

NOTICE OF MEETING

Notice is hereby given that the Legislature of Rockland County will meet in its Chambers in the Allison-Parris Office Building, New City, New York on Tuesday, October 16, 2012 at 7:00 P.M., pursuant to the adjournment of the October 3, 2012 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 11th day of October 2012

The Legislature of Rockland County convened in regular session pursuant to the adjournment of the October 3, 2012 meeting.

A Roll Call being taken, the following Legislators were present and answered to their names:

- Christopher J. Carey
- Edwin J. Day
- Toney L. Earl
- Michael M. Grant
- Nancy Low-Hogan
- Jay Hood, Jr.,
- Joseph L. Meyers
- Patrick J. Moroney
- John A. Murphy
- Aney Paul
- Ilan S. Schoenberger
- Frank P. Sparaco
- Aron B. Wieder
- Alden H. Wolfe, Vice Chairman
- Harriet D. Cornell, Chairwoman

Late; Legislators Douglas J. Jobson (7:51 p.m.) and Philip Soskin (7:06 p.m.)

Honorable Christopher J. Carey, Legislator, District 9 led in the Salute to the Flag and delivered the invocation.

Legislator Philip Soskin arrived at meeting. (7:06 p.m.)

The Chairwoman opened the public participation portion of the meeting at 7:06 p.m. and the following persons appeared and spoke:

- ❖ Norman Cohen, Opposed to Desalinization plant
- ❖ Pearl Gray, Opposed to Desalinization plant
- ❖ Abigail Jones, Opposed to Desalinization plant
- ❖ Jocelyn DeCrescero, Opposed to Desalinization plant
- ❖ Peter Obe, Opposed to Desalinization plant
- ❖ Michael Pointing, United Water, in favor of Desalinization plant
- ❖ Connie Coker, Opposed to Desalinization plant
- ❖ Ann Brennan, Opposed to Desalinization plant
- ❖ Kristine Bonajura, Opposed to Desalinization plant
- ❖ Hayley Carlock, Chair Environmental Mgt. Corp. opposed to Desalinization plant
- ❖ Rachel Hiller, Opposed to Desalinization plant
- ❖ Margie Turrin, Opposed to Desalinization plant
- ❖ Peter Kick, Opposed to Desalinization plant
- ❖ Laurie Seeman, Opposed to Desalinization plant
- ❖ Bob Dillon, Opposed to Desalinization plant
- ❖ Richard Sarajian, Lawyer for MV Transit, opposed to veto override
- ❖ Marge Terry, Opposed to Desalinization plant
- ❖ Bob Terry, Opposed to Desalinization plant
- ❖ Dorise Madronero, Opposed to Desalinization plant
- ❖ Barbara Galley, Opposed to Desalinization plant
- ❖ Peter Leonardo, Opposed to Desalinization plant

Public Participation ended at 7:47 p.m.

Legislator Douglas J. Jobson arrived at meeting (7:51 p.m.).

Introduced by:

Referral No. 6394

Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Joseph L. Meyers, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Frank Sparaco, Co-Sponsor

**RESOLUTION NO. 486 OF 2012
REQUESTING THE NEW YORK STATE PUBLIC SERVICE COMMISSION
TO REOPEN PROCEEDING 06-W-0131 WHICH REQUIRED UNITED WATER NEW YORK
AND UNITED WATER SOUTH COUNTY INC. TO DEVELOP NEW
WATER SUPPLY SOURCES IN VIEW OF NEW INFORMATION**

Mr. Wolfe offered the following resolution, which was seconded by Mrs. Low-Hogan and Mr. Meyers and adopted:

WHEREAS, the New York State Public Service Commission previously rendered a decision on the joint proposal of United Water New York Incorporated for Approval of a Certificate of Merge with United Water New York Inc., and

WHEREAS, since that decision, unforeseen circumstances, along with newly discovered information raise questions as to whether the joint proposal is in the best interest of United Water New York Inc., ratepayers; and

WHEREAS, a reevaluation based on accurate data is necessary to prevent a water supply project from being approved that could be to the detriment of United Water New York Inc., ratepayers; and

WHEREAS, this Legislature expresses grave concerns that the United Water New York Inc. Haverstraw Water Supply project, based upon an estimation of water needs which now appear inaccurate, is presently unnecessary and unsuitable for Rockland County given the county's real usage needs which have been revealed through newly discovered information and unforeseen circumstances, including but not limited to unauthorized and under-reported water releases to New Jersey; Rockland County's Comprehensive Plan, showing a commitment to conservation measures, imminent renegotiation of the Rules Curve, which expires in 2013; and the most recently posted study by the United States Geological Survey Study, which found Rockland's groundwater supply to be far healthier than originally reported to the Public Service Commission in 2005 and the removal of the Department of Health production limits so that Lake DeForest can operate as originally intended, "solely for the benefit of the citizens of Rockland County"; and

WHEREAS, this Legislature is aware and sensitive to the wishes of the County's residents, as evidenced by over 24,000 signatures opposing the desalination proposal which is an unforeseen circumstance; and

WHEREAS, this Legislature has been informed of newly discovered information which shows an increased cost of construction of a desalination plant with consequential impact on ratepayers, and a public concern for the health and safety of the water due to the proximity of intake valves for the desalination plan being approximately 3 miles down river from a nuclear plant, which plant may leak tritium and other radionuclides; and

WHEREAS, this Legislature believes that a reopening of this rate case is justified and proper; and

WHEREAS, the Environmental Committee has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, the Legislature of Rockland County has been informed of additional new information and unforeseen circumstances which justifies a reopening of 06-W-0131; and

RESOLVED, that the Legislature of Rockland County hereby requests The New York State Public Service Commission to reopen Proceeding 06-W-0131 which required United Water New York And United Water South County Inc. in view of new information to develop new water supply sources.

The vote resulted as follows:

Ayes:	15	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
Nay:	01	(Legislator Hood, Jr.)
Abstain:	01	(Legislator Murphy)

Debate:

Mr. Wolfe

I am not going to revisit every single comment that I made at the Environmental Committee meeting last week, but I do think that these resolutions require some introduction. First, I want to thank everyone for coming out tonight on whatever side of the issue you feel is important to you. I know that passions run very high. I particularly want to thank Mr. Pointing for coming, because agree or disagree on this issue he has always been a gentleman in all of my dealings with him so I do thank you.

These resolutions aren't about whether we support the Desalination Plant or not. It is not a referendum on the plant per say, although I can assure you that I am voting, because of how I feel about the plant, but the resolutions are directed at the process. It goes without saying that we have no direct control over whether this plant goes in and what the rates would be if the plant goes in, however we all recognize that there is a lot at stake here. There is the potential for annual increases of \$200.00 to \$500.00 per household depending on who you ask. There are significant environmental costs and there are as yet unknowable potential health risks particularly with regard to radio nuclear tides, dissolved pharmaceuticals and other things that we don't even know how to test for.

I had staff provide all of us with copies of Ellen Jaffee's petition to the PSC. It lays out pretty clearly the rationale for why this is important to be reopened, which include the newly discovered and unforeseen risks of ratepayers from a financial analysis that wasn't prepared in accordance with industry standards, there is new information on unforeseen circumstances resulting from leakage of water that exceeds allowable limits from the unauthorized releases to New Jersey, the information that came out in the USGS study and the imminent renegotiation of the rules curve, which determines how much water we send down to New Jersey and that is due to be taken up next year. Also, Rockland County Comprehensive Plan, which shows a commitment to other measures such as conservation. I know there has been a reference to a project that we are working on with a group of Columbia University students who I just met with yesterday and are half way through their semester. They are students who are, as we speak, are performing case studies on conservation measures and other measures amongst municipalities amongst New York State and northeast and outside of the area to see if they work in saving water and if they do what would the cost be. So this is something that we are actively working on right now.

I am not going to comment on the second resolution right now, but my general comments are that I can't imagine anyone would be against making sure that government agencies get it right. Whether you agree or disagree with the proposition that this is a good thing or not can't we just try and get it right. It seems to me that is something we can all agree on. Again, I can't imagine anyone being against making sure that there is adequate public involvement in a process. Whether you agree or disagree, shutting down the public voice is a terrible thing. I certainly would ask my colleagues respectfully to support this and the next resolution. Thank you.

Mr. Schoenberger

My remarks are in reference to this item and the next one following from the Environmental Committee on the same subject. I was out of town when these two items passed committee. If it is okay I would like to be added as a co-sponsor to both of the items. The other remark I wish to make is that I wish to commend the Chair of the Environmental Committee, Legislator Wolfe, for his leadership on this issue. Thank you.

Mr. Meyers

I just wanted to make a few observations. One is something that the Environmental Committee Chair just mentioned and that is that the rules curve for how Rockland County and Bergen County share their water is expiring in September of 2013 and that can be renegotiated between the two counties at that time. If it was thought years ago that more water could go to Bergen County and now we need more of the water for ourselves then that would be the time to renegotiate that. It doesn't seem logical to me that a County, which has such a plentiful amount of water running through it would have to build a Desalination Plant for our water needs while sending water to Bergen County, that makes no sense. We would of course have to pay for it and would have to drink Hudson River water while Bergen County would get our water, just makes no sense.

Andy Stewart, Supervisor of the Town of Orangetown, had a proposal, which I thought was very interesting last week at the Environmental Committee that Orangetown treated wastewater could be transferred to the Hackensack River helping to supply Bergen County's water needs. I think that absolutely needs to be looked at. I was at a meeting last night in Suffern and Mayor LaCorte of Suffern said that they did a study of additional water supplies, because it has been very profitable for the village having their own water supply and they are actually now selling their water to Hillburn who was formally getting it from United Water. He did a survey and found that there were huge amounts of water in Montebello. He called United Water to tell them that and they said, "Yes we know about that, but that would take two years to develop and we can get the Desalination Plant much faster." So obviously they have put their eggs in that basket.

The only thing that I am concerned about is I see that what we are doing here tonight as an incremental step. One thing seems very clear to me knowing the way politics works, the Governor is very interested in economic development and I am sure that money is flowing from United Water into the Governor's coffers just as surely as the water is flowing down the Hudson River. The Governor is going to have to understand at some point that the people of Rockland County and the leadership of Rockland County, including us, do not want this and we need to find other avenues of economic development. Thank you.

Mr. Carey

As a member of the Environmental Committee I did have some concerns that I voiced, which includes those of us jumping into a six-year process in the middle. A lot of numbers are being thrown around and one of the requests that I had was that Dr. Dan Miller who provided expert testimony on behalf of the County in 2006 weighed in on this new information and whether it materially would have changed his recommendation. Unfortunately, the letter came at 5:08 p.m. tonight. I am going to read the closing paragraph, "In summary, I am not aware of knew information that would alter Rockland's pending need for additional water supply resources in the near future i.e. by approximately 2015. Furthermore, the quickest easiest improvement projects have already been implemented by United Water to satisfy PSC's supply commitments between 2006 and the present. Any additional substantial water supply projects will involve substantial time and development to bring online. I strongly believe we should continue to work to improve conservation measures and studies currently underway in collaboration with the students in Columbia University Sustainable Development Circular to further evaluate the feasibility of additional conservation measures. I believe some of the measures being studied could potentially reduce or postpone the need for additional expansion of water resource projects, however I am unaware of any evidence that such conservation measures would obviate the need for additional supply."

I am going to support this tonight, because what bad could come from getting more input from the PSC and others. I want folks to understand that I know it is an emotional issue, but this has to be done based on facts and I am willing to push if forward and the let the PSC weigh in. Dr. Dan Miller is the one who provided that testimony back in 2006 and he says that nothing has changed. Thank you.

Mr. Day

I want to thank all who corresponded with me and came down tonight, people on both sides of the issue. I truly appreciate all the input that I received over the passed couple of weeks. I certainly recognize the criticality of ensuring that we here in Rockland County must be confident that we have a comprehensive and robust water supply. The fact of the matter is our wellbeing, our property values and our public safety depends on that. Once that water supply is compromised all of these dynamics are impacted. The need for purified water is essential to our health. The notion that we here in Rockland could be known as Dry Gulch County would wreak havoc on our home values and the failure of a fire hydrant could prove fatal. In general, I do not look at alternative water supplies as the boogeyman. On balance, however, the fact is that I am still not 100% comfortable that a Desalination Plant provides the balance that we need at this point and, more to the point, the balance to the concerns many of us have.

Many questions still exist as to the need for additional water and that such a plant need be put on line. Specifically, I am not convinced that the moving of water to New Jersey has been within the scope of an agreement between Rockland County and Bergen County, potentially skewing those measurements. In addition, and particularly as a former Civic Association President, the dearth of the public comment period is very troubling to me. It is for these reasons, in tandem with the concerns expressed by my neighbors, that I will support requesting both the PSC and the DEC revisit the matter of the Desalination Plant. While I fully recognize that, and it has been said here before, the approval to establish this facility here in Rockland is entirely outside the domain of the County branch of government, I believe it is reasonable to request that the State agencies take a renewed and hard look at all the facts and circumstances. I do not look at this as stalling or delaying, but rather I look at this as being precise, exacting and responsible to the people of Rockland. Thank you.

Mr. Sparaco

I missed the Environmental Committee due to a death in the family so I respectfully ask to be added as a co-sponsor. When this issue first came to my attention, I believe it was when Connie Coker was the Chair of the Environmental Committee, it really seemed like a no-brainer to me. We have been talking about this for a few years now and I am going to applaud Alden Wolfe and also Connie Coker who I think started this process about basically informing all of us as to the dangers involved.

Initially when I was in the Navy I served aboard the USS Roosevelt and I drank desalinated water, but the more I think about it we didn't drink the water when we were in the middle of the Atlantic Ocean. It is real simple; I don't want to drink this stuff either. I don't want to put my 18 month old in a bath with this stuff and I don't want anybody else to have to do it. It basically comes down to that. We represent districts and of all the issues I have dealt with my constituents have not reached out to me on any other issue more than this one that they are vehemently opposed to the Desalination Plant. I have received hundreds and hundreds of emails and letters from constituents that they are vehemently opposed to this. It is our job to represent the voice of our community and our constituents and they are adamantly opposed to this and so am I. I wholeheartedly support this legislation. Thank you.

Mrs. Low-Hogan

I don't want to repeat all of the good stuff everyone has said. I do want to thank all of the Legislators for supporting this resolution. I would like to thank everybody here who has done such hard work on this issue for years. The bottom line for me on this is the stakes are too high. We have to examine this, look in every corner, look under every piece of paper and explore the PSC and the DEC to please take their time and look at all of these issues. The stakes are too high. Not only are there financial and fish habitat issues that are concerning us, but we have serious health concerns. We must do everything we can to take a very close look at what is going on here. Thank you all and let's make this happen.

Mr. Jobson

Sorry I was a little late this evening I had a room full of little leaguers I had to deal with. Connie, I don't know what is in the air tonight, but for Frank Sparaco to pat you on the back publicly I almost needed my digitalis there for a minute. It shows you anything can happen in this body. I was not able to be at the Environmental Committee meeting also, but I would like to be added to both resolutions as a co-sponsor. I will be supporting them both this evening.

Mr. Hood, Jr.

It looks like I will be swimming up stream; pardon the pun. Swimming up river I guess you could say. I know this is a very emotional issue. As soon as you hear about Hudson River water you think the worst. I think on the other hand we have been very lucky since 1999 that we haven't had a severe drought. We were on restrictions and that could happen again in a year. When it does happen we have to have one of these options. The three options as I understand are the Desalination Plant, which we see how the people feel about tonight, Ambry Pond in Stony Point or toilettes to tap in Ramapo, which has its own yuck factor. The Desalination Plant is the one that United Water together with the Town of Haverstraw decided to pursue. I am going to put my trust in the DEC, the Haverstraw Town Board, the PSC and the Rockland County Department of Health. I want to thank Legislator Carey for bringing up Dr. Miller's report that there is no new information that he knows that would have changed the results from before that more water is needed.

My vote tonight does not mean that I am in favor of this plant. It may not necessarily be the best option, but I think this process has been going on for over six years. A lot of people had their chance to have their say. I think these resolutions will only delay the fact that we need this new source and we need it quickly. I say let the testing plan proceed, get the results and see where we stand at that time. I doubt very highly that the Haverstraw Town Board, the DEC or any of the other agencies involved would allow us to drink or bathe our children in contaminated water. I find that very hard to believe. I am just not going to vote to delay this process anymore. I am voting no tonight.

Mr. Grant

From the very beginning of this conversation, which started several years ago when the proposals were unveiled, I have said that the decision should be based on need, science and economics. I still believe that will be the answer to how this problem is solved. The debate tonight shows that it runs the complete gamut from absolute support to absolute opposition and everything in-between. There is a lot of emotion, a lot of hyperbole, and some facts rolled in the discussion. I think tonight's public participation demonstrated that this is actually a poor forum for it. The two minute limitation on public participation, the lack of expert staff to either support or refute statements that are made by public officials, the public and representatives of the company just doesn't exist in this venue, but it does exist at the DEC and the Public Service Commission level. I think Legislator Wolfe was absolutely correct when he said, "We have to get this one right."

The estimates on the cost for construction were \$98,000,000 to \$190,000,000 and the cost of operation on top of that. Because of that it is essential that we get it right, because of the questions raised by whether or not the science exists to remove not just the salt, but also the other contaminants from the Hudson River water to the public water supply. Those need to absolutely be answered. I think there is a certain amount of frustration that is felt by the people that are charged with building, operating and conceiving of the public water supply solutions. There are some notions that by frustrating them others have succeeded. We are not equipped to make that decision here. The PSC and the DEC are equipped to make that decision, as Legislator Day had mentioned earlier. It is important to note the comments made by Legislator Carey that the need for additional water supply has not been obviated.

I sit on the Rockland County Solid Waste Management Authority, as do many members of the Legislature. Recycling is absolutely the right answer. Water conservation is certainly a huge component of the right answer for managing our water supply. Over twenty years the County Solid Waste Management Authority has constructed infrastructure to handle solid waste and implemented programs in encourage recycling. While we met many of our goals we have not met all of them and we certainly have not met all of them in all areas of the County. Water conservation will require that same effort and that same kind of forward thinking, planning and timeline.

They have been planning on a solution and they have contemplated others since 2006. The public needs to think about this in a very clear, intelligent and well thought-out way. People view this through many lenses. Some see it as an economic development, jobs issue and others see it as a ratable issue. Some see it promoting development and others see its defeat as preventing future development. I don't know that any of those are absolutely correct. I am going to vote yes to move this forward to support the petition from Assemblywoman Ellen Jaffee to reopen this issue to take another thorough look before the decision is finally made. Time means money and there is a cost that comes with this. You have to accept the fact that it will cost more to review and it may cost more to construct if ultimately this decision is made to construct. There has to be some finality to it at some point in time. I think hopefully by giving some additional time to consider these issues that have been raised, allowing the experts with the scientists, engineers and economists to review the information and provide a recommendation would be helpful. I am voting yes tonight.

Mr. Soskin

I wasn't able to be at the Environmental Committee meeting last week, but I heard a lot about what was going on about the water over the last few months. I spoke to several of your leaders and it was very informative. Aside from that, I have been here in the Legislature almost ten years and this has been an issue coming up continuously. We need water. Water is a very valuable asset. Certain parts of the world are fighting to get their portion of water. Unfortunately many of our American companies felt it was not that important for them to get involved with supplying water. United Suez purchased this company and is operating as a business, which is what they are there for. They have to supply their stockholders with income. Mr. Pointing is doing his job. He is doing what the government has asked him to do and I must commend him for that.

I was in Passaic New Jersey visiting my daughter several months ago. The newspaper came and I happen to open it and there was a big article there about water. The various governmental agencies in the various communities in Northern New Jersey are demanding a greater supply of water, because their communities are growing and they need water. Water is becoming a very valuable asset. I dread that it will be more valuable than the oil we are getting out of the ground, because it sustains life.

I don't think that the people in Rockland County should bear the cost of producing this water be it from the Hudson River or anywhere else. It has to be shared by everybody who will be consuming the water. Most of you who are homeowners receive water bills and you see the initial effect of it already, which is \$25.00 to \$35.00 per quarter being added to your bill now to pay towards this project. It is going to add up. In the economic times we have now I think that this is outrageous. I think more studies should be done on this. I am not sure if the Hudson River runs north or south. We are worried about protecting fish, but how about protecting people. Governmental agencies today do not have sufficient funds to delve and examine the scientific findings and therefore I believe we should give them more time to look into this. As a result of that and some of the other things I told you I am going to support this so we can have more time to come up with a good solution. I am sure with the help of the United Water Company, who I hope and know will participate with these groups, will come to a good solution so we can protect our children and ourselves to the same extent we are apt to protect our fish in the Hudson River.

Mr. Earl

A week or so ago most of you here tonight came before my Environmental Committee with your concerns and issues. I received a call today from Mr. Pointing, United Water, and we spoke in length. The answers that he gave me to some of the questions and issues that were before me were kind of small compared to some of the issues that you brought last week before the Environmental Committee and tonight here. They are just too big to ignore. I had an opportunity to talk with Bob Dillon at length last week. I want to commend the Environmental Committee for pushing forward with this so we can have more dialect with it and move forward and possibly resolve some of these big issues that are out here. They are very frightening and big concerns that we have. I think most of my colleagues here tonight touched on a lot of points that I won't bother to go over again. I just want to thank all of you for coming down and addressing these concerns. I will be voting yes on this. Also, I am a co-sponsor of this and I am very concerned about this.

Mrs. Paul

I just want to thank all of you for coming and expressing your concerns and also those who sent me emails. I know the issues and we are here to hear your concerns and do the best for the community. I hear your concerns and I am the voice for you and I support this resolution.

Chairwoman Cornell

First of all, of course, I want to thank all of you for your ongoing concerns and outreach. I particularly want to thank Assemblywoman Jaffee, who is not here tonight, but who did write to the Public Service Commission, because she had been one of the intervenors and on the basis on the status that gave her she was able to write to them to request that they reopen the rate hearing. I know her Chief of Staff, Darcy Casteleiro, is here tonight so please extend to her my thanks.

I want to read you a sentence that was read earlier by Legislator Carey. I got a letter from Dr. Dan Miller, whom I respect greatly; as I was sitting up here so I cannot say I have read it extensively. The next to the last sentence that he wrote he said, "I believe some of the measures being studied could potentially reduce or postpone the need for additional expansion of a water resource project." I actually said that in the extensive comments that I did write in response to the DEIS, because I was one of those hundreds of people who didn't get to speak at the Town of Haverstraw, because it was so crowded. I did write comments and they are on the County Government Legislative website if you are interested. What I said was that in the DEIS there were lists of potential projects that weren't studied and that should be studied not because any one of them was large enough or great enough to solve the problem, but that a combination of them could potentially do the trick. I think that is really what we are talking about.

I wanted to just give two examples, one of which I used in the comments that I had written. At my request my assistant Suzanne Barclay called the Massachusetts Water Resource Authority and she spoke to their Director of Research. That Authority is responsible for the water supply for 2.3 million people in the Greater Boston area. They were facing a major infrastructure project to increase water supply. I don't know whether it was a desalinization project or not, I should know, but I don't know. It was a major infrastructure project. What they did was they decided to take other efforts and they reduced per capita water consumption by one-third after a sustained conservation effort. They addressed lost water or leaks in the system. They implemented code changes. They instituted an aggressive conservation program that included directly installing water saving devices in homes, public education to teachers and students and outreach to the private sector and collaboration with other utilities. All of this is ongoing. The Leak Detection Program is certainly ongoing. As the Director said, "The time to succeed with conservation is when you have people's attention." We certainly have people's attention in this County.

I think that there are possible alternatives when we look at it in this way and that by reopening the rate hearing (and I am talking to both of these resolutions) to deal with the costs, because I am not sure that anybody mentioned it, but the independent researcher discovered that the rates that may be paid by ratepayers with the Desalination Plant may be greater than has been projected. I think that is one of the things the Public Service Commission has to look at. With the other things, I think it is up to the DEC to really enable an issues conference and an adjudicatory hearing, which is the subject of the next resolution, so that some of these other things can be looked at.

What I also said in my comments was that I am not totally against the Desalination Plant, I really am not, but I am saying to give conservation a chance. Give it three years. Give it four years for us to see whether we can actually do the conservation, because I know from experience that here in Rockland County in the late 80's, I was on the Legislature, this Legislature was on the verge of buying property on Route 303 in Orangetown for a big burn facility where we would burn our garbage, because if you remember there was garbage floating on barges. Nobody wanted garbage any place and no landfills. We were all ready to buy this property for a burn facility and thanks to the environmental community in Rockland County who independently hired a company to do research to see whether this community of Rockland would be able to do recycling. We did it. We didn't buy the property and we gave it a try. Recycling is a huge success in Rockland County.

I think, at least from my perspective, this should not be looked at as we are opposed to a big project or we are opposed to the Desalination Plant, but that there are other possibilities. I am happy to sponsor this.

Mr. Murphy

Abstain. As most people in our County government and in this County know that during my forty years on this Legislature and my forty-five years volunteering for many private not-for-profit human care organizations that I have successfully built unscalable walls between my dual roles.

It is my goal to obviate even the slightest hint of any appearance of conflict of interest or any quid pro quo by reclusing myself, which I am doing right now, when any commercial profit making company with a history of making contributions to those not-for-profit human care providing companies of which I am the President has a matter before this Legislature. In the interest of maintaining the purity of both my roles I recluse myself.

Introduced by:

Referral No. 6394

Hon. Alden H. Wolfe, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Nancy Low-Hogan, Sponsor
 Hon. Toney L. Earl, Co-Sponsor
 Hon. Joseph L. Meyers, Co-Sponsor
 Hon. Douglas J. Jobson, Co-Sponsor
 Hon. Ilan S. Schoenberger, Co-Sponsor
 Hon. Philip Soskin, Co-Sponsor
 Hon. Frank Sparaco, Co-Sponsor

**RESOLUTION NO. 487 OF 2012
 REQUESTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
 CONSERVATION TO REQUIRE AN ISSUES CONFERENCE AND
 ADJUDICATORY HEARING IN CONNECTION WITH THE REQUEST MADE BY
 UNITED WATER NEW YORK INC. FOR PERMISSION TO CONSTRUCT
 AND OPERATE A DESALINATION PLANT IN ROCKLAND COUNTY**

Mr. Wolfe offered the following resolution, which was seconded by Mrs. Low-Hogan and Mr. Meyers and adopted:

WHEREAS, under the rules of the New York State Department of Environmental Conservation An issues conference and adjudicatory hearing may be held to address an application and the Environmental Impact Statement, if one was prepared with regard to said application; and

WHEREAS, attached hereto as Exhibit "A" is a detailed recital of several significant issues that need to be discussed and evaluated, as well as other data to be developed; and

WHEREAS, following the legislative hearing, an issues conference is required to be held, which is designed to identify the parties to the proceeding and the issues to be adjudicated; and

WHEREAS, it is the desire of the Legislature of Rockland County to request an issues conference and adjudicatory hearing in connection with the application of United Water New York Inc., for its proposed desalination project; and

WHEREAS, the request for these proceedings is based in part on a number of substantive and significant issues regarding the proposed project that meets the standard for adjudication set forth in 16 NYCRR Section 624.4c; and

WHEREAS, given the unprecedented scope of this project and the thousands of citizens from the Hudson Valley that have expressed concern about a multitude of environmental issues related to the proposed project, the significance of this project clearly meets the threshold for an issues conference to determine if there are disputed issues that are ripe for adjudication pursuant to 16 NYCRR Section 624; and

WHEREAS, the Legislature of Rockland County joins with all the concerned parties and individuals who have not been heard to date and whose lives and businesses will be adversely affected; and

WHEREAS, denial of this request would be a denial of due process to the residents of Rockland County, if not all the lower Hudson Valley counties; and

WHEREAS, the Environmental Committee of this Legislature has met, considered and by a unanimous vote approved this resolution; now therefore, be it

RESOLVED, that the Legislature of Rockland County hereby requests the New York State Department of Environmental Conservation to require a an issues conference and adjudicatory hearing in connection with the permit request made by United Water New York Inc. for permission to construct and operate a desalination plant in Rockland County.

The vote resulted as follows:

Ayes:	15	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
Nay:	01	(Legislator Hood, Jr.)
U.A. Nay:	01	(Legislator Murphy)



Exhibit A

Commissioner Joe Martens
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

June 20, 2012

RE: Haverstraw Water Supply Project

Dear Commissioner Martens:

Scenic Hudson, Inc., Riverkeeper, Inc. and Hudson River Sloop Clearwater are writing to request that the public be given an opportunity to raise substantive and significant issues with regard to the Draft Environmental Impact Statement ("DEIS") and draft permits for United Water's Haverstraw Water Supply Project before an Administrative Law Judge ("ALJ") at a Legislative Hearing and Issues Conference. The public hearing that took place on March 6, 2012 was insufficient for a large, unprecedented project that has been the object of so much public scrutiny. The location where the hearing was held could accommodate no more than 130 people, leaving many concerned citizens waiting outside the building and unable to voice their concerns or to hear and consider the concerns of other members of the community. To allow a project of this size and scope to go forward without a meaningful opportunity for the public to raise these issues would deny the public their right to participate in the State Environmental Quality Review ("SEQR") process.¹

The implications of constructing a long-term water supply project in the sensitive and unique environment of Haverstraw Bay are of great concern to tens of thousands of citizens of Rockland County and the surrounding region, as well as environmental non-governmental organizations including Scenic Hudson, Riverkeeper and Clearwater. Further, the extremely high energy usage necessary for the reverse osmosis ("RO") process that is proposed to desalinate the water withdrawn from the Hudson River and the potential for contaminants – including radioactive materials – that cannot be completely removed by the RO process to be introduced into the public water supply present a serious threat to human health. The numerous adverse human health and environmental impacts that could potentially result from this project are significant, and the construction and operation of a desalination plant is completely unprecedented in this region with its abundant rainfall.

There are a number of substantive and significant issues regarding the proposed project that meet the standard for adjudication set forth in 16 NYCRR § 624.4(c). Given the unprecedented scope of this project in New York and that tens of thousands of citizens from the Hudson Valley have expressed concern about a multitude of environmental issues related to the proposed project, the significance of this project clearly meets the threshold for a Legislative Hearing and Issues Conference to determine if there are disputed issues that are ripe for adjudication pursuant to 16 NYCRR § 624.

Substantive and significant issues that warrant consideration by an ALJ at an Issues Conference include, but are not limited to, the following:

(1) Aquatic Habitat Impacts

Haverstraw Bay is a unique Hudson River resource, serving as a home and nursery to several endangered and/or declining species of fish, including the Shortnose sturgeon, Atlantic

¹ See 6 NYCRR Part 621.

sturgeon, American shad and Atlantic tomcod. It is recognized by the State of New York as the most highly valued Significant Coastal Fish and Wildlife Habitat ("SCFWH") as designated pursuant to 19 NYCRR Part 600.² The Shortnose and Atlantic sturgeon are listed as endangered species, and this designation has significant bearing on the project as both sturgeon species reside in or traverse Haverstraw Bay during important portions of their lifecycle.³

According to the DEIS, approximately 45,000 square feet of benthic habitat would be temporarily disturbed and at least 2,400 square feet of river bottom will be permanently altered by the construction and operation of the intake structures, screens and cofferdam. If a design with wedge-wire screens with 1.0 or 0.5 mm slot sizes is selected, an even larger permanent footprint on the river bottom would be required.

The proposed project would withdraw up to 10 million gallons of water per day ("MGD") from Haverstraw Bay. Given Haverstraw Bay's vital role as a spawning, feeding and overwintering ground for several important species, many of which are in decline and two of which are listed as endangered, the impacts of impingement and entrainment pose a serious risk to fish populations. Studies have shown that desalination results in 100% mortality for entrained fish eggs, larvae and other aquatic organisms.⁴ Further, the time that the most water would be needed is in the summer – the same time when Haverstraw Bay's ecological productivity is at its peak. The project would also discharge up to 2.44 MGD of high salinity RO concentrate that has the potential to create a change in the salinity of Haverstraw Bay in the immediate area of the discharge, despite mixing it with wastewater effluent.

The DEIS fails to analyze the significant adverse impacts and evaluate all reasonable alternatives as required by SEQRA in its discussion of impacts to the endangered Shortnose and Atlantic sturgeon. The DEIS claims there will be no significant impact on these species because they prefer deep riverine areas and thus there will be none, or very few, sturgeon in the area of the pump. However, Haverstraw Bay has been identified as an area in which Atlantic sturgeon over-winter and, when not spawning, they spend a significant portion of their lives near the rocky banks.⁵ Further, studies have found that the greatest frequency of Atlantic sturgeon catches has been in water 19.5 feet or deeper with soft bottom sediment.⁶ Based on the proposed location of the intake structure, the area around the intake site is likely to be in or immediately adjacent to this highly favorable habitat. Moreover, some of the largest catches of sturgeon in a single net set came from areas with hard bottoms and shallow (less than 20 feet) depths.⁷

The potential for impingement and entrainment of larval and juvenile stage sturgeon by the proposed project's intake structures require that an incidental take permit be obtained pursuant to both the federal and New York State Endangered Species Acts.⁸ The DEIS only

² See NYS Department of State Coastal Fish and Wildlife Rating Form, available at: <http://www.dos.ny.gov/communitieswaterfronts/consistency/Habitats/HudsonRiver/Haverstraw%20Bay.pdf>

³ *Atlantic Sturgeon*, NOAA Fisheries: Office of Protected Resources, available at: <http://www.nmfs.noaa.gov/pr/species/fish/atlanticsturgeon.htm>; see also *Shortnose Sturgeon*, NOAA Fisheries: Office of Protected Resources, available at: http://www.nmfs.noaa.gov/pr/species/fish/shortnose_sturgeon.htm.

⁴ Hogan, Tim. *Environmental Impacts of Desalination Intakes*, at 1. Alden Research Laboratory, Inc.

⁵ See *id.*

⁶ Sweka, J.A., et.al. *Juvenile Atlantic Sturgeon Habitat Use in Newburgh and Haverstraw Bays of the Hudson River: Implications for Population Monitoring*. U.S. Fish and Wildlife Service, 2007.

⁷ *Id.*

⁸ See 16 U.S.C. § 1539(a)(1)(B) and NYS ECL § 11-0535.

discusses the disturbance to benthic organisms and habitats in the area, and fails to recognize the importance of this critical food source to the overall ecology of the area.

The construction of a new drinking water treatment facility and intake pipe, with attendant benthic habitat disruption, construction noise, and the threat of impingement and entrainment as well as turbidity, within the designated SCFWH and Essential Fish Habitat of Haverstraw Bay poses a significant threat to the low number of remaining sturgeon and other struggling species.

(2) Health and Drinking Water Impacts

The proposed plant's water intakes are just 3.5 miles downstream of Entergy's Indian Point nuclear power plant, which has a documented history of both permitted releases of radioactive material and unpermitted leaks, including tritium and strontium-90. Neither RO nor any other available water treatment technology can remove tritium from the water, and the DEIS itself states that the RO process does not remove all of the strontium-90 from water.⁹ Further, even United Water has conceded that the RO process does not always remove all radionuclides that are released from Indian Point.¹⁰ Indian Point is allowed to make unreported batch releases of radioactive material from their facility.¹¹ A classification of this area of the Lower Hudson River for use as drinking water would be inconsistent with Indian Point's operation and release of radioactive materials.

The Lower Hudson River at Haverstraw Bay is currently classified as "Class SB" waters, with its best usages established as "primary and secondary contact recreation and fishing."¹² Notably, the best usages of Class SB waters do not include use as a public drinking water supply. If the project is approved, pursuant to Section 17-0301 of the Environmental Conservation Law and long-established anti-degradation requirements of state and federal law, DEC will be required to reclassify this part of the Hudson River to protect the new "existing use" as a drinking water source.

The establishment of a new "existing use" of the Lower Hudson River as a drinking water source will likely have impacts on other users of the Hudson, including industrial users, since once this new use is established this area of the estuary will need to be reclassified to protect the new use. For example, Indian Point's current permits rely on the fact that the Hudson River is not a source of drinking water in the vicinity of the plant; if the proposed project goes forward, the necessary change in designated use would impact the conditions of Indian Point's operation.

(3) Land Use and Energy Impacts

The New York State Smart Growth Public Infrastructure Act went into effect in 2010, enacted for the purpose of minimizing "unnecessary costs" of development associated with sprawl.¹³ The statute precludes state agencies from approving a public infrastructure project

⁹ DEIS at 8B-26.

¹⁰ See Memorandum from CDM in association with HydroQual, DEIS Support Technical Memorandum, available at: http://haverstrawwatersupplyproject.com/images/stories/deis%202012/Appendices/_APPENDIX%208B.4.pdf

¹¹ Indian Point Nuclear Generating Unit Nos. 1, 2, and 3, Annual Radioactive Effluent Release Report, Dockets 50-3, 50-247 and 50-286 (2008), available at: <http://pbadupws.nrc.gov/docs/ML0912/ML091260208.pdf>.

¹² 6 NYCRR § 701.11.

¹³ NYS ECL § 6-0105.

unless it is consistent with enumerated smart growth criteria, and specifically lists expanding water resources availability as one of the public projects that may induce sprawl.¹⁴

Current land use patterns in Rockland County have produced an abundance of impervious surfaces, resulting in excess surface runoff. In fact, according to the 2011 USGS Groundwater Study, these impervious surfaces currently send 14 billion gallons of rainfall annually into the Hudson River.¹⁵ By providing a virtually unlimited supply of water, this project will perpetuate sprawling development and unsustainable site designs that generate impervious surfaces and intensive water demands in Rockland County. It also has the potential to induce increased sprawl in a region already suffering from the negative impacts of sprawl.

The priority recommendations to come out of the 2011 Rockland County Comprehensive Plan include developing a comprehensive county water policy and promoting water conservation.¹⁶ The Comprehensive Plan also recommended that land use patterns change to concentrate growth in existing centers, which would help alleviate the intensive water demand and the wasted resource of excess runoff.¹⁷ Given these goals of the County and the findings of the 2011 USGS Groundwater Study that in addition to conservation, additional development of groundwater resources, capture of storm flows in retention basins or reservoirs, and recycled wastewater are viable options to sustain Rockland County's water supply¹⁸, an energy-intensive and expensive desalination plant is not the best way to address the County's water needs.

The impact of this energy-intensive project on the already congested Mid-Atlantic National Transmission Corridor should also be carefully examined. Desalination is among the most energy-intensive and costly ways to produce drinking water, and the DEIS predicts that it will take between 4,000 to 6,000 kilowatt hours per million gallons of water to produce potable water for Rockland County.¹⁹ In addition to the high cost to use a total of 39 million kilowatt hours of electricity per year, the large amount of energy will create an increase in greenhouse gas emissions that contribute to global climate change and attendant sea level rise.

The wetlands that the project intends to tunnel beneath represent one of the most valuable ecosystem services for addressing sea-level rise and climate change. The New York State Sea Level Rise Task Force's 2010 report emphasized the likelihood of increased coastal flooding and storm surges, powerful storm events that pose a threat to public infrastructure, and the possible permanent inundation of low-lying areas.²⁰ The minimum sea level rise projected by the Task Force report of 2 to 5 inches may jeopardize project that are close to the shoreline, such as the Raw Water Intake proposed by United Water. The proposed project disregards the findings of this report by locating its infrastructure in the 100-year floodplain of the Hudson River and consuming a large amount of energy which will add to the anthropogenic causes of climate change.

¹⁴ Id.

¹⁵ See Heisig, Paul M. *Water Resources of Rockland County, New York, 2005–07, with Emphasis on the Newark Basin Bedrock Aquifer*. U.S. Geological Survey, 2011.

¹⁶ Rockland County Comprehensive Plan at 12.8, 2011.

¹⁷ Id at 5.5.

¹⁸ Heisig, *Water Resources of Rockland County, New York*, 2011.

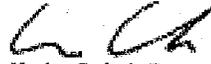
¹⁹ DEIS at 11.4.2.1.

²⁰ See Pete Grannis et. al., *New York State Sea Level Rise Task Force: Report to the Legislature*, 2010.

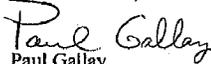
In 2009, then-Governor Paterson directed the development of a State Climate Action Plan under Executive Order No. 24. The goal of this Plan is to reduce greenhouse gas emissions in the State by 80% by 2050. Given the state objective of reducing its carbon footprint, and in light of the proposed minimum lifespan of 30 years for this facility, such an energy-intensive source of water should only be permitted as an absolute last resort.

It is essential that the significant issues raised by concerned citizens be taken into serious consideration before the proposed project is considered for approval. A project of this size and scope clearly warrants an Issues Conference to allow an ALJ to determine if there are substantive and significant issues ripe for adjudication. If this project goes forward, it will impact human health and the environment in Rockland County and the surrounding region for decades to come.

Respectfully yours,



Hayley Carlock, Esq.
Scenic Hudson, Inc.



Paul Gallay
Riverkeeper, Inc.

/s/Manna Jo Greene/
Manna Jo Greene
Hudson River Sloop Clearwater

- Cc: Willie Janeway (NYSDEC)
Basil Seggos (NYS Office of Governor)
George Stafford (NYS DOS)
Scott Vanderhoef (Rockland County Executive)
David Carlucci (NYS Senate)
Ellen Jaffee (NYS Assembly)
Ken Zebrowski (NYS Assembly)
Harriet Cornell (Rockland County Legislature)
Alden H. Wolfe (Rockland County Legislature)
Nancy Low Hogan (Rockland County Legislature)
Ed Day (Rockland County Legislature)

Debate:**Mr. Wolfe**

My introductory comments apply equally to this resolution as they did for the last resolution, but this resolution is about protecting the due process rights of the citizens of Rockland County. This Legislature has a history of taking a stand when it comes to protecting the rights of our citizens. Not more than a few months ago we unanimously passed a resolution asking the DEC to extend the public comment period. Ultimately they did. I do not know if it was due to our input or not, probably not, but the reality was we took a stand. I think it is really important for us to stand up when there are people whose rights are being adversely affected.

The DEC process is to hold a hearing, which was held. At the hearing information is presented. There is a public comment period. At this particular hearing there were people, including our Chairwoman, who were not able to speak along with many members of the community. I think it is an absolute disgrace that they only gave one hearing in the only county that this proposed project would have such a tremendous impact on.

The public raises issues, how are those issues to be resolved? How are the facts to be found? That is really the next step and that is an issues conference, which actually is required under the regulations. There have been indications from the DEC that they are not going to allow an issues conference. Be that as it may, I believe that an issues conference is mandatory and absolutely necessary. If there are issues that are raised, and I think we can all agree that there are issues that have been raised, how are the facts to be found? They are found through an adjudicatory hearing, it is a trial. Without an adjudicatory hearing how is anyone going to really get an answer to the controversy? There are facts on each side and everything in-between. How on earth are we going to be able to get an answer or some sort of a finding as to what is the truth, what are the real concerns and what are the answers. I couldn't believe any stronger that an adjudicatory hearing, a trial, on these issues putting the statements and conclusions that are made in the environmental impact statement to the test. If there is nothing to hide, if you are satisfied and perfectly comfortable with the conclusions and your calculations then what is there to fear.

So, I ask my colleagues to join me in voting for this resolution. There is nothing greater that we need to protect than the due process rights of the people of this County. Thank you.

Mr. Meyers

I think that Legislator Wolfe is exactly right. The issues conference is really required by law. The people of Rockland County are entitled to it. I gave testimony at the public hearing in March and there was an Administrative Law Judge there. I thought members of the Public Service Commission were going to be there. It actually had the feeling as if you were really just talking to yourself and reading it into the record. There were no decision makers there that were going to be swayed by what you had to say. It was just people giving their opinions basically. It was a very unsatisfying feeling. Whereas an actual adjudicatory hearing where facts are considered and issues presented and debated and somebody is actually making a determination is just going to be critical in this case otherwise all of the things that the people in the audience and people have been talking about on these issues will have nobody weighing it. It will become just a political decision. Thank you.

Introduced by:
Hon. Harriet D. Cornell

**RESOLUTION NO. 488 OF 2012
OVERRIDING THE DISAPPROVAL OF THE COUNTY EXECUTIVE
RESOLUTION 457 OF 2012 OF THE LEGISLATURE OF THE COUNTY OF ROCKLAND,
DESIGNATING BREGA TRANSPORT CORP. THE LOWEST RESPONSIBLE BIDDER
ON THE RFB-RC-2012-002 FOR THE OPERATION AND MAINTENANCE OF
ROCKLAND COUNTY'S PUBLIC TRANSIT SYSTEMS AND AWARDING
SAID CONTRACT TO BREGA TRANSPORT CORP.**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Carey, Mr. Hood, Jr., Mr. Jobson, Mrs. Paul, Mr. Soskin and Mr. Sparaco and adopted:

RESOLVED, That, Pursuant To Section 2.02 Of The Rockland County Charter, This Legislature, Upon Reconsideration Of The Disapproval Of The County Executive With Respect To Resolution 457 Of 2012 Of The Legislature Of The County Of Rockland, Designating Brega Transport Corp. The Lowest Responsible Bidder On The RFB-RC-2012-002 For The Operation And Maintenance Of Rockland County's Public Transit Systems And Awarding Said Contract To Brega Transport Corp., And By A Vote Of At Least Two-Thirds Of The Total Voting Power Of The Legislature Passed Such Resolution.

The vote resulted as follows:

Ayes:	14	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe)
Nays:	02	(Legislators Low-Hogan, Cornell)
U.A. Nay:	01	(Legislator Murphy)

Debate

Mrs. Low-Hogan

I am going to vote no and I just wanted to explain my vote. I just wanted to clarify that my vote not to give the bid to Mr. Brega's company had nothing to do with Mr. Brega's company and Mr. Brega. I would have voted the same way if it had been the other two bidders. I was basing my vote on the fact that it was recommended to us from the County that all three bidders were not eligible lowest responsible bidders and all three bidders had variances. So I would have voted the same way regardless of whether it was Brega or the other two. I just wanted to say that for the record.

Chairwoman Cornell

I have something also to say along the same lines really although I voted a different way the last time. My concern had to do with frustration over timing and that time was marching on and some decision had to be made. First, I really have been giving it quite a bit of thought and my major goals with all of this is that we end up with a transit system that works for the residents and that are run by a responsible vendor. I believe all three are responsible. Second, I believe that we very importantly adhere to the Federal requirements so that we don't jeopardize Federal funds. Third, we are ensured that fairness is equivalent to all that seek selection. So consequently I am actually going to vote no on this, because I really would like to see the decision that comes to us from the Appellate Court. Depending on the decision that is rendered, we will be able to either go out again for another bid or another proposal, but either way to be very precise so that every vendor is on the same footing. So that is my feeling on this.

Mr. Schoenberger

Without going into too much depth as to why I voted and how I voted for the resolution itself that is a matter of public record. The problem that we have with this particular resolution is what you just said Chair Cornell. The reason that Judge Nicolai ordered that we follow the General Municipal Law Section 103 and go through a process that awards the bid to the lowest responsible bidder was because the County's specifications did not make it a level playing field for everybody. That was the inherent problem in the bidding process. This Legislature didn't create those bids they were created by staff. The first round of bids, it was you Chair Cornell that brought that matter before the full Legislature where we sat in this room and had a discussion at the committee level and the administration told us that "next week" they would be referring the bids to us for our approval or disapproval along with their written recommendation and written explanation. That never happened. The administration in the course of that week rather chose to unilaterally reject all the bids and go out for a rebidding. When it went out to be the second round of bids, in accordance with Judge Nicolai's decision, one of the bidders complained that the playing field was not level. Judge Nicolai agreed, ironically the same day a short while after the bids were opened and we found out who the lowest bidder was, and said that bids were flawed and they should be thrown out. That decision of Judge Nicolai has been stayed, but not his previous decision that we had to comply with the General Municipal Law and bid not as an RFP, but rather a Request for Bids.

A Request for Bids narrows the process. It narrows the process so greatly, because you can't take in proposals, you can't then analyze each proposal and you can't then take a proposal and try and assign ratings or points to it. You look at who the low bidder is and you determine if that low bidder is responsible or not. After the bids came in at the end of March the administration referred it to us and we had Budget and Finance Committee meeting in July. At that meeting we ran into the guinea pig like cage where we ran in circles. They told us that they believed that none of the bidders met the specifications requirements, but when I looked at the specifications requirements they looked more like RFP's then RFB's, because they had modified terms and conditions that required things that in my experience, which is almost forty years as a municipal attorney, are not in bid documents, but are in RFP documents. This is possibly why Judge Nicolai in his second decision felt it was not in compliance.

In any event, we said to them, "had you notified the bidders of your findings about their failure to comply with the bid documents and given them the chance to respond" and the answer was "no" they had not. The bidders who were here that night heard for the first time I think heard the administration's position that there was noncompliance in the administration's opinion with the bid specifications. We asked that they provide that to the bidders and they did. My understanding is they provided that information to the bidders, but they basically said to the bidders, "you can't respond and you can't comment these are our findings and that is it." We also asked them if they did a review on the bidders financial wherewithal to perform the contract and their ability to perform the contract based upon their staffing and their employees and their facilities. They said, "no." We waited patiently from July until September only to be told that they weren't going to do it yet they wished us to reject all the bids. In essence, I believe, they wanted to make us a rubberstamp of what they wanted to see done.

I said to the administration that you rejected all the bids before and if you don't think they are right you reject them again and they said, "no." We were presented with a resolution and we were presented with limited information and we were asked to make a decision. We were basically put in the position where we were being asked to rubberstamp or ratify based upon what the administration believed to be correct. I personally believe that we have the right to award a bid pursuant to Judge Nicolai's decision, and maybe more than a right - an obligation, because it is a court order, it is still pending, it is still valid and it is still legal. We have the right to award the bid to the low bidder in accordance with Section 103 of the General Municipal Law. What the administration has done, and I want to say that I believe they acted in good faith, but I believe they acted incorrectly, is take the Section 103 General Municipal Law requirement of a low bidder and engrafted into that process, procedures and reviews under the RFP's.

We are being asked to analyze those bids and we were not getting answers on the analysis. I take the position, and I urge all of us to do so, that we obey Judge Nicolai's order and award the bid to the lowest responsible bidder. It is not the bidders obligation, it is the administrations obligation, if they wish us not to, to prove that they are not responsible. A bidder who comes in and complies with the specifications is deemed, in my opinion, to be responsible unless there is proof that they aren't responsible. The way you prove that they are not responsible is you show a history of having them bid on other projects and not been able to perform the work they were supposed to do or not be in compliance.

The attorneys for MV, and I read their memorandum, raised some issues about noncompliance with the specifications in the bids by Brega. When I voted to approve this bid and when I vote to override the veto by the County Executive I expect that the County Attorney will prepare a contract and the contract will require the bidder to be in full compliance with the specifications. If they are required to be in compliance with the Labor Law compliance, and the attorneys for MV raised that they didn't answer that question, but instead said that they would make every effort instead of saying that they would comply. I would expect that the County Attorney who prepares the contract will put in a document that they have to sign that says that they are going to comply. The last Resolved says that "the Legislature of Rockland County hereby approves the execution of agreement in excess of \$100,000 with Brega Transport Corp.... in an amount not to exceed \$69,990,693 for a five year period commencing with the execution of this contract and hereby authorizes the County Executive to execute the agreement subject to the approval of the County Attorney." This means that the contract will not be signed unless everything in the contract is consistent with the bids specifications and therefore legal and proper.

That is what my understanding is and that is why I voted for it and that is why I am going to vote for the veto override. Legislator Grant, who is a good friend and who I admire greatly, said something when we were discussing the last item on the Desalination Plant, "There must be some finality to it at some point in time." The same thing applies here. This has to be finalized. This has to go forward. We can't dance around with this for a year and a half to two years. If I am wrong and if there is a major defect here, which a court determines later on should someone bring a lawsuit and says that we shouldn't have awarded the bid, then I am wrong. I am not voting to award the bid to Brega, because some people say that they are a local contractor. I am not voting to award the bid to Brega for any other reason than they were some \$6,000,000 less than the next low bidder and that whether it is County, State or Federal taxpayers money is still taxpayer's money. I am under I believe an obligation legally, morally and ethically to do the best I can to save taxpayers money and to provide the service. Thank you.

**LOCAL LAW NO. 6 OF 2012
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Alden H. Wolfe)

Mr. Wolfe offered the following Local Law, which was seconded by Mr. Earl and adopted:

A local law amending the Rockland County Multiple Dwelling Smoking Policy Act.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Legislative Intent.

Section 349-19 of the Rockland County Multiple Dwelling Smoking Policy Act provides definitions for the local law, which was intended to require that owners of multiple dwelling rental properties develop and implement a smoking policy that details where and when smoking is permitted in the multiple dwelling rental property, if at all. However, there has been some confusion as to the application of this law due to some ambiguity in several of the definitions.

This amendment makes some minor changes to the definitions so as to clarify the intent and application of the Rockland County Multiple Dwelling Smoking Policy Act.

Section 2. The definitions contained in Section 349-19 are hereby amended and reads as follows:

MULTIPLE DWELLING

Any dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of three or more [families] **households** living independently of each other [, as defined in Sanitary Code Section 13.7.18]. **This does not include condominium units, cooperative apartments and/or property owned by a homeowners' association.**

OWNER

Any person who, alone or jointly or severally with others:

- A. Shall have legal title to any **multiple** dwelling [or dwelling unit], with or without accompanying actual possession thereof; or
- B. Shall have charge, care, or control of any dwelling or dwelling unit, as owner, lessee, mortgagee or vendee in possession, assignee of rents, or as a receiver; or an executor, administrator, trustee, or guardian of the estate of the owner. Any agent for any of the above shall be bound to comply with the provisions of this article to the same extent as if he were the owner.

Section 3. Effective date.

This local law shall take effect immediately upon filing with the New York State secretary of state.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
U.A. Nay:	01	(Legislator Murphy)

[]: wording to be removed
Bold and underscore: wording to be added



Debate:Mr. Wolfe

This is a technical amendment to the Smoking Policy Act that we previously passed. For anyone listening I will remind you one more time that this Legislation does not tell you whether you can smoke or not. It does not tell you where you can or can't smoke. The underlying law requires that owners of multiple dwellings that are offered for rent or are currently rented develop a smoking policy. They can say whatever they want in the smoking policy, but it needs to be communicated to their tenants or prospective tenants. The reason for the technical change was that although the Legislative intent was very clear that this law was applicable only to rental properties the Health Department was overzealous in their interpretation and was of the opinion that it applied to Homeowners Associations. They sent out letters to everybody and created somewhat of an uproar. So what I have done is made an amendment that clarifies it. Primarily what we are doing is also exempting it applicability to condos and co-ops, because they were kind of swept in under the law in a way that was being interpreted and was never our intention, because then we would be affecting people in owner-occupied housing, which was not the intention.

Introduced by:

Referral No. 8202

Hon. Harriet D. Cornell, Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Alden H. Wolfe, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Edwin J. Day, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor

**RESOLUTION NO. 489 OF 2012
REAPPOINTMENT OF LOUIS C. BABCOCK
AS ROCKLAND COUNTY COMMISSIONER OF ELECTIONS**

Mr. Sparaco offered the following resolution, which was seconded by Mr. Carey, Mr. Day, Mr. Jobson and Mr. Moroney and unanimously adopted:

WHEREAS, by Resolution No. 158 of 2011 the Rockland County Legislature appointed Louis C. Babcock to fill the unexpired term of former Commissioner Joan Silvestri, which term expires on December 31, 2012; and

WHEREAS, a certificate has been received from the Chairman of the Rockland County Republican Committee certifying that Louis C. Babcock is a resident of the County of Rockland and is a suitable and qualified person to be reappointed as Commissioner of Elections and recommending such reappointment for a four year term beginning January 1, 2013; and

WHEREAS, the Budget and Finance Committee has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that pursuant to the recommendation of the Rockland County Republican Committee, the Legislature of Rockland County hereby reappoints Louis C. Babcock of 19 Rowan Drive, Garnerville, New York in the Town of Haverstraw to the position of Rockland County Commissioner of Elections, said term to expire on December 31, 2016.

Introduced by:

Referral No. 8183

- Hon. Michael M. Grant, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Edwin J. Day, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 490 OF 2012
 APPROVING THE ACCEPTANCE OF CERTAIN CONVEYANCES OF
 REAL PROPERTY WHICH ARE BEING
 GRATUITOUSLY OFFERED TO THE COUNTY OF ROCKLAND
 AND AUTHORIZING THE COUNTY EXECUTIVE TO
 EXECUTE ANY DOCUMENTS TO EFFECTUATE THE
 ACCEPTANCE OF SUCH CONVEYANCES
 [DEPARTMENT OF HIGHWAYS]**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Grant and adopted:

WHEREAS, The Superintendent of Highways has advised the County Executive and the Legislature of Rockland County that certain conveyances are being gratuitously offered to the County of Rockland by the owners of the real property as shown on the annexed Schedule A; and

WHEREAS, The Superintendent of Highways recommends that the Legislature of Rockland County approve the acquisition of said real property for highway and/or drainage purposes; and

WHEREAS, County Law §215(3) authorizes the Legislature to accept by gift real property for lawful County purposes; and

WHEREAS, The Planning and Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of certain conveyances of real property, identified on Schedule A annexed hereto, to the County of Rockland, and authorizes the County Executive to execute any documents to effectuate the acceptance of such conveyances, subject to the approval of the County Attorney; and be it further

RESOLVED, That the acceptance of the conveyances identified on Schedule A are conditioned upon the receipt of accurate metes and bounds for the real property identified therein; and be it further

RESOLVED, That the title to said real property that is conveyed to the County shall be good and marketable title and be acceptable to the County Attorney; and be it further

RESOLVED, That the Land Acquisition Officer for the Department of Highways is requested to record said deeds when all legal requirements have been satisfied.

The vote resulted as follows:

- | | | |
|-----------|----|---|
| Ayes: | 16 | (Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell) |
| U.A. Nay: | 01 | (Legislator Murphy) |



"August 2012" Grantor	Dedications Gratuitous to the County of Rockland Address	Schedule A Town	Tax ID	
1 The Retail Property Trust	p/o 41 South Middletown Road, Nanuet	Clarkstown	p/o 63.08-3-6	Road Widening
2 The Retail Property Trust	p/o 41 South Middletown Road, Nanuet	Clarkstown	p/o 63.08-3-6	Road Widening
3 Macy's Retail Holdings, Inc.	p/o 41 South Middletown Road, Nanuet	Clarkstown	p/o 63.08-3-7	Road Widening
4 Binyan Torah, Inc.	Dykstra's Way East (Old Nyack Turnpike)	Ramapo	p/o 56.20-3-53 & 54	Road Widening
5 Davies Farm Inc & Tor Valley Inc	Little Tor Road, New City	Clarkstown	p/o 51.09-1-51	Road Widening
6 William Brodsky	Strawtown Road, West Nyack	Clarkstown	p/o 58.12-17.1, 17.2	Road Widening
7 Wales Corley Roseland Corp	Old Nyack Turnpike, Ramapo	Ramapo	p/o 19/26B & 26C	Road Widening
8 FKF3, LLC	p/o 81 North Airmont Road, Ramapo	Ramapo	p/o 55.08-3-36.1&36.2	Road Widening
9 Wenchas Construction Corp.	South Little Tor Road, New City	Clarkstown	p/o 51.13-4-63 to 69 incl.	Road Widening
10 Hillcrest-Eckerson Corp.	p/o 55 East Eckerson Road, Hillcrest	Ramapo	p/o 50.14-2-12	Road Widening
11 135 South Highland Avenue, LLC	South Highland Avenue, Pearl River	Orangetown	p/o 68.15-2-78	Road Widening
12 The New York Foundling Hospital	Convent Road, Nanuet	Clarkstown	p/o 63.15-1-42	Road Widening
13 The Sisters of St. Dominic of Blauvelt,	New York Western Hwy Convent Rd	Orangetown	p/o 74.06-3-1.1	Road Widening
14 Joy Builders, Inc.	Little Tor Road, New City	Clarkstown	p/o 34.17-1-1	Road Widening
15 Ramland Realty Associates LLC	Blaisdell Road, Orangeburg	Orangetown	p/o 73.20-1-23	Road Widening

Introduced by:

Referral No. 6394

- Hon. Michael M. Grant, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Edwin J. Day, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 491 OF 2012
 APPROVING AGREEMENT IN EXCESS OF \$100,000
 WITH MCNAMEE CONSTRUCTION CORP.
 FOR CONSTRUCTION REPAIRS TO THE SAMSONDALE
 AVENUE BRIDGE UNDER CAPITAL PROJECT NO. 3397
 AND AUTHORIZING ITS EXECUTION BY THE
 COUNTY EXECUTIVE
 [DEPARTMENT OF HIGHWAYS]
 (\$150,000)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Grant and Mr. Jobson and adopted:

WHEREAS, The Superintendent of Highways requests that the County enter into an agreement with McNamee Construction Corp, for construction repairs to the Samsondale Avenue Bridge, under Capital Project No. 3397 in an amount not to exceed \$150,000; and

WHEREAS, On August 16, 2012 the County accepted two bids for the repair of the Samsondale Avenue Bridge. McNamee Construction Corporation of Lincolndale, New York submitted the low bid of \$136,500; and

WHEREAS The Highway Department and the County Attorney’s office examined and found their bid to be accurate and in proper legal form; and

WHEREAS, McNamee’s bid was approximately fifty-eight (58%) percent of the Engineer’s Estimate (\$235,000) for the project; and

WHEREAS, The County Legislature under Resolution 27 of 2000 approved and funded \$250,000 for the project in Capital Account 3397; and

WHEREAS, The project is one hundred percent county funded: and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve “execution of all contracts in excess of \$100,000 entered into by the County,” and

WHEREAS, Funding is provided in Capital Project No. 3397 –Hurricane Irene Emergency Repairs-Bridges; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the agreement in excess of \$100,000, between the County of Rockland and McNamee Construction Corporation, 154 Lovel Street, Route 202, Lincolndale, New York 10540 for construction repairs to the Samsondale Avenue Bridge, under Capital Project No. 3397 in an amount not to exceed \$150,000 and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, Funding is provided in Capital Project No. 3397 – Hurricane Irene Emergency Repairs-Bridges; and

The vote resulted as follows:

- | | | |
|-----------|----|--|
| Ayes: | 16 | (Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell |
| U.A. Nay: | 01 | (Legislator Murphy) |



Introduced by:

Referral No. 2825

Hon. Michael M. Grant, Sponsor
 Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Edwin J. Day, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 492 OF 2012
 APPROVING CONTRACT IN EXCESS OF \$100,000
 WITH ROCKLAND TRANSIT CORP.
 TO OPERATE THE TRANSPORT OF ROCKLAND (TOR)
 BUS SERVICE ROUTES 59, 91, 92, 93, 94, 95, 97, LOOP 1, 2 AND 3
 FOR THE PERIOD FROM OCTOBER 1, 2012 THROUGH DECEMBER 31, 2012
 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$5,608,573.50
 WITH ONE (1) THREE (3) MONTH EXTENSION OPTION
 (NO COUNTY TAX DOLLARS) AND AUTHORIZING ITS
 EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF PUBLIC TRANSPORTATION]
 (\$5,608,573.50)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Earl, Mr. Jobson, Mr. Meyers and Mr. Soskin and adopted:

WHEREAS, As required by the Federal Transit Administration, the County of Rockland must competitively bid the contract for the operation of its Transport of Rockland (TOR) bus service, which bid is currently in process but not awarded, therefore, the Department of Public Transportation is requesting that the County enter into an agreement in the interim with Rockland Transit Corp. for the period from October 1, 2012 through December 31, 2012 with one (1) option for a three (3) month extension; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised by the Department of Public Transportation that, in order to provide continued Transport of Rockland (TOR) bus service, Routes 59, 91, 92, 93, 94, 95, 97, Loop 1, 2 and 3, it is necessary for the County to enter into an agreement with Rockland Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period October 1, 2012 through December 31, 2012 at a rate of \$934,762.25 per month for a total contract amount not to exceed \$5,608,573.50, with one (1) option for three a (3) month extension; and

WHEREAS, Funds for this agreement are provided by Metropolitan Transportation Authority (MTA) local discretionary funds, the Federal Transit Administration (FTA), and the State of New York, and exist in Account E5800 of the Department of Public Transportation; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County tax dollars; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 with Rockland Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for operation of the TRANSPORT OF ROCKLAND (TOR) bus service, Routes 59, 91, 92, 93, 94, 95, 97, Loop 1, 2 and 3, for the period October 1, 2012 through December 31, 2012 at a rate of \$934,762.25 per month for a total contract amount not to exceed \$5,608,573.50, with one (1) option for a three (3) month extension, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement are provided by MTA, FTA and the State of New York, and exist in Account E5800 of the Department of Public Transportation, and the agreement will require the expenditure of no County tax dollars.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Debate:

Mr. Schoenberger

This resolution and the next two, which extend contracts for bus service, people may wonder why we are extending the contracts when we just overrode the County Executive's resolution and by doing so adopted a resolution awarding the bid to Brega Transport Corp. The answer to that is that this will give a transition time for the service to be transferred from one company to another. Even though we voted for this everything we do is subject to judicial review so we are extending the contract. I had said when we passed committee, but there was a monthly amount that we were saving by awarding the bid to the lowest bidder, Brega, and that was I think \$37,000. Every month this is extended it costs the taxpayers more money. We did the extension, because there has to be a transition time. We hope that this gets accomplished and as Legislator Grant said that there is a finality to it once and for all.

Introduced by:

Referral No. 8293

- Hon. Michael M. Grant, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Edwin J. Day, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 493 OF 2012
 APPROVING CONTRACT IN EXCESS OF \$100,000 WITH HUDSON TRANSIT
 LINES, INC. TO OPERATE THE TRANSPORT OF ROCKLAND (TOR)
 ROUTE 93 PARTIAL BUS SERVICE FOR THE PERIOD FROM
 OCTOBER 1, 2012 THROUGH DECEMBER 31, 2012
 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$148,043.50
 WITH ONE (1) THREE (3) MONTH EXTENSION OPTION
 (NO COUNTY TAX DOLLARS) AND AUTHORIZING ITS
 EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF PUBLIC TRANSPORTATION]
 (\$148,043.50)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Moroney and adopted:

WHEREAS, As required by the Federal Transit Administration, the County of Rockland must competitively bid the contract for the operation of its Transport of Rockland (TOR) bus service, which bid is currently in process but not awarded, therefore, the Department of Public Transportation is requesting that the County enter into an agreement in the interim with Hudson Transit Lines, Inc. for the period from October 1, 2012 through December 31, 2012 with one (1) option for a three (3) month extension; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised by the Department of Public Transportation that, in order to provide continued Transport of Rockland (TOR) Route 93 Partial bus service, it is necessary for the County to enter into an agreement with Hudson Transit Lines, Inc., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period October 1, 2012 through December 31, 2012 at a rate of \$24,673.91 per month for a total contract amount not to exceed \$148,043.50, with one (1) option for three a (3) month extension; and

WHEREAS, Funds for this agreement are provided by the Metropolitan Transportation Authority (MTA) local discretionary funds, the Federal Transit Administration (FTA), and the State of New York, and exist in Account E5800 of the Department of Public Transportation; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County tax dollars; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County;" and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 with Hudson Transit Lines, Inc., 4 Leisure Lane, Mahwah, New Jersey 07430, for operation of the Transport of Rockland (TOR) Route 93 Partial bus service, for the period October 1, 2012 through December 31, 2012 at a rate of \$24,673.91 per month for a total contract amount not to exceed \$148,043.50 with one (1) option for a three (3) month extension, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement are provided by MTA, FTA and the State of New York, and exist in Account E5800 of the Department of Public Transportation, and the agreement will require the expenditure of no County tax dollars.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Introduced by:

Referral No. 8293

- Hon. Michael M. Grant, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Edwin J. Day, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 494 OF 2012
 APPROVING CONTRACT IN EXCESS OF \$100,000
 WITH HUDSON TRANSIT CORP.
 TO OPERATE THE TAPPAN ZEEXPRESS BUS SERVICE
 FOR THE PERIOD FROM OCTOBER 1, 2012 THROUGH DECEMBER 31, 2012
 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,685,809.68
 WITH ONE (1) THREE (3) MONTH EXTENSION OPTION
 (NO COUNTY TAX DOLLARS) AND AUTHORIZING ITS
 EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF PUBLIC TRANSPORTATION]
 (\$1,685,809.68)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Earl and Mr. Soskin and adopted:

WHEREAS, As required by the Federal Transit Administration, the County of Rockland must competitively bid the contract for the operation of its TAPPAN ZEEXPRESS (TZX) bus service, which bid is currently in process but not awarded, therefore, the Department of Public Transportation is requesting that the County enter into an agreement in the interim with Hudson Transit Corp. for the period from October 1, 2012 through December 31, 2012 with one (1) option for a three (3) month extension; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised by the Department of Public Transportation that, in order to provide continued TAPPAN ZEEXPRESS (TZX) bus service it is necessary for the County to enter into an agreement with Hudson Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period October 1, 2012 through December 31, 2012 at a rate of \$280,968.28 per month for a total contract amount not to exceed \$1,685,809.68 with one (1) option for a three (3) month extension; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County tax dollars; and

WHEREAS, Funds for this agreement are provided by the Metropolitan Transportation Authority (MTA) local discretionary funds, the Federal Transit Administration (FTA), and the State of New York, and exist in Account E5410 of the Department of Public Transportation; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County," and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 for operation of the TAPPAN ZEEXPRESS (TZX) bus service with Hudson Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period October 1, 2012 through December 31, 2012 at a rate of \$280,968.28 per month for a total contract amount not to exceed \$1,685,809.68 with one (1) option for a three (3) month extension, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, That the agreement will require the expenditure of no County tax dollars; and be it further

RESOLVED, That sufficient funds for this agreement are provided by MTA, FTA and the State of New York, and exist in Account E5410 of the Department of Public Transportation.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Introduced by:

Referral No. 9334

Hon. Michael M. Grant, Sponsor
 Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Edwin J. Day, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 495 OF 2012
 APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000
 FROM PEST SHIELD CORPORATION FOR INSECT AND RODENT
 CONTROL SERVICES AND TO PROVIDE A COMPREHENSIVE INTEGRATED
 PEST MANAGEMENT (IPM) PROGRAM
 AT SEVERAL ROCKLAND COUNTY GOVERNMENT BUILDINGS
 UNDER RFB-RC-2010-019
 IN THE ADDITIONAL AMOUNT OF \$103,000
 FOR THE PERIOD FROM JUNE 13, 2012 THROUGH JUNE 12, 2013
 AND FOR A TOTAL AMOUNT NOT TO EXCEED \$308,656
 FOR THE FULL PERIOD FROM JUNE 13, 2010 THROUGH JUNE 12, 2013
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$308,656)**

Mr. Schoenberger offered the following resolution, which was seconded by Mrs. Paul and adopted:

WHEREAS, By Resolution No. 451 of 2010, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Pest Shield Corporation ("Pest Shield"), 51 Wayne Avenue, Suffern, New York 10901, in the amount of \$105,006 for insect and rodent control services and to provide a comprehensive Integrated Pest Management (IPM) program at several Rockland County government buildings (i.e., the Dr. Robert L. Yeager Health Center in Pomona, Fire Training Center in Pomona, Sewer Plant in Orangeburg, Government Center in New City, Correctional Center in New City, Mental Health Clinic in Haverstraw, Department of Social Services Satellite in Spring Valley and Department of Social Services Satellite in Haverstraw) under RFB-RC-2010-019 (the "RFB") for one (1) year with the option to renew for two (2) additional one (1) year periods; and

WHEREAS, By Resolution No. 342 of 2011, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Pest Shield in the additional amount of \$100,650 for insect and rodent control services and to provide a comprehensive IPM program at these government buildings under the RFB, with one (1) remaining one (1) year option; and

WHEREAS, \$205,656 was spent under the RFB through June 2012, and an additional \$103,000 is expected to be spent under the RFB during the second year option term; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the additional purchases in excess of \$100,000 from Pest Shield under the RFB in the additional amount of \$103,000 for the period from June 13, 2012 through June 12, 2013 and in a total amount not to exceed \$308,656 for the full period from June 13, 2010 through June 12, 2013; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services – Facilities Management and is contingent upon 2013 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Planning and Public Works and Budget and Finance Committee of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases in excess of \$100,000 from Pest Shield Corporation, 51 Wayne Avenue, Suffern, New York 10901, for insect and rodent control services and to provide a comprehensive Integrated Pest Management (IPM) program at several Rockland County government buildings (i.e., the Dr. Robert L. Yeager Health Center in Pomona, Fire Training Center in Pomona, Sewer Plant in Orangeburg, Government Center in New City, Correctional Center in New City, Mental Health Clinic in Haverstraw, Department of Social Services Satellite in Spring Valley and Department of Social Services Satellite in Haverstraw) under RFB-RC-2010-019 in the additional amount of \$103,000 for the period from June 13, 2012 through June 12, 2013 and in a total amount not to exceed \$308,656 for the full period from June 13, 2010 through June 12, 2013, with all purchases of services to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services – Facilities Management and is contingent upon 2013 budget appropriations.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Introduced by:

Referral No. 5327

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 496 OF 2012
 APPROVING ACCEPTANCE OF GRANT IN THE AMOUNT OF \$329,504
 FROM THE U.S. DEPARTMENT OF JUSTICE'S ADULT DRUG COURT
 DISCRETIONARY GRANT PROGRAM FOR THE MISDEMEANOR DRUG COURT
 AND USING BUDGETED PERSONNEL IN THE OFFICE OF THE
 DISTRICT ATTORNEY FOR REQUIRED \$111,777 GRANT MATCH
 FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015
 AND AUTHORIZING EXECUTION OF ALL GRANT
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$329,504)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Hood, Jr., Mr. Moroney, Mrs. Paul and Mr. Soskin and adopted:

WHEREAS, The County Executive has been advised that a \$329,504 grant from the U.S. Department of Justice's Adult Drug Court Discretionary Grant Program has been awarded to the District Attorney's Office Misdemeanor Drug Court for the period October 1, 2012 through September 30, 2015; and

WHEREAS, Said grant requires matching funds of \$111,777, which will be derived from budgeted personnel in the Office of the District Attorney; and

WHEREAS, It is necessary to appropriate these funds to the proper accounts; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of the County of Rockland hereby approves the acceptance of a \$329,504 grant from the U.S. Department of Justice's Adult Drug Court Discretionary Grant Program for the Misdemeanor Drug Court for the period October 1, 2012 through September 30, 2015, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That said grant requires matching funds of \$111,777, which will be derived from budgeted personnel in the Office of the District Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said grant; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A - DA - 1165 -GA18	-E2100	Computers	4,500
	-E3030	Medical Supplies	15,064
	-E3130	Office Supplies	15,900
	-E4040	Travel	15,000
	-E4090	Fees for Services, Non-Employee	220,200
	-E4140	Conferences & Seminars	48,000
	-E5060	Program Costs	<u>10,840</u>
			329,504

Increase Est. Rev. Acct. (Debit):

A - DA - 1165 -GA18	-R4380	Public Safety Grant(s)	329,504
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The vote resulted as follows:

- Ayes: 16 (Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
- U.A. Nay: 01 (Legislator Murphy)

Introduced by:

Referral No. 6704

Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 497 OF 2012
APPROVING ACCEPTANCE OF GRANT IN THE AMOUNT OF \$250,000
FROM THE U.S. DEPARTMENT OF JUSTICE,
OFFICE OF JUSTICE PROGRAMS BUREAU OF JUSTICE ASSISTANCE
(AWARD # 2012-MO-BX-0022)
TO IMPLEMENT A MENTAL HEALTH ALTERNATIVE TO
INCARCERATION (MHATI) PROGRAM
FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2014
AND USING BUDGETED PERSONNEL/FRINGE IN THE OFFICE OF THE
DISTRICT ATTORNEY FOR REQUIRED \$72,381 GRANT MATCH
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$250,000)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Carey, Mr. Earl, Mr. Grant, Mr. Jobson, Mrs. Paul and Mr. Soskin and adopted:

WHEREAS, The County Executive has been advised by the District Attorney's Office that they have been approved to receive a \$250,000 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to implement a Mental Health Alternative to Incarceration (MHATI) Program for the period October 1, 2012 through September 30, 2014; and

WHEREAS, Said grant requires matching funds of \$72,381, which will be derived from budgeted personnel/fringe in the Office of the District Attorney; and

WHEREAS, It is necessary to appropriate these funds to the proper accounts; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of the County of Rockland hereby approves the acceptance of a \$250,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for Mental Health Alternative to Incarceration (MHATI) Program for the period October 1, 2012 through September 30, 2014, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, That said grant requires matching funds of \$72,381, which will be derived from budgeted personnel/fringe in the Office of the District Attorney; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A - DA - 1165 -GA19	-E2100	Computers	2,400
	-E3030	Medical Supplies	4,300
	-E3130	Office Supplies	5,340
	-E4040	Travel	1,000
	-E4090	Fees for Services, Non-Employee	233,910
	-E4140	Conferences & Seminars	1,450
	-E5060	Program Costs	<u>1,600</u>
			250,000

Increase Est. Rev. Acct. (Debit):

A - DA - 1165 -GA19	-R4380	Public Safety Grant(s)	250,000
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The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Debate

Mr. Schoenberger

They should be complimented for the work that they are doing in obtaining grants to help offset the cost to County taxpayers.

Introduced by:

Referral No. 6704

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 498 OF 2012
 APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
 IN THE AMOUNT OF \$10,000 BETWEEN THE COUNTY OF ROCKLAND
 AND THE TOWN OF HAVERSTRAW POLICE DEPARTMENT
 FOR REIMBURSEMENT FOR PARTICIPATION IN DRUG MARKET
 INTERVENTION GRANT FORCE
 FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012
 AND AUTHORIZING EXECUTION OF THE AGREEMENTS BY
 THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$10,000)**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Grant and Mr. Hood, Jr. and adopted:

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The County of Rockland through its Office of the District Attorney and the, Town of Haverstraw Police Department desire to enter into an intermunicipal cooperation agreement in an amount of \$10,000, for reimbursement for participation in Drug Market Intervention Grant Force , for the period July 1, 2011 through June 30, 2012; and

WHEREAS, The agreement shall be in an amount not to exceed \$10,000; and

WHEREAS, That sufficient funding for these agreements exists within the 2012 Operating Budget for the District Attorney's Office; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of the intermunicipal cooperation agreement between the County of Rockland through its Office of the District Attorney and the Town of Haverstraw Police Department in an amount of \$10,000, for reimbursement for participation in Drug Market Intervention Grant Force, for the period July 1, 2011 through June 30, 2012, subject to the approval of the County Attorney; and be it further

RESOLVED, That the agreement shall be in an amount not to exceed \$10,000 and be it further

RESOLVED, That sufficient funding for these agreements exists within the 2012 Operating Budget for the District Attorney's Office.

The vote resulted as follows:

- Ayes: 16 (Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
- U.A. Nay: 01 (Legislator Murphy)



Introduced by:

Referral No. 8973

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 499 OF 2012
 APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000
 FROM MED WORLD PHARMACY FOR PHARMACY SERVICES
 FOR THE EMPLOYEE PHARMACY PROGRAM
 UNDER RFB-RC-07-002
 IN THE ADDITIONAL AMOUNT OF \$1,000,000
 FOR THE PERIOD FROM AUGUST 5, 2012 THROUGH FEBRUARY 4, 2013
 AND IN A TOTAL AMOUNT NOT TO EXCEED \$9,550,000
 FOR THE FULL PERIOD FROM FEBRUARY 5, 2008 THROUGH FEBRUARY 4, 2013
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$9,550,000)**

Mr. Schoenberger offered the following resolution, which was seconded by Mrs. Low-Hogan, Mr. Moroney and Mr. Soskin and adopted:

WHEREAS, By Resolution No. 632 of 2007, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Med World Pharmacy ("Med World"), 80 Red Schoolhouse Road, Chestnut Ridge, NY 10977, for pharmacy services for the Employee Pharmacy Program under RFB-RC-07-002 (the "RFB") in the amount of \$5,550,000 for the period from February 5, 2008 through February 4, 2011 with two (2) one (1) year options; and

WHEREAS, By Resolution No. 331 of 2011, the Legislature approved the execution of the first year option term of the contract as well as additional purchases in the amount of \$2,000,000 for a total amount not to exceed \$7,550,000; and

WHEREAS, By Resolution No. 140 of 2012, the Legislature approved a three (3) month extension of the contract from February 5, 2012 through May 4, 2012 with a remaining nine (9) month option as well as additional purchases in the amount of \$500,000 for a total amount not to exceed \$8,050,000; and

WHEREAS, By Resolution No. 279 of 2012, the Legislature approved an additional three (3) month extension of the contract from May 5, 2012 through August 4, 2012 with a remaining six (6) month option as well as additional purchases in the amount of \$500,000 for a total amount not to exceed \$8,550,000; and

WHEREAS, The Director of Insurance and Risk Management and the Director of Purchasing have advised that the RFB must be extended for the final six (6) month term from August 5, 2012 through February 4, 2013 to remain in compliance with Resolution No. 620 of 1989, which set up the Employee Pharmacy Program;

WHEREAS, Med World has offered to continue paying annual rent in the amount of \$144,000 (\$12,000/month) and to provide four (4) health screenings for County employees annually; and

WHEREAS, In accordance with Resolution No. 620 of 1989, the Director of Insurance and Risk Management and the Director of Purchasing recommend to the County Executive and the Legislature of Rockland County that the County approve the additional purchases in excess of \$100,000 from Med World for pharmacy services for the Employee Pharmacy Program under the RFB in the additional amount of \$1,000,000 for the six (6) month period from August 5, 2012 through February 4, 2013 and in a total amount not to exceed \$9,550,000 for the full period from February 5, 2008 through February 4, 2013; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Rockland County Operating Budget, Various County Departments, Expense Account E1910 and is contingent upon 2013 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases in excess of \$100,000 from Med World Pharmacy, 80 Red Schoolhouse Road, Chestnut Ridge, NY 10977, for pharmacy services for the Employee Pharmacy Program under RFB-RC-07-002 (the "RFB") in the additional amount of \$1,000,000 for the final six (6) month period from August 5, 2012 through February 4, 2013 and for a total amount not to exceed \$9,550,000 for the full period from February 5, 2008 through February 4, 2013 and hereby authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Rockland County Operating Budget, Various County Departments, Expense Account E1910 and is contingent upon 2013 budget appropriations.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Introduced by:

Referral No. 6501

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 500 OF 2012
 AUTHORIZING THE RELEVY OF 2012 VILLAGE TAXES
 [DEPARTMENT OF FINANCE]**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Earl and Mr. Soskin and adopted:

WHEREAS, The Commissioner of Finance of the County of Rockland has requested a resolution authorizing and directing the supervisors of the towns of the County of Rockland to add to their respective 2013 tax rolls the amounts of the 2012 uncollected village taxes which were returned as unpaid, and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the supervisors of the towns of Rockland County be and they are hereby authorized and directed to add to their respective 2013 tax rolls the amount of the 2012 uncollected village taxes returned by the collectors of the various villages to the Commissioner of Finance and remaining unpaid, and that said taxes be reassessed and relevied upon the lots and parcels so returned with the appropriate penalty, and be it further

RESOLVED, That the supervisors of the various towns be and they are hereby authorized and empowered to make such alterations in the descriptions of the land as may be necessary to render such description conformable to provisions of law, and be it further

RESOLVED, That the Commissioner of Finance be and is hereby authorized to collect unpaid villages taxes only until, and including November 30, 2012.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
U.A. Nay:	01	(Legislator Murphy)



Introduced by:

Referral No. 6502

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO 501 OF 2012
 AUTHORIZING THE RELEVY OF 2012 SCHOOL TAXES
 [DEPARTMENT OF FINANCE]**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Soskin and adopted:

WHEREAS, The Commissioner of Finance of the County of Rockland has requested a resolution authorizing and directing the supervisors of the towns of the County of Rockland to add to their respective 2013 tax rolls the amount of the 2012 uncollected school taxes which were returned as unpaid, and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the supervisors of the towns of Rockland County be and they are hereby authorized and directed to add to their respective 2013 tax rolls the amount of the 2012 uncollected school taxes returned by the collectors of the various districts to the Commissioner of Finance and remaining unpaid, and that said taxes be reassessed and relieved upon the lots and parcels so returned with the appropriate penalty, and be it further

RESOLVED, That the supervisors of the various towns be and they are hereby authorized and empowered to make such alterations in the descriptions of the land as may be necessary to render such description conformable to provisions of law, and be it further

RESOLVED, That the Commissioner of Finance be and is hereby authorized to collect unpaid school taxes only until, and including November 30, 2012.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
U.A. Nay:	01	(Legislator Murphy)



Introduced by:

Referral No. 8596

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 502 OF 2012
 ESTABLISHING EQUALIZATION RATES FOR EACH
 OF THE TOWNS - ESTABLISHING TAXABLE ASSESSED
 VALUES AND FULL VALUES FOR EACH TOWN IN
 THE COUNTY OF ROCKLAND FOR THE YEAR 2013
 [DEPARTMENT OF FINANCE]**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Earl and Mr. Jobson and adopted:

WHEREAS, It has been the practice of the Legislature of Rockland County to adopt the equalization rates, based upon the most recent survey data available, established by the staff of the State Board of Equalization and Assessment as the equalization rates to apportion County taxes among the towns, and

WHEREAS, Based upon information provided by the Towns to the Legislature, the said rates reflect the most up-to-date information and are a fair and equitable apportionment of taxes to the various towns, based upon the actual market value of taxable real property within each town, and

WHEREAS, Pursuant to Chapter 280 of the Laws of the State of New York, and by Resolution No. 511 of 1985, as amended, the Legislature of Rockland County directed that taxable assessed value for the apportionment of County taxes to include all partial exemptions, and

WHEREAS, Taxable assessed value for the apportionment of County taxes is defined as the total assessed value, less the value of wholly exempt properties, as set forth in the Assessor's Report, and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby adopts the equalization rates, based upon the most recent survey data available, established by the staff of the State Board of Equalization and Assessment as the equalization rates to apportion County taxes among the towns, and be it further

RESOLVED, That the ratio and percentage which the assessed value of real property in each of the towns contained in the County of Rockland bears to its full value and be and the same is hereby established as follows:

Clarkstown	32.50%
Haverstraw	107.75%
Orangetown	50.65%
Ramapo	14.95%
Stony Point	14.37%

and be it further

RESOLVED, That the taxable assessed value be defined as the total assessment value, less the value of wholly exempt property, as set forth in the Assessor's Report and is to be used for the apportionment of County taxes, and be it further

RESOLVED, That the following be and is hereby adopted as the taxable assessed value of property for the apportionment of County taxes for each of the towns within Rockland County:

Clarkstown	\$ 4,311,718,647
Haverstraw	3,398,607,902
Orangetown	4,113,637,516
Ramapo	1,749,918,317
Stony Point	<u>287,092,945</u>
TOTAL TAXABLE ASSESSED VALUE	\$13,860,975,327

and be it further

RESOLVED, That each of the following be and hereby is adopted as the total full value of taxable property in each of the towns within Rockland County:

Clarkstown	\$ 13,266,826,606
Haverstraw	3,154,160,466
Orangetown	8,121,693,023
Ramapo	11,705,139,244
Stony Point	<u>1,997,863,222</u>
TOTAL FULL VALUE	\$ 38,245,682,562

and be it further

RESOLVED, That the aforesaid figures shall be used to apportion County taxes among the towns for 2013.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
U.A. Nay:	01	(Legislator Murphy)



Introduced by:

Referral No. 3120

Hon. Michael M. Grant, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Edwin J. Day, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 503 OF 2012
CONFIRMING THE APPOINTMENT OF
LEGISLATOR TONEY L. EARL TO THE
ROCKLAND COUNTY BOARD OF PLUMBING, HEATING,
COOLING, AIR CONDITIONING, REFRIGERATION
AND SHEET METAL EXAMINERS**

Mr. Grant offered the following resolution, which was seconded by the Entire Legislature and unanimously adopted:

WHEREAS, Section 3.02 of the Rockland County Charter authorizes the County Executive to appoint members of County boards and commissions, who shall serve at his pleasure, subject to legislative confirmation; and

WHEREAS, Section 319-4 of the laws of Rockland County established the Board of Plumbing, Heating, Cooling, Air Conditioning, Refrigeration and Sheet Metal Examiners, which shall consist of nine (9) members, who shall be residents of the county and/or have their principal place of business within the county; and

WHEREAS, Section 319-4 (4) of the laws of Rockland County requires that one of the members of the Board of Plumbing, Heating, Cooling, Air Conditioning, Refrigeration and Sheet Metal Examiners be a Rockland County Legislator; and

WHEREAS, The County Executive has appointed Legislature Toney L. Earl to the Rockland County Board of Plumbing, Heating, Cooling, Air Conditioning, Refrigeration and Sheet Metal Examiners, subject to legislative confirmation; and

WHEREAS, Legislator Earl is appointed to the vacancy which exists due to the resignation of Alden H. Wolfe; and

WHEREAS, With this appointment, the board of Plumbing, Heating, Cooling, Air Conditioning, Refrigeration and Sheet Metal Examiners shall be fully constituted; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby confirm the appointment of Legislator Toney L. Earl to the Rockland County Board of Plumbing, Heating, Cooling, Air Conditioning, Refrigeration and Sheet Metal Examiners, to serve at the pleasure of the County Executive; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to forward a copy of this resolution to the Rockland County Board of Plumbing, Heating, Cooling, Air Conditioning, Refrigeration and Sheet Metal Examiners and to the appointee Legislator Toney L. Earl.

**ADJOURNMENT IN MEMORY OF
FRANK MATONE**

Mr. Grant offered the following memorial, which was seconded by the Entire Legislature and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Frank Matone.

**ADJOURNMENT IN MEMORY OF
NORMAN NEFF**

Chairwoman Cornell offered the following memorial, which was seconded by Mr. Wolfe and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Norman Neff.

**ADJOURNMENT IN MEMORY OF
VENTURA "RICCARDO" MARINO**

Mr. Murphy offered the following memorial, which was seconded by Mr. Moroney and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Ventura "Riccardo" Marino.

**ADJOURNMENT IN MEMORY OF
DOROTHY McGEE GOTTSCH**

Mr. Day offered the following memorial, which was seconded by Mr. Carey and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dorothy McGee Gottsch.

**ADJOURNMENT IN MEMORY OF
PATRICIA FRANCES GILROY BOLAND**

Mr. Murphy offered the following memorial, which was seconded by Mr. Moroney and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Patricia Frances Gilroy Boland.

**ADJOURNMENT IN MEMORY OF
BARBARA A. McLAUCHLIIN**

Mr. Earl offered the following memorial, which was seconded by the Entire Legislature and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Barbara A. McLauchliin.

**ADJOURNMENT IN MEMORY OF
LOIS SMITH**

Chairwoman Cornell offered the following memorial, which was seconded by the Entire Legislature and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Lois Smith.

**RESOLUTION NO. 504 OF 2012
ADJOURNMENT**

Mr. Moroney offered the following resolution, which was seconded by Mr. Jobson and adopted (9:06 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Wednesday, November 7, 2012 at seven o'clock in the evening.

The vote resulted as follows:

Ayes:	16	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell
U.A. Nay:	01	(Legislator Murphy)

Respectfully Submitted,

DARCY M. GREENBERG
Proceedings Clerk