

RESOLUTION NO. 893 -2010, DIRECTING THE COUNTY ATTORNEY TO BRING AN ACTION AGAINST NEW YORK STATE REGARDING THE MTA PAYROLL TAX

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

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

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

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

WHEREAS, even with the bailout, the MTA has drastically reduced services and increased fares on the Long Island Railroad; and

WHEREAS, several Suffolk County Towns and Nassau County have commenced legal action against the MTA and New York State seeking to repeal the payroll tax; and

WHEREAS, Suffolk County has an interest in this suit as a similarly situated municipal employer subject to the payroll tax; and

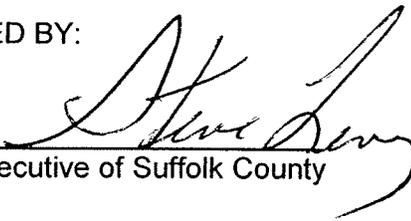
WHEREAS, Suffolk County should either join ongoing lawsuits against the MTA and New York State or commence its own action challenging the MTA payroll tax; now, therefore be it

1st RESOLVED, that the Department of Law is hereby authorized, empowered and directed to either intervene in the pending lawsuits brought against the MTA and the State of New York or commence a separate action against the State of New York challenging the MTA payroll tax; and be it further

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

DATED: **SEP 16 2010**

APPROVED BY:



County Executive of Suffolk County

Date: SEP 24 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on September 16, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.


Clerk of the Legislature

Intro. Res. 1875 Res. No. 893

September 16, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO		/			
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	1			

MOTION

Approve

Table: _____

Send To Committee _____

Table Subject To Call _____

Lay On The Table _____

Discharge EDDINGTON

Take Out of Order _____

Reconsider _____

Waive Rule _____

Override Veto _____

Close _____

Recess _____

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED _____

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote