think he clearly stated the case. I would encourage every municipality, and I'm going to be contacting my local Town Councilman to put on the ballot -- to adopt a resolution to join with the County to create one line called the "MTA Tax", because that is the line that the tax

collectors can collect, and then, in their wisdom, they can distribute the whatever to the MTA, because it's all going to the MTA, be it school districts, be it fire districts, be it ambulance districts, be it library districts, be it special water districts, sidewalk districts, if they exist. All the taxing entities should have one combined line for the MTA.

I have a question for Mr. Zwirn. I understand that we're reflecting on the tax -- on the tax bill, if this passes, what we would collect for the payroll tax. Are we reflecting what we collect for station maintenance that is imposed on us, \$25 million, and yet, if I go to many of the stations that we pay the MTA to maintain, \$25 million or more, we will find that these stations are not maintained. We will find that we are paying for services that are not being rendered, and some of these stations are in horrendous shape. Do we reflect the \$25 million for station maintenance?

MR. ZWIRN:

If I might, Mr. Presiding Officer. I think Legislator Romaine makes a very good point. How often do you hear me say that? But I think it's very true that -- I don't know if we have the legal ability to do that, but I think that's something -- we do have the legal ability to do what we're suggesting here today. But I think it's something we should pursue, because it's something -- it makes sense. It follows the same process, the same thought process, that goes into this line.

LEG. ROMAINE:

I think that makes perfect sense, and I'd be happy to work with the Administration, County Executive Levy, when we do the eventual amending resolution, because I'm sure all the other taxing jurisdictions who have to pay this will jump on. The only thing I feel bad for is that gentleman in the audience and everyone else in private industry that can't reflect in their business operation how much this payroll tax, this job-killing tax, is costing Suffolk County and all the businesses in Suffolk County. This is a State mandate for which we get no services.

I come from a district where we get two trains a day, where we get no bus subsidies from the MTA, where we get no services. I get complaints about the Riverhead Train Station for which we pay to have maintained and isn't maintained. This is something that -- I mean, there is outrage here from many of my constituents about this and many other things that are happening where government just feels they can tax us to death. And I commend the County Executive for his efforts to hold down taxes in the past and we'll continue to work with him. But let's see if we can include that station maintenance. That's \$25 million or more that we're asked to pay and we can't audit.

I remember when Joe Caputo was Comptroller. He used to audit it every year and find out and get refunds, and then they passed a law that said we can't audit them to show that they aren't providing the services to try to get back the money that we pay for services that we're not getting. This situation is absolutely outrageous and should be reflected on our tax bill. Thank you.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

A couple of questions. Number one, in order to avoid the need to do an amending resolution in the future, or perhaps a series of amending resolutions, could we perhaps add language to section -- to Subsection A to make it clear that it would reflect the County tax, as well as any other taxing entities that might choose to participate in the future? Could we cover that right now?

MR. ZWIRN:

If we -- we've already had public hearings on this. I don't know if we'd have to go back to public hearings. We're on a time constraint to make it for this year. I just think that it would be something that can be addressed at a later time as other -- give us time to work with the other jurisdictions to see which ones would want to join. I'm assuming that all of them would want to participate in this. But, as I say, this was supposed to be the first step where the County had jurisdiction and to set a model for the rest of the jurisdictions in the County that would like to join us. I would just suggest that, because of the time constraints, we would address that at a later -- after this bill has been adopted.

LEG. COOPER:

Also, you may have the same answer to this. I was going to suggest that the wording that's being added to the rear of the tax bill, in order to address the concern that the amount that would appear would not reflect the full impact of the MTA payroll tax, that we add a phrase, a statement that pointed out that it only included the County portion of the MTA tax, but you may have the same objection to that.

MR. ZWIRN:

I think I would, Legislator Cooper, at this time. But, as I said, the bill -- I think the suggestions that Legislator Romaine made with respect to the station maintenance portion should be researched and, again, to reach out to all the other jurisdictions, but they would have to do it by their own resolutions. We don't have the time this year to be able to get it on, but if we act today, we would be able to get it on for this -- next tax bills that go out.

LEG. COOPER:

And one last minor question, perhaps for George. Section A, the last sentence, right now it says the tax "should" be next to heading entitled New York State MTA tax. Shouldn't -- would it be better to say the tax "must" be next, or this should carry the same weight?

MR. NOLAN:

Probably it should say "shall", but this will carry the same meaning, I think, to the Tax Receivers.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

No, go ahead. I'm fine.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you. I share some of the same concerns that Mr. Marcoccia mentioned. I think other municipalities, just as us, were trying to cover themselves, show the reflection of this tax, and I think rightfully so, but I guess that's something that we'll have to face down the road. I just had some questions, I think it was for Mr. Ryan, if I may, Mr. Chair.

P.O. LINDSAY:

Yes.

LEG. GREGORY:

If you can again just repeat some of the concerns that you had about, I guess, the formulas and the calculations? Because I think the -- I forget the gentleman that came up, the businessman, he said that the tax is retroactive to March, but it's paid in November. So if you get a tax bill in December, it's already paid for, and the cycle in which the tax is computed is different than the cycle in which we distribute our tax bills, and how do you see that?

MR. RYAN:

I think my concern --

LEG. LOSQUADRO:

Could you just lift that mike up?

P.O. LINDSAY:

Pick it up a little.

MR. RYAN:

I'm sorry, I apologize. My concern was what the payroll period was that they were going to use to calculate the tax and whether or not -- or whether or not it was going to be a projected payroll. But I think a bigger concern that I have is that setting a tax rate within the body of the legislation implies that every single town will be charged the same tax rate per thousand, regardless of the level of assessment that each of the towns -- I hate to say this, but "assess at". Poor English, obviously. As an example, Brookhaven Town assesses at approximately three-quarters of a percent, and yet Southampton is at 100% of market value. So it -- mathematically they can't have the same rate because it would give you a disproportionate disbursement -- a disproportionate disbursement of that tax, and one town would pay a great deal more than they ordinarily should. So those are my concerns as far as that goes.

LEG. GREGORY:

Now, we've dealt with that similar situation in the past? And, if so, how have we dealt with that?

MR. RYAN:

Actually, the General Fund is -- the County takes all town -- all ten towns' assessed values. They equalize them to a market value, apportion the budget out and then bring it back down to the level that the assessor is assessing in the jurisdictions and we calculate the rate from there. So, therefore, again, with the exception of Southampton and Shelter Island, which assess at 100% of market value, all of the other eight towns would have different tax rates for any County portion of the bill.

LEG. GREGORY:

Is that the -- my colleague asked is that the State equalization rate?

MR. RYAN:

Yes. The Shelter Island and Southampton have a 100% equalization rate. The Town of Brookhaven currently has a tentative rate of .77%, equalization rate, and that will become final very shortly. So, yeah, I'm talking about the equalization rate, not the residential assessment ratio.

LEG. GREGORY:

All right. Thank you. Just if, Ester, if you can -- Ms. Bivona, I'm sorry.

LEG. LOSQUADRO:

While she's coming up, DuWayne, I think Budget Review could comment on that question you just asked, if you wouldn't mind.

P.O. LINDSAY:

I think Ester was going to comment on it, too.

LEG. LOSQUADRO:

I'm sorry.

MS. BIVONA:

I think we're mixing things up here. The payroll tax is going to be put into the County General Fund. It's from that point that the piece of it will be separated out to show just that portion of the General Fund that is the MTA. It's not -- we're not looking at that rate per thousand that's listed in the legislation. It's already being calculated and it's just being separated out as a number. So you're running the same -- assuming that we're doing just the County, you would run two sets of numbers against the same rates. Does that make sense?

LEG. HORSLEY:

One more time on that.

D.P.O. VILORIA-FISHER:

Well, Robert had another explanation.

P.O. LINDSAY:

Go ahead, Robert. Do you want to jump in the middle of this?

MS. BIVONA:

Okay. Robert, make me make it into English, okay?

MR. LIPP:

That's a tough one.

P.O. LINDSAY:

You're asking the wrong person.

MR. LIPP:

They usually think I speak my own language. Okay. So here it is. Very simply, the assessed value tax rates would be determined by each of the towns. Okay? We don't do that. What we do is we will take the tax, the payroll tax for each fund that we have, like General Fund, Police, okay, and then the Clerk, Tim Laube, will apportion it based upon each town's share of the full equalized value of property across the County.

So, for instance, in 2008 Riverhead was 2.48% of total full equalized value of property. So, based upon that, they would have gotten, for whatever the bill is, they would have received in theory in 2008 2.48% of that bill. That would go on Riverhead's bill and then the town would figure out, okay, of that dollar amount, what is the assessed value tax rate associated with it. That's all.

LEG. GREGORY:

Okay. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. I know Legislator Kennedy wants to speak, but I've been shutting my mouth for awhile and biting my tongue. Just if we pass this legislation, we're going to give it to you, Mr. Clerk. If we give it to you, do you know what you're supposed to do?

MR. LAUBE:

After meeting with Robert Lipp and Gail Vizzini, yeah, we can handle this. I just -- it would have been nice if the County Exec's team would have reached out to me and said, "Look, this is how we're going to deliver the information to you, this is what you're responsible for." Because when I got the legislation, nowhere does it mention the Clerk's Office and what their role is to be. I just think should maybe -- that should be codified in some way, what is the role of my office, what am I to do, when am I getting this information. Everything in the tax warrant process is pretty well written out and now this is just very vague.

MS. CORSO:

I think that any time we, you know, we make a legislation like this, it clearly says it was going to affect the warrant and, you know, we figured it out inhouse. And we are perfectly willing to come over and, you know, work on the warrant and work out the details with you. But I think that we were all sitting here, it is -- the time frame is a little short, so certainly we will work with the Clerk's Office and assist in any way that we can.

P.O. LINDSAY:

Do you want to comment?

MR. ZWIRN:

I was going to say in the past the County Exec's Budget Office has worked with the Clerk's Office whenever it was necessary to try to help.

P.O. LINDSAY:

Okay. But, see, the problem, and you, Ms. Corso, nailed the problem down, you figured this all inhouse. You never went outside the house. You never had a meeting with the tax assessors to work out the details of this bill. You never clued in the Clerk what you are trying to do. You have created a tremendous amount of confusion here. The first time this bill came to us as a CN, I honestly thought it was a reporting bill. I never knew it was a tax increase. I mean, really, guys. I'm not saying that this is the wrong way to go, I'm just saying that how we got from there to here is muddy at best.

MS. CORSO:

I can really only apologize. I mean, that's all I can do and just moving forward try to keep the lines of communication open. And, you know, I do try with BRO to keep the lines of communication open. At this point, I'm willing to do whatever you need to do to assist you with clarifying the bill. I apologize.

P.O. LINDSAY:

I mean, I'm certainly not a Tax Assessor and I'm not Robert Lipp, so I have a hard time with some of these things. Wouldn't it have been easier if we just raised the General Fund tax the amount to recoup the 3.4 million dollars and put a note in all the tax bills, "Your General Fund tax went up because of the MTA payroll tax"? We wouldn't have to reprint all the tax bills, we wouldn't have to worry about the computations that some of the Tax Assessors are absolutely, you know, concerned about. Tim's part of it. That isn't doable, that isn't possible? I mean, I certainly

could support that because it's honest, it's aboveboard, this is what it is. We had to raise the General Fund taxes because the MTA put a payroll tax on us that we had nothing to do with.

MR. ZWIRN:

I think it's -- the County Executive would prefer to go this route so it's in their tax bills.

P.O. LINDSAY:

I know he would.

MR. ZWIRN:

I mean, not everybody if you send -- I mean, I don't know how you're going to send it out or you are going to do a press release. I think that's already been done. But I think when you do your budget, I think what he's concerned about --

P.O. LINDSAY:

We could just put a little note in the tax bills. Could the Tax Assessors do that, put a note in the tax bill instead of reprinting all the tax bills?

D.P.O. VILORIA-FISHER:

A Post-It note.

P.O. LINDSAY:

I mean, I guess it's too simplistic.

MS. BIVONA:

As a Tax Receiver, not a Tax Assessor, I would say once you start putting other paper in the tax -- with the tax bill, I know in my town, we are at one ounce right now. You put some grain of salt --

P.O. LINDSAY:

How much is it going to weigh if you get a two-page tax bill?

MS. BIVONA:

If you get a two-page?

P.O. LINDSAY:

Yeah.

MS. BIVONA:

That requires a tremendous amount of reprogramming, number one. You know, maybe we could look at our instruction sheet and put it there. Maybe we could put some kind of a statement on the face of the bill. But to add another piece of paper into that is going to at least double our postage.

P.O. LINDSAY:

But that's what I'm talking about, Ester, because that seems to be where we're going, whether we want to or not. I know Legislator Kennedy wants to talk, but Mr. Brown wants to weigh in.

MR. BROWN:

Well, only in connection with your suggestion about an enclosure. We've done some preliminary research on the issue and we do think -- our opinion currently is it would be illegal to do an explanation as an insert with the tax bill.

LEG. KENNEDY:

That's not true, that's not true at all.

MR. BROWN:

Well, like I said, we started preliminary research on the issue. There's an older opinion from the Attorney General's Office along those lines, and also there's a reference in the Section 922 of the Real Property Tax Law that specifically gives a town -- I think it's towns and cities, the ability to do an insert with respect to their budgets. And because you have a specific statement as to what is allowed to be inserted with the tax bill, that would lead us to the conclusion that you could not put an explanation in the tax bill without some statutory authority.

P.O. LINDSAY:

Yeah, but in the bill that you're bringing over to us, B, isn't that an explanation right there?

MR. BROWN:

You're talking about a separate insert.

P.O. LINDSAY:

Stamp it on the bill, I mean, whatever. It was just a suggestion to avoid reprinting tax bills and these computations and all the other difficult things, and get to the heart of the thing. We're raising taxes to recoup the \$3.4 million.

LEG. D'AMARO:

We're not raising them, the State is raising them.

P.O. LINDSAY:

We're raising them. Legislator Kennedy.

LEG. KENNEDY:

I agree with you, Mr. Chair. I think your suggestion bears explanation. I would be happy to share the State Board of Equalization opinions with Mr. Brown. I disagree. As a matter of fact, it's there, it's been done in other counties. And as long as it's not propaganda or advertisement, it actually can be done and it's valid and legal.

The only other question I was going to have, Mr. Chair, was back to BRO again. It goes to some of the discussion that we had at the very end of the last meeting out in Riverhead. What does this increase or additional liability for the County of Suffolk mean to the average County property taxpayer? What's the additional expense?

MR. LIPP:

When we spoke out in Riverhead, we were -- I was -- or we were doing a quick calculation based upon how the budget currently works, which would be just a few cents, arguably. But this would cost in the neighborhood of five-and-a-half, six dollars per average homeowner County-wide. The reason for the difference -- so you would get a bill for let's say six dollars. The reason for the difference is the way it stands now, for instance, as a simple example, take your own personal salary, whatever it is, 100% of your salary is not on the property tax warrant, because non-property tax revenues also go to pay -- for instance, both in the Police and General Fund, there's sales tax. So in the General Fund only on an average 2.6% of -- it would go to -- is implicit in the property tax warrant, so it would be a small number, the way it works now. Here, what you're doing is you're magnifying it and you're saying dollar for dollar the entire amount is a property tax. Unallocated revenues like sales tax are not part of it, and that's why you get up to

like six dollars.

LEG. KENNEDY:

Do we do that with any of our other expenses, Robert? I mean, when we buy pencils or Xerox paper, or pay the light bill or anything like that, do we decide that we're only going to pay for that bill out of our property tax revenue stream?

MR. LIPP:

No, not really. That's, I think, the big concern that we have, is that you're magnifying one item in the budget, be it something that is distasteful right now, and then it will sit there into perpetuity. And there are lots of other items that come and go that are poster children for the same thing and we haven't done that in the past.

LEG. KENNEDY:

Mr. Chair, one more question, then, to the Administration. Mr. Zwirn, is there a reason why the Executive wants to choose to pay for this MTA tax only out of the property tax revenue and not out of the -- any of the other revenue streams that the County receives?

MR. ZWIRN:

With all due respect, you -- certainly, you're going to pay out of sales tax revenue, which is just about -- is disappearing every day. This is equivalent to a 6% property tax increase in the General Fund for services that County residents aren't going to see. In the business world it's probably even worse. But I think this is only fair so that taxpayers understand that the Legislature didn't raise, the County Executive didn't raise their taxes in the General Fund 6% this year, but it was an unfunded State mandate. Otherwise, if you leave it in the General Fund, as the Receiver of Taxes, Ester Bivona, has stated, it's going to be a property tax increase. Now, do you -- if you want to have a flat rate next year, do you cut \$3.2 million out of programs that the County runs today to have no tax increase, or do you just add on top of that? I'm just saying, your starting point is now a 6% property tax increase going forward to anything else you want to add on or maintain.

LEG. KENNEDY:

Because of the choice to take it only out of the property tax revenues, and that's a choice at the Executive side. Okay. I'll yield, Mr. Chair.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Just listening to that discussion, I just want to agree with Mr. Zwirn and respectfully disagree with some of my colleagues, that this is a tax increase from the County, it is not. I am not up in Albany, I did not vote for this tax, I did not impose this tax on private businesses, I did not impose this tax on Suffolk County. We can't put this in the General Fund because then we're going to have to cut services. There's no more -- there's no more games left here to make up the revenue. We're out of options. We don't have a choice. This is a tax increase from the State of New York, plain and simple.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I keep hearing that if we don't reflect this we're going to have to take three million dollars out of services and, you know, it's going to affect everyone. So you're making a commitment today that if we pass this and it reflects the MTA tax, that you're not going to cut three-and-a-half million dollars?

MR. ZWIRN:

You start at the same level that you have, otherwise, you're going to start dipping into programs. I have not done the County Executive's budget, but I know if this line stays in the General Fund things will have to be cut, if you want to keep the tax rate where it is.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Just one or two comments. This is an unfunded mandate. This Legislature and the County Executive's Office for the last 18 months, we've been doing everything we possibly can to control spending and make sure we don't increase County taxes. The State of New York and the Legislature has done what they've always done, unfunded mandate and they don't give a damn about Suffolk County, they just went home. To put this tax in the County General Fund is wrong. Break it out. It's a New York State MTA tax, it is not our tax. Every one of us should have the right to go back in November and say we raised your taxes, you put this in the County General Fund. Someone's going to say, "Yes, you did, don't tell us that you didn't." It's already in there and it shouldn't be. The mechanics of how you do this, figure it out. Just figure it out. You have the talent and the capability. Don't make it complicated. This is a New York State tax, that's the way it should be laid out. If we do anything else, we might as well take all the work we've done for the last 18 months and throw it out the window.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Oh, gosh, did I have to be after Tom?

*(*Laughter*)*

You know, I just want to clarify my thought process as I've gone through this. When we met last time, there were very few answers coming to us from the County Executive's Office. And I agree with the Presiding Officer, that you really dropped the ball on that from the other side of the street, because had we had better answers, we could have made a decision sooner. I was doing my calculations based on what I saw on my tax bill, and so my calculations based on that, which would have been, I thought, a more clear and direct calculation, would have been based on the real estate tax as it stood, and doing those calculations, I came out with about \$1.50. When I spoke with the County Executive and then Fred Pollert, I saw that it was based on revenues far beyond the real estate tax, and so that's how we came up with the six dollars.

I had a problem with that looking at it, but, like many of my other colleagues, I've been out speaking with many of my constituents door to door, and when they -- when the public looks at this, and they're not looking at as many technicalities as we are and they're not talking to Robert Lipp, they simply say, "Well, the County has to pay that much more, so I get it, that it's on the line as that much more." And so I'm comfortable at this point in supporting this resolution, because I see it

as the County -- as the Presiding Officer said, we are raising taxes. But it's clear for the people of Suffolk County what those -- what that tax increase represents, and so it's protecting our budget by filling in that three-and-a-half million dollars, which is not a lot of money considering the size of our budget. But three-and-a-half million here, three-and-a-half million there, you know the rest.

So we need to support this at this point. And moving on, I think Ester Bivona's concept of having everyone reflect it on one line, because the line here is not called the "County MTA Tax", it's called the "New York State MTA Tax". We could, down the line, do an amending resolution if we are to include all of the taxing entities. Thank you, Mr. Chair.

P.O. LINDSAY:

Anybody else? Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Chair. I would have liked to have followed Legislator Barraga, actually, because he could not be more correct, and the purpose behind --

D.P.O. VILORIA-FISHER:

Wasn't I correct, too?

LEG. STERN:

Yeah, you were pretty good, too. You know, what we're trying to do is establish some type of transparency in a way to be able to reflect what's really going on here. And as I look at the resolution, I don't think it could be more clear. It starts off by saying that the tax will be headed -- will be headed, titled "The New York State MTA Tax." It then goes on to explain that this is pursuant to New York State Law, which established the Metropolitan Commuter Transportation District Mobility Tax. It's going to be administered by the New York State Tax Department and the proceeds are going to be distributed to the MTA, and that's exactly what's happened here. That's exactly what's happened to Suffolk County taxpayers and Suffolk County businesses, and I think that the language within this resolution explains it clearly. This is an important message to send and I think this is an appropriate way to do it.

P.O. LINDSAY:

Anybody else?

LEG. D'AMARO:

Bill, just one more comment.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Again, I just want to reiterate, because it's very important to me. Like Legislator Vilorio-Fisher, I've also been meeting with my constituents on a daily basis and there's no confusion out there about having a separate line. I mean, people understand that the State of New York stuck their hands into the taxpayers' pockets here in Suffolk County. All right? And although we're going to disclose this as a separate line on the tax bill, this is a tax imposed by the State of New York. We are merely disclosing it, making the State accountable for its actions. The towns are going to collect it and it's going back up to the State. This was not a tax increase imposed by this County, and I think that's very important to clarify. I'll leave it at that.

P.O. LINDSAY:

Does anybody else want to speak? No? I, with all due respect, disagree. We're raising taxes. I mean, if the Federal Government raises the payroll tax, are we going to create a separate line for that as well? Don't get me wrong, I'm as much opposed to the MTA tax as anybody here. I was so furious about it I sponsored a resolution to separate from the State. You know, I mean, it's just the tax bill has always been a simple document, that it's kind of clear, and I think we're going down a road that makes it a little bit muddier, but that's just my opinion. All right. If nobody else wants to speak --

LEG. STERN:

Let's vote.

P.O. LINDSAY:

Yeah. Roll call.

LEG. COOPER:

Mr. Chair, at the request of a couple of members of our caucus, could we just break for five minutes for a caucus meeting?

LEG. STERN:

Why?

LEG. COOPER:

A couple of our members requested it.

P.O. LINDSAY:

All right.

LEG. COOPER:

Five minutes.

P.O. LINDSAY:

Five minutes. And it can't be any more, because everybody's got a busy schedule.

[THE MEETING WAS RECESSED AT 11:13 A.M. AND RESUMED AT 11:20 A.M.]

P.O. LINDSAY:

Okay. Let's go. Madam Clerk, call the roll, please.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Present.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not Present)

LEG. ALDEN:
(Not Present)

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
(Not present)

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MS. ORTIZ:
Fifteen. (Not Present: Legislators Montano, Alden & Nowick)

P.O. LINDSAY:
Okay. Any other comments? I need a motion. Motion by Legislator Barraga, seconded by Legislator D'Amato. Roll call.

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

LEG. BARRAGA:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

(Not Present)

LEG. KENNEDY:

No.

LEG. ALDEN:

(Not present)

LEG. MONTANO:

(Not present)

LEG. EDDINGTON:

Yeah.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MS. ORTIZ:

Thirteen. (Not Present: Legs. Montano, Alden, Nowick)

P.O. LINDSAY:

Wait, wait. I have a couple of late-starters. I want to make a motion to lay the following late-starters on the table: I.R. 1781, to EPA; I.R. 1782, to Health and Human Services.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fifteen. (Not Present: Legs. Montano, Alden and Nowick)

P.O. LINDSAY:

And I'll accept a motion to adjourn by Legislator Beedenbender; I'll second it. All in favor? Opposed? Abstentions? We stand adjourned.

[THE MEETING WAS ADJOURNED AT 11:23 A.M.]