

**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, March 5, 2013 at 7:00 P.M., pursuant to the adjournment of the February 19, 2013 meeting.

Very truly yours,

Laurence O. Toole  
Clerk to the Legislature

Dated at New City, New York  
This 28<sup>th</sup> day of February 2013

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The Legislature of Rockland County convened in regular session pursuant to adjournment of the February 19, 2013 meeting.

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

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

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Honorable Jay Hood, Jr., Majority Leader, led in the Salute to the Flag and delivered the invocation.

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**RESOLUTION NO. 113 OF 2013  
ADOPTION OF MINUTES OF LEGISLATIVE MEETINGS  
JANUARY 15, 2013, JANUARY 28, 2013 – FULL LEGISLATURE  
JANUARY 28, 2013 – COMMITTEE OF THE WHOLE**

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

Resolved, that the transcribed minutes of the Legislative meetings of January 15, 2013, January 28, 2013 – Full Legislature and January 28, 2013 – Committee of the Whole, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

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**Comments from the Chairwoman:**

Honorable Harriet D. Cornell

The County Executive will now present the 2013 State of the County Address. We want to welcome you to our chambers. We know that this is probably the last State of the County Address that you are going to be giving. However, we welcome you in our chambers as often as you would like over this next year to join us and speak with us. We always listen to what you have to say with interest and with respect and we expect that from the audience as well. Thank you very much for being here.

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**Special Order of the Day:**

Honorable C. Scott Vanderhoef presented an abbreviated version of the following State of the County Address to the Legislature.

2013

**MESSAGE TO THE LEGISLATURE**

**C. Scott Vanderhoef  
County Executive**

Good evening, Chairwoman Cornell and ladies and gentlemen of the Rockland County Legislature. Congratulations, Legislator Cornell on being selected to serve as Chairwoman for a ninth consecutive year. I look forward to continuing to work with you on a number of important projects in the coming year.

Good evening also to our distinguished officials, guests and residents who are watching this from home.

This is the 20<sup>th</sup> year -- and the final year -- that I come before you to present my annual Message to the Legislature. I have had the pleasure of working with many Chairs of the Rockland County Legislature -- Chairman Charles Holbrook, Chairman George Darden, Chairman Tom Morahan, Chairman Ken Zebrowski Sr., Chairman Ilan Schoenberger, Chairman Salvatore Corallo and, since 2005, Chairwoman Harriet Cornell, along with many of you.

Looking back over the past two decades, Rocklanders have celebrated great victories and endured heart-breaking tragedies. We have attained remarkable achievements and weathered difficult hardships. There is so much for us to be proud of, and such wonderful memories. I remember the pride we all felt in celebrating our Bicentennial and watching the Tall Ships sail up the Hudson River. We watched as new buildings were constructed and our County complex was modernized with a Courthouse expansion and new offices for the District Attorney and County Clerk. We also built a new wing to the Rockland County Jail, a new Technology Building at RCC, a new Archives Building, a new facility for Planning and Public Transportation, and a new Radio Communications Center.

We created more than 2,000 units of affordable housing, began the School of the 21<sup>st</sup> Century, initiated an award-winning GIS mapping system, reduced the welfare rolls, brought a VA clinic to Rockland, established a Hazardous Materials Team, installed a Reverse-911 System, and unveiled a new website. Our accomplishments also include purchasing more than 1,200 acres of open space and creating 10 new County parks – including the first riverfront County park, the spectacular Haverstraw Bay County Park along the Hudson River.

At times our spirits soared with accomplishments and optimism. At times our spirits have been shattered and torn. On September 11<sup>th</sup> 2001, we watched in horror as our country came under attack by terrorists. The attack resulted in the death of 80 Rocklanders – taken far too early from their family and friends.

Rocklanders suffered when Tropical Storm Floyd, Tropical Storm Irene and Superstorm Sandy all left a path of devastation in Rockland including flooding, downed trees, and destruction of property.

In addition, many residents have struggled financially after home values plummeted and unemployment rose during our nation's economic downturn or what has become known as the "Great Recession."

Through it all, Rocklanders have persevered. We pulled together to support our friends and neighbors through all these hardships and tragedies. What we have learned is that we are resilient and we can come through adversity.

Through it all, our workers fulfilled the mission of Rockland County government: We shall serve the people of Rockland County well by providing needed services in a high quality, ethical, courteous, timely and cost-effective manner – a mission that is a challenge to regularly fulfill, but drives our daily actions and decisions.

**Changing the Delivery of Services**

Our work continues. In County government, it is a critical year with important work to be done. We will continue to reinvent and reshape County government to adapt to changing times. In fiscally challenging times, when we cannot do all that we want, we must reassess our core missions to help those most in need and provide for the health and safety of our residents. Financial constraints aside, we must alter our service delivery with compassion – not simply shutting down services, but finding new ways to deliver services to our residents that are more cost-effective for our taxpayers.

Let me give you some examples:

- In January, we seamlessly transferred responsibility of the Prenatal Clinic in Nyack from our Health Department to Nyack Hospital. There was no interruption in service for patients. The location of the clinic, the doctors and the midwives all remained the same.
- We're moving ahead with plans to relocate Mental Health emergency services and psychiatric inpatient services from Summit Park Hospital to Nyack Hospital. Once construction at Nyack Hospital is completed, we expect that the services can relocate by early next year.
- Our Mental Health Department has also worked this past year to successfully transfer the operation of the Methadone Treatment Program to the Lexington Center for Recovery.

In the case of our Adult Home, which we closed in November, we were able to place all of the 22 residents in other facilities. Credit goes to Commissioner Sherwood and her team at DSS for not stopping there. They followed up to

make sure the former residents were doing well in their new homes and organized a successful reunion of the residents around the holidays – so successful that the residents have decided to get together again.

#### **Creation of a Local Development Corporation**

As we adapt to the changing times and continue to re-evaluate the core mission of County government, it's time for us to finally take action on Summit Park. Approximately 15 percent of every homeowner's average County property tax bill goes to keeping this hospital and nursing home open.

Based on the continuing loss of money and the changes in the health care industry, we have recommended that we create a Local Development Corporation and transfer the Summit Park assets to the LDC to sell all or part of the facility. It will improve the financial health of the County. As you are well aware, the bond rating agencies are watching and awaiting your decision.

Summit Park has a long, proud history and all of us know someone who has received excellent care there, but the healthcare industry is rapidly changing and counties can no longer run nursing homes as efficiently as private industry.

According to the New York State Association of Counties, just over the past year, seven New York counties have sold, merged or transferred ownership of their nursing homes. Many more have already gotten out of the business or are considering doing so. From Ulster County to Fulton County, from Essex County to Suffolk County, New York counties are deciding that they can no longer afford to run nursing homes.

I first proposed taking action on Summit Park in 2010. Since then, we've had meetings in my office, numerous Legislative discussions, we commissioned several reports and had consultants come before you several times to answer

your questions. I urge you to take decisive action by creating a Local Development Corporation as soon as possible.

**Road to Financial Recovery**

Despite some doubters, the County is on the path to financial recovery and I thank you for working with me to accomplish this. We've endured some difficult times. From 1994 to 2004, the County maintained an average of about a \$14 million unappropriated fund balance. The Mirant certiorari wiped out our fund balance and then the recession hit and hurt our revenues from the sales tax and mortgage recording tax.

During these difficult times, our residents expect and deserve leaders who are willing to make difficult decisions. My administration has done just that.

Through early retirements, not filling vacant jobs and layoffs, we have cut staffing levels to the lowest level in more than 30 years – and we now serve many more residents with more programs and services.

Furthermore, over the past year, we have successfully negotiated contracts with three County unions that included salary freezes, deferred payments and increased health contributions for new employees. We've instituted tight spending controls on all departments and have significantly cut the use of overtime.

Less than three weeks ago, we closed on the sale of a County-owned building on Main Street in Spring Valley for \$4.2 million. We are also in the process of selling the Chase building on New Hempstead Road for \$4 million and expect to finalize that sale this spring.

Thank you for working with me to once again ask the State to give us permission to borrow money to pay down our deficit. In 2013, we have stabilized the County's finances. The deficit reduction bond and the creation of an LDC are the final pieces necessary to return our County to fiscal health.

#### **Unfunded Mandates**

Unfortunately, as we improve our finances, the state keeps requiring us to pay bigger bills for programs and services that we have no control over and must provide. New York State requires counties to pay for more than 40 state-mandated programs using local tax dollars.

After we worked together last year to successfully cut spending and increase revenues, we got hit with a whopping \$33 million increase in unfunded state-mandated costs for 2013, including \$16.7 million in increased pension costs, \$5.6 million in increases at the County jail and \$2.7 million in Medicaid increases.

It's frustrating and disheartening. My fear is that without comprehensive and substantial mandate reform, years from now County government will be reduced to not much more than a provider of Medicaid and special education services.

Throughout my years in office, I've tried to be a strong, consistent voice for state mandate reform. I hope you will continue to work with me to educate our residents, community groups and state lawmakers about the unfair burden of unfunded state mandates and the need for immediate reform. A 2 percent property tax cap – approximately \$1.6 million – is simply unattainable when it comes along with \$33 million in extra expenses. We must continue to work with the New York State Association of Counties (NYSAC) and County leaders around the state to advocate for significant mandate reform.

**Serving Our Residents**

As we dealt with financial challenges over the past year, the quiet, yet critical work of our County workers went on. Our workers filled potholes, processed passports, registered people to vote, collected delinquent child support, gave out flu shots, cared for Alzheimer's patients, prosecuted criminals, guarded prisoners at the jail, made sure home contractors were licensed, inspected restaurants, maintained our parks, helped veterans apply for services, cleaned up from devastating storms, responded to emergencies, and so much more.

And while our County workers handled the day-to-day business of County government, we've taken on some bigger projects as well. The reconstruction of New Hempstead Road is the largest capital project ever undertaken by our County Highway Department. When the project is completed this fall, we will have a wider, safer street from the Palisades Interstate Parkway to Main Street in New City. The new road will also improve the look of our County seat with new sidewalks and decorative streetlights, which are consistent with the New City revitalization.

We have also completed construction of a new \$8 million Radio Communications Center at the Fire Training Center. The radio room is being outfitted with the County's new interoperable radio communications system. The \$30 million system has been in development for about five years and operates with 10 communication towers throughout the County. The new system is up and running and being tested. We expect to be fully operational by July. For the first time ever, our fire, police and EMS will be able to easily communicate with one another on a dedicated County channel in an emergency.

In addition, we will be revisiting plans for a new Highway garage, which was shelved in 2008. It simply does not make sense to have expensive equipment

like snow plows and sanders sitting out in the open, unshielded from the elements.

We have offered to let the Hi Tor Animal Care Center build a new animal shelter on County-owned land. It is not the piece of parkland that they requested, but if the Hi Tor Board of Directors is willing to negotiate in good faith, we believe we can find a solution that is agreeable to both the County and Hi Tor.

We are also working with the President of Rockland Community College, Dr. Cliff Wood, to explore the possibility of building residence halls on the Suffern campus. Statewide, 17 out of 30 community colleges now have residence halls. Based on changing demographics for Rockland, enrollment at RCC is expected to decline in the future, which would inevitably lead to cuts in programs and classes at the college. The County is interested in constructing residence halls because it is believed that dormitories on campus would stabilize enrollment and become an important revenue source for RCC.

As we move ahead with modernizing facilities, we are also updating and improving bus services. For example, we are installing electronic fare boxes on TOR buses, streamlining fare types and making the transition to swipe cards. A solar-powered bus shelter is now being tested and we plan to upgrade five to 10 shelters each year to provide illuminated information for customers. The TRIPS fleet will soon include smaller, more efficient and accessible vehicles and we are exploring a pilot taxi program for seniors who use TRIPS. In addition, we are studying ways to reduce operating costs, including route improvements and alternative fuels.

The biggest project about to get underway is the \$3.9 billion construction of a new Tappan Zee Bridge. This, of course, is a state project, but the County has been very involved. I voted in support of this project as a member of the New

York Metropolitan Transportation Council (NYMTC) only after the Governor responded to concerns that I shared with the County Executives in Westchester and Putnam about a lack of mass transit on the new bridge.

We received assurances from Governor Cuomo that there would be dedicated bus lanes on the bridge from the start – an idea I discussed during last year’s Message to the Legislature. Governor Cuomo also agreed to construct a bridge that has the capacity to add Bus Rapid Transit or Commuter Rail Transit in the future. In addition, the Governor has set up a Mass Transit Task Force, which I am proud to serve on with Chairwoman Cornell.

We were fortunate to have our Commissioner of Planning and Public Transportation, Tom Vanderbeek – an engineer with a lot of experience in the private sector – serve on the Selection Committee, which reviewed and evaluated the construction proposals and recommended that Tappan Zee Constructors be chosen as the contractor to build the bridge.

Our team will continue to stay involved. We aim to have a new, safer bridge constructed with mass transit capability, affordable tolls and minimal impact on our residents and the environment. I’ve already met with Tappan Zee Constructors in my office to discuss our priorities.

#### **Economic Development**

The construction of a new TZ bridge will be a boon to the local economy and bring lots of new jobs for our residents.

Meanwhile the Rockland Economic Development Corporation (REDC) and the Industrial Development Agency (IDA) have been busy at work – both with new leaders this past year. Last March, the IDA announced its new Executive Director Steve Porath and in April the REDC announced its appointment of

Michael Di Tullo as President and CEO. Both have had an exciting first year on the job.

I signed off on IDA incentives that lured two major companies to Rockland in 2012. Raymour and Flanigan moved its distribution center into the former Dress Barn headquarters in Montebello, bringing 300 jobs to Rockland. I'm proud to announce tonight that Raymour and Flanigan has committed to investing another \$10 million at the site to create a "Super Regional Distribution Center."

By the holiday shopping season at the end of this year, the Shops at Nanuet should be completed. The development at the former Nanuet Mall is described as a "vibrant, open-air, town center with brand new shopping, dining and entertainment options." The Shops at Nanuet will bring about 1,000 new jobs to Rockland.

We're working on other projects as well. The REDC has an action plan, which includes using the newly-formed Real Estate Council to showcase prime business properties in Rockland. We look forward to continuing to work with the REDC and the IDA in our combined efforts to attract and retain more businesses in Rockland.

#### **Outreach to Residents**

We have had a very busy and productive year in County government. Unfortunately, many residents don't realize all the programs and services our County government provides for them. That's why we will be showcasing our services this Sunday at the third annual County Government Day – from 11 a.m. to 4 p.m. at Rockland Community College. It's done in conjunction with Youthfest so our departments will have youth-friendly activities for children, while providing information to parents about our many services.

In another effort to reach out to our residents, we have formalized our Speaker's Bureau to make it easier for schools and community groups to have County workers address them on a variety of topics. We've always gone out to the community to speak, but now it's easier than ever for schools and groups to request a speaker. We've created one form that is available on the homepage of our website and can be e-mailed to us. Schools and community groups can request a topic and we'll make the rest of the arrangements for them.

We are also very proud of the County's new website which was unveiled last year. Rocklandgov.com has a brand new look and a much more user-friendly format. Special thanks to Denis Troy and his team at MIS for designing the new site, getting it up and running, and training staff in our departments to update it themselves. The new website allows residents to quickly and easily access all sorts of information and download forms. It's a lot more convenient for residents than having to call or stop by a County office.

The new website was a lifeline for residents in the aftermath of Superstorm Sandy. We posted critical emergency information on a special Storm Update page and were constantly updating it. While many residents didn't have electricity in the days that followed, they accessed information on their smart phones, tablets and laptops. The devices were charged at warming centers, at work or at the homes of family and friends.

We also used the New York Alert System, Facebook and Twitter to keep our residents informed and to encourage conversations about what grocery stores were open and what gas stations were pumping gas.

**Department of the Year**

Superstorm Sandy was one of the most devastating storms in Rockland's history. Hurricane force winds brought down numerous trees and wires. Immediately after the storm, 75 percent of our roads were blocked and about 90 percent of homes were without electricity. Many homes and businesses still had no power more than one week later. Residents were forced to sit in long lines to purchase gas for their vehicles and generators.

Stony Point, Piermont, Nyack and Haverstraw were particularly hard hit by the unprecedented Hudson River tidal surge and numerous homes were destroyed. Our Emergency Operations Center (EOC) was activated to coordinate the response to Superstorm Sandy for two weeks – longer than ever before.

The Office of Fire and Emergency Services – under the direction of Director Gordon Wren – coordinated the County's response to Superstorm Sandy. Our response included setting up an emergency shelter at Rockland Community College, deploying several response and rescue teams and distributing state assets such as National Guard Units, generators, pumps and barriers.

In the aftermath of the storm, the Office of Fire and Emergency Services worked closely with the Federal Emergency Management Agency (FEMA) to open a FEMA Disaster Recovery Center at Provident Park Baseball Stadium to help Rockland residents apply for disaster assistance.

In recognition of their impressive response and recovery efforts in the aftermath of Superstorm Sandy, it is my pleasure to announce tonight that the recipient of the 2012 Department of the Year is the Office of Fire and Emergency Services. Congratulations to Gordon Wren and his team for fulfilling the mission of County government.

**Superstorm Sandy Aftermath**

We continue to review the storm response and I recently spoke to the Moreland Commission, as did Gordon Wren. The Moreland Commission was established by Governor Cuomo to investigate New York's power utilities with respect to Hurricane Sandy and several other major storms. I was especially critical of Orange and Rockland Utilities lack of communication with its customers, who were desperate to find out when their electricity would return. We've suggested that the utility improve communications, use an incident command system, provide a key decision maker to be stationed at our EOC and have utility crews partnered with municipal highway crews so that roads can be more quickly cleared of trees in the aftermath of a storm.

There were so many emergency responders who responded heroically as the storm lashed out at our County. The Stony Point Fire Department and Piermont Fire Department were out in the middle of the night in floodwaters rescuing residents who were trapped in homes and vehicles.

Our community pulled together in the aftermath of Superstorm Sandy. Numerous organizations reached out to help the victims of the storm, but there are a few I would particularly like to recognize and thank for their efforts. The Stony Point Conference Center housed and fed those who were left homeless, without being fully reimbursed. The North Rockland Business Association aggressively raised funds to help victims of the storm and the Piermont Fire Department Ladies Auxiliary set up a shelter in Piermont.

Tonight, I also want to recognize: all of the first responders who worked the night of Superstorm Sandy to keep us safe; all of the road crews who cleared our roads of fallen trees in the aftermath of the storm; all of the local officials who checked up on their residents and worked tirelessly as they dealt with unimaginable loss and destruction; all of the County workers who worked

around the clock manning the EOC; and the County workers who kept government services running in the aftermath of Superstorm Sandy. Let's remember that many of these first responders, officials and County workers were helping others while they were also dealing with damage to their homes, no heat or electricity at home or work, and no childcare with schools unexpectedly closed for one week. But through it all they did their jobs admirably and without complaint, serving the residents of our County. They all make us proud to be Rocklanders.

**De Flumere Award**

At the height of Superstorm Sandy, a tree crushed a house on Robin Street in Pearl River, tragically killing 51-year-old Jeffrey Chanin, a loving father and husband, who is greatly missed by his Pearl River community. The rescue of Jeffrey's wife and teenage daughters was heroic. I am awarding the prestigious Rockland County Medal of Valor to a brave team of first responders who worked in extremely dangerous conditions.

They are indicative of the response by so many emergency workers during this crisis. When the first responders arrived at the house, wind gusts were in excess of 60 miles an hour, electrical wires were down and arching, and tree branches continued to fall.

The rescue operation was very challenging. The tree had crashed through the house, trapping victims on all levels. Structural support for the house was severely compromised and the first responders needed to tunnel their way through debris to reach the victims. Jeffrey's wife, Lise, and two of his daughters were injured and brought to a local hospital. If not for the dedication, knowledge and professionalism each agency provided during this heartbreaking event, the outcome could have been even more tragic.

The Rockland County Medal of Valor is named in honor of its first recipient Al DeFlumere. Tonight I am proud to honor the first responders who risked their lives to save others: members of the Pearl River Volunteer Fire Department, the Pearl River Ambulance Corps, the South Orangetown Ambulance Corps, Rockland Paramedics, the Orangetown Police Department, and the Rockland County Technical Rescue Team. Congratulations for your selfless and heroic actions. We will have a special ceremony in my office to present you with the Medal of Valor later this month.

We are also so pleased that Lise Chanin is with us tonight. She is here with her son Eric, a member of the Pearl River Fire Department, who was working the night of the incident, but was held back from responding when fellow firefighters realized that the incident was at his home. We are so sorry for your loss. Thank you for being with us tonight as we honor the first responders, who rescued you and your daughters that terrible night. Please know that our thoughts and prayers are with you.

#### **Conclusion**

At the beginning of tonight, I was reminiscing about where we have been and the experiences we have shared over the years. What the past has taught us is that we are capable of remarkable accomplishments. When difficulties befall us, we come together to support each other. We are resilient. And so we look to the future.

It has been a pleasure to serve the residents of Rockland for the last 19 years. For the next 10 months, I will be working as hard as ever to complete the important work we have begun.

Chairwoman Harriet D. Cornell

I want to recognize District Attorney Zugibe, Sheriff Falco, Supervisor St. Lawrence, County Clerk Paul Piperato, and Supervisor Finn of Stony Point, thank you for being here.

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Chairwoman Cornell called for a recess at 7:42 p.m. The meeting reconvened at 8:11 p.m. with all members in attendance.

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The Chairwoman opened the public participation portion of the meeting at 7:58 p.m. and the following persons appeared and spoke:

- ❖ Joseph Schleimer, Sanitary Code of Rockland County, Health Department issues
- ❖ Arlene Kahn, Rebuild Hi Tor Animal Shelter
- ❖ Bryan Burnell, In favor of bus contract to Brega Transportation
- ❖ Olivia Landau, Rebuild Hi Tor Animal Shelter
- ❖ Donald Franchino, Rebuild Hi Tor Animal Shelter
- ❖ Ilan Schulein, In favor of gun safety

Public Participation ended at 8:17 p.m.

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Introduced by:

Referral No. 9481

- Hon. John A. Murphy, Sponsor
- Hon. Michael M. Grant, Co-Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor
- Hon. Harriet D. Cornell, Co-Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Philip Soskin, Co-Sponsor
- Hon. Douglas J. Jobson, Co-Sponsor
- Hon. Edwin J. Day, Co-Sponsor

**RESOLUTION NO. 114 OF 2013  
 APPROPRIATING THE SUM OF \$1,500.00 VIETNAM VETERANS  
 OF AMERICA, NEW CITY, NEW YORK  
 FOR PATRIOTIC OBSERVANCES IN 2013**

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

WHEREAS, the Rockland County Legislature has set aside in the 2013 Budget and designated an account for funding of patriotic observances; and

WHEREAS, the Vietnam Veterans of America, with offices located in, New City, New York, is contracting with the County of Rockland to conduct patriotic observances in Rockland County in 2013, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

RESOLVED, that the Legislature of Rockland County hereby appropriates the sum of \$1,500 to the Vietnam Veterans of America, for providing patriotic observance events in Rockland County in calendar year 2013; and be further

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

GENERAL FUND

Increase Approp. Acct.:

A-CA-7663-5010	Contract Agency	Vietnam Veterans Of America Chapter 333 P.O. Box 243 New City, NY 10956	\$1,500
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Decrease Approp. Acct.:

A-LEG-1010-5042	Patriotic Observances		\$1,500
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Introduced by:

Referral No. 9481

- Hon. John A. Murphy, Sponsor
- Hon. Michael M. Grant, Co-Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor
- Hon. Harriet D. Cornell, Co-Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Philip Soskin, Co-Sponsor
- Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO. 115 OF 2013  
 APPROPRIATING THE SUM OF \$1,500 TO THE JOHN M. PERRY  
 AMERICAN LEGION POST 1044 SPARKILL, NEW YORK  
 FOR PATRIOTIC OBSERVANCES IN 2013**

Mr. Grant offered the following resolution, which was seconded by Mr. Hood, Jr., Mrs. Low-Hogan and Mr. Soskin and unanimously adopted:

WHEREAS, the Rockland County Legislature has set aside in the 2013 Budget and designated an account for funding of patriotic observances; and

WHEREAS, the John M. Perry American Legion Post 1044 Sparkill, New York, is contracting with the County of Rockland to conduct patriotic observances in 2013, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

RESOLVED, that the Legislature of Rockland County hereby appropriates the sum of \$1,500 to the John M. Perry American Legion Post 1044, Sparkill, New York for providing patriotic observance events in Rockland County, in calendar year 2013 and be it further

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

GENERAL FUND

<u>Increase Approp. Acct.:</u>		
A-CA- 7630-5010	American Legion Post 1044 620 Route 340 Sparkill, NY 10976	\$1,500
<u>Decrease Approp. Acct.:</u>		
A-LEG-1010-5042	Patriotic Observances	\$1,500

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Introduced by:

Referral No. 9481

- Hon. John A. Murphy, Sponsor
- Hon. Michael M. Grant, Co-Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor
- Hon. Harriet D. Cornell, Co-Sponsor
- Hon. Nancy Low-Hogan, Co-Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Philip Soskin, Co-Sponsor
- Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO 116 OF 2013  
 APPROPRIATING THE SUM OF \$1,500 TO  
 MARINE CORPS LEAGUE - DEPARTMENT OF NEW YORK  
 ROCKLAND COUNTY DETACHMENT,  
 HAVERSTRAW, NEW YORK  
 FOR PATRIOTIC OBSERVANCES IN 2013**

Mr. Grant offered the following resolution, which was seconded by Mr. Jobson, Mr. Murphy and Mrs. Paul and unanimously adopted:

WHEREAS, the Rockland County Legislature has set aside in the 2013 Budget and designated an account for funding of patriotic observances; and

WHEREAS, Marine Corps League, - Department of New York - Rockland County Detachment, Haverstraw, New York, is contracting with the County of Rockland to conduct patriotic observances in 2013, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

RESOLVED, that the Legislature of Rockland County hereby appropriates the sum of \$1,500, to Marine Corps League – Department of New York, Rockland County Detachment, Haverstraw, New York, for providing patriotic observance events in Rockland County in calendar year 2013; and be it further

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

GENERAL FUND

Increase Approp. Acct.:

A-CA-7519-5010	Marine Corps League – Department of New York, Rockland County Detachment P.O. Box 191 Haverstraw, NY 10927	\$1,500
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Decrease Approp. Acct.:

A-LEG-1010-5042	Patriotic Observances	\$1,500
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Introduced by:

Referral No. 6394

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

**RESOLUTION NO. 117 OF 2013  
 APPROVING PURCHASES IN EXCESS OF \$100,000  
 FOR THE HIGHWAY DEPARTMENT UNDER VARIOUS  
 NEW YORK STATE OFFICE OF GENERAL SERVICES CONTRACTS  
 FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013  
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER  
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]**

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

WHEREAS, The Director of Purchasing requests that the County Executive and the Legislature of Rockland County approve the following purchases in excess of \$100,000 under various New York State Office of General Services (NYS OGS) contracts, and their successor contracts (if awarded in 2013), for the period January 1, 2013 through December 31, 2013:

<u>Contract Title Purchases</u>	<u>Vendor</u>	<u>State Contract Number</u>	<u>Estimated</u>
Microsurfacing and/or Slurry Seal	New York Bituminous Products, Inc.	PC65446 and successor contract	\$700,000
Liquid Bituminous Materials-Asphalt Emulsions	New York Bituminous Products, Inc.	PC65374 and successor contract	\$500,000
Liquid Bituminous Materials-Joint and Crack Filler	New York Bituminous Products, Inc.	PC65403 and successor contract	\$120,000
Road Salt	Atlantic Salt, Inc.	PC65645 and successor contract	\$350,000

WHEREAS, The County is authorized to use NYS OGS contracts for the procurement of such goods; and

WHEREAS, All purchases will be made by formal purchase order, encumbering the funds in advance of the services provided, and shall be in accordance with the approved 2013 Budget of the Highway Department; 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 & 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 purchases in excess of \$100,000 under various New York State Office of General Services (OGS) contracts, and their successor contracts (if awarded in 2013), for the period January 1, 2013 through December 31, 2013 in the amounts listed:

<u>Contract Title Purchases</u>	<u>Vendor</u>	<u>State Contract Number</u>	<u>Estimated</u>
Microsurfacing and/or Slurry Seal	New York Bituminous Products, Inc.	PC65446 and successor contract	\$700,000
Liquid Bituminous Materials-Asphalt Emulsions	New York Bituminous Products, Inc.	PC65374 and successor contract	\$500,000
Liquid Bituminous Materials-Joint and Crack Filler	New York Bituminous Products, Inc.	PC65403 and successor contract	\$120,000
Road Salt	Atlantic Salt, Inc.	PC65645 and successor contract	\$350,000

and be it further

RESOLVED, That all purchases shall be made by formal purchase order, encumbering the funds in advance of services provided, subject to the approval of the Director of Purchasing, and shall be in accordance with the approved 2013 Budget of the Highway Department.

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Introduced by:

Referral No. 2973

- Hon. Philip Soskin, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor

**RESOLUTION NO. 118 OF 2013  
 APPROPRIATION OF FUNDS FROM THE STOP-DWI RESERVE  
 IN THE AMOUNT OF \$34,750 ACCOUNT  
 IN ORDER TO CONTRACT WITH  
 LEXINGTON CENTER FOR RECOVERY, INC.  
 SO THAT THIS ORGANIZATION CAN HIRE A  
 QUALIFIED INDIVIDUAL TO PROVIDE CASE MANAGEMENT,  
 ADDICTION COUNSELING AND DRUG TESTING SERVICES TO  
 FELONY DWI OFFENDERS IN ROCKLAND COUNTY DRUG COURT  
 FOR THE PERIOD ENDING DECEMBER 31, 2013  
 [STOP-DWI]  
 (\$34,750)**

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

WHEREAS, The Coordinator of STOP-DWI has requested that \$34,750 of funds from balance sheet account A-8891 (Reserve - STOP-DWI) needs to be appropriated to her department in order to contract with Lexington Center for Recovery, Inc. so that this organization can hire a qualified individual to provide case management, addiction counseling and drug testing services to felony DWI offenders in Rockland County Drug Court for the period ending December 31, 2013; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$34,750 appropriation exists within said balance sheet account; and

WHEREAS, The Multi-Services 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 appropriating \$34,750 of funds from balance sheet account A-8891 (Reserve - STOP-DWI) to the STOP-DWI department in order to contract with Lexington Center for Recovery, Inc. so that this organization can hire a qualified individual to provide case management, addiction counseling and drug testing services to felony DWI offenders in Rockland County Drug Court for the period ending December 31, 2013; and

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

GENERAL FUND - 2013

<u>Increase Approp. Acct. (Credit):</u>		
A-EXE-4250-E4090	Fees for Services, Non-Employee	34,750
<u>Increase Approp. Fund Bal. (Debit):</u>		
A-UNC-9990-R5990	(Reserved for STOP-DWI)	34,750

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Introduced by:

Referral No. 2973

Hon. Philip Soskin, Sponsor  
 Hon. Jay Hood, Jr., Sponsor  
 Hon. Aney Paul, Sponsor  
 Hon. Joseph L. Meyers, Sponsor  
 Hon. Douglas J. Jobson, Sponsor  
 Hon. Michael M. Grant, Sponsor  
 Hon. Alden H. Wolfe, Sponsor  
 Hon. Harriet D. Cornell, Sponsor  
 Hon. Nancy Low-Hogan, Sponsor  
 Hon. Ilan S. Schoenberger, Sponsor

**RESOLUTION NO. 119 OF 2013  
 APPROVING THE EXTENSION OF AND AMENDMENT TO  
 THE CONTRACT IN EXCESS OF \$100,000  
 WITH LEXINGTON CENTER FOR RECOVERY, INC.  
 FOR A METHADONE TREATMENT SERVICES MANAGEMENT CONTRACT  
 FOR OUTPATIENT CLIENTS OF THE DEPARTMENT OF MENTAL HEALTH  
 UNDER RFP-RC-06-022  
 EXTENDING THE TERM OF THE CONTRACT  
 FROM JANUARY 1, 2013 THROUGH JUNE 30, 2013  
 AND INCREASING THE AMOUNT OF THE CONTRACT BY \$302,936  
 FOR A TOTAL AMOUNT NOT TO EXCEED \$908,809  
 FOR THE FULL PERIOD FROM APRIL 1, 2012 THROUGH JUNE 30, 2013  
 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE  
 EXTENSION/AMENDMENT TO THE CONTRACT  
 [DEPARTMENT OF MENTAL HEALTH]  
 (\$908,809)**

Mr. Grant offered the following resolution, which was seconded by Mr. Murphy, Mrs. Paul and Mr. Soskin and unanimously adopted:

WHEREAS, By Resolution No. 54 of 2012, the Legislature of Rockland County approved the contract in excess of \$100,000 with Lexington Center for Recovery, Inc. ("Lexington"), 116 Radio Circle, Suite 309, Mount Kisco, New York 10549, for a Methadone Treatment Services Management Contract (the "Management Contract") for outpatient clients of the Department of Mental Health (RCDMH) under RFP-RC-06-022 in the amount of \$605,873 for the period from April 1, 2012 through December 31, 2012; and

WHEREAS, In accordance with Resolution No. 54 of 2012, the Management Contract was full executed on March 1, 2012; and

WHEREAS, Lexington provides, on behalf of RCDMH, staffing and active treatment services to clients at the County's Opioid Treatment Program (the "Program"), which is located at the Dr. Robert L. Yeager Health Center, Building D, Second Floor, Sanatorium Road, Pomona, New York; and

WHEREAS, Lexington has applied to the New York State Department of Health (DOH) for a license to operate the Program, and RCDMH has applied for permission to close the Program and transfer it to Lexington; and

WHEREAS, Lexington's application still is pending approval from the DOH; and

WHEREAS, RCDMH no longer maintains any staff to operate the Program; and

WHEREAS, The Commissioner of RCDMH therefore requests that the County Executive and the Legislature of Rockland County extend the term of the Management Contract from January 1, 2013 through June 30, 2013, pending Lexington's approval of a license to operate the Program, and increase the amount of the contract by \$302,936 for a total amount not to exceed \$908,809 for the full period from April 1, 2012 through June 30, 2013; 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, Sufficient funding for this extension of and amendment to the contract exists in the 2013 Budget of the Department of Mental Health; and

WHEREAS, The Multi-Services 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 extension of and amendment to the contract in excess of \$100,000 with Lexington Center for Recovery, Inc. ("Lexington"), 116 Radio Circle, Suite 309, Mount Kisco, New York 10549, for a Methadone Treatment Services Management Contract (the "Management Contract") for outpatient clients of the Department of Mental Health under RFP-RC-06-022, extending the term of the Management Contract from January 1, 2013 through June 30, 2013, pending Lexington's approval of a license to operate the County's Opioid Treatment Program, and increasing the amount of the contract by \$302,936 for a total amount not to exceed \$908,809 for the full period from April 1, 2012 through June 30, 2013, and authorizes the County Executive to execute the extension/amendment to the Management Contract, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this extension of and amendment to the Management Contract exists in the 2013 Budget of the Department of Mental Health.

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Introduced by:

Referral No. 7493

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

**RESOLUTION NO. 120 OF 2013  
 APPROVING PURCHASES IN EXCESS OF \$100,000  
 FOR VARIOUS COUNTY DEPARTMENTS  
 UNDER VARIOUS NEW YORK STATE  
 OFFICE OF GENERAL SERVICES CONTRACTS  
 FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013  
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER  
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]**

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

WHEREAS, The Director of Purchasing requests that the County Executive and the Legislature of Rockland County approve the following purchases in excess of \$100,000 under various New York State Office of General Services (NYS OGS) contracts, and their successor contracts (if awarded in 2013), for the period January 1, 2013 through December 31, 2013:

<b>Contract Title Purchases</b>	<b>Vendor</b>	<b>State Contract Number</b>	<b>Estimated</b>
Office Supplies	Staples	PC 63830 and successor contract	\$175,000
Industrial and Commercial Supplies and Equipment	W.W. Grainger	PC 62993 and successor contract	\$225,000
Fuel – Unleaded	Sprague Energy	PC 65523 and successor Contract	\$700,000
Fuel – Ultra-Low Sulfur Diesel	Global Montello Group	PC 65528 and successor contract	\$550,000

WHEREAS, The County is authorized to use NYS OGS contracts for the procurement of such goods; and

WHEREAS, All purchases will be made by formal purchase order, encumbering the funds in advance of the services provided, and shall be in accordance with the approved 2013 Budgets for each County Department which purchases off of these contracts; 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 & 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 purchases in excess of \$100,000 under various New York State Office of General Services (OGS) contracts, and their successor contracts (if awarded in 2013), for the period January 1, 2013 through December 31, 2013 in the amounts listed:

<b>Contract Title Purchases</b>	<b>Vendor</b>	<b>State Contract Number</b>	<b>Estimated</b>
Office Supplies	Staples	PC 63830 and successor contract	\$175,000
Industrial and Commercial Supplies and Equipment	W.W. Grainger	PC 62993 and successor contract	\$225,000
Fuel – Unleaded	Sprague Energy	PC 65523 and success Contract	\$700,000
Fuel – Ultra-Low Sulfur Diesel	Global Montello Group	PC 65528 and success contract	\$550,000

and be it further

RESOLVED, That all purchases shall be made by formal purchase order, encumbering the funds in advance of services provided, subject to the approval of the Director of Purchasing, and shall be in accordance with the approved 2013 Budgets for each County Department which purchases off of these contracts.

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Introduced by:

Referral No. 5906

Hon. Ilan S. Schoenberger, Sponsor  
 Hon. Alden H. Wolfe, Sponsor  
 Hon. Edwin J. Day, Sponsor  
 Hon. Douglas J. Jobson, Sponsor  
 Hon. Aney Paul, Sponsor  
 Hon. Jay Hood, Jr., Sponsor  
 Hon. Harriet D. Cornell, Sponsor  
 Hon. Nancy Low-Hogan, Sponsor  
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 121 OF 2013  
 APPROVING PURCHASES IN EXCESS OF \$100,000  
 FROM CLEAN WATERS, INC. FOR POLYMER FOR CENTRIFUGES  
 FOR THE ROCKLAND COUNTY SEWER DISTRICT NO. 1  
 UNDER RFB-RC-2010-001  
 IN THE ADDITIONAL AMOUNT OF \$31,000  
 FOR THE PERIOD FROM MARCH 7, 2012 THROUGH MARCH 6, 2013  
 AND FOR A TOTAL AMOUNT NOT TO EXCEED \$531,022.50  
 FOR THE FULL PERIOD FROM MARCH 7, 2010 THROUGH MARCH 6, 2013  
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER  
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]  
 (\$531,022.50)**

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

WHEREAS, By Resolution No. 195 of 2010, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Clean Waters, Inc. ("Clean Waters"), 26808 County Route 3, Plessis, New York 13675, for polymer for centrifuges for the Rockland County Sewer District No. 1 (the "RCSD") under RFB-RC-2010-001 (the "RFB") in an amount not to exceed \$160,000 for the period from March 7, 2010 through March 6, 2011, with the option to renew for one (1) additional one (1) year period; and

WHEREAS, By Resolution No. 93 of 2011, the Legislature approved additional purchases in excess of \$100,000 from Clean Waters for polymer for centrifuges for the RCSD under the RFB in an amount not to exceed \$120,000 for the first year option term from March 7, 2011 through March 6, 2012 and for a total amount not to exceed \$280,000 for the full period from March 7, 2010 through March 6, 2012; and

WHEREAS, By Resolution No. 565 of 2011, the Legislature approved further purchases from Clean Waters for polymer for centrifuges for the RCSD under the RFB in the additional amount of \$50,022.50 for the period from March 7, 2011 through March 6, 2012 and for a total amount not to exceed \$330,022.50 for the full period from March 7, 2010 through March 6, 2012; and

WHEREAS, Due to equipment failure, the RCSD was unable to run an accurate polymer test, and therefore it requested that the RFB be extended for an additional twelve (12) months through March 6, 2013; and

WHEREAS, The Director of Purchasing was authorized to extend the RFB with Clean Waters for an additional twelve (12) months under the General Terms and Conditions of the RFB; and

WHEREAS, By Resolution No. 234 of 2012, the Legislature approved the additional purchases in excess of \$100,000 from Clean Waters for polymer for centrifuges for the RCSD under the RFB in the additional amount of \$170,000 for the period from March 7, 2012 through the extended date of March 6, 2013 and for a total amount not to exceed \$500,022.50 for the full period from March 7, 2012 through March 6, 2013; and

WHEREAS, A new solicitation is being developed and is scheduled to be released by the end of January 2013; and

WHEREAS, Testing will be scheduled during the month of February 2013 with an estimated determination of award by February 28, 2013; and

WHEREAS, Due to the time frame required for the polymer testing, RCSD will need to order approximately 5200 gallons of polymer prior to the expiration of the existing contract at the rate of \$9.35 per gallon for a total estimated expenditure of \$48,620.00; and

WHEREAS, To date, the total expenditure against this contract is \$482,208.59, with \$17,813.91 remaining; and

WHEREAS, The Director of Purchasing and the Executive Director of the RCSD recommend to the County Executive and the Legislature of Rockland County that they approve the additional purchases from Clean Waters for polymer for centrifuges for the RCSD under the RFB in the additional amount of \$31,000 for the period from March 7, 2012 through March 6, 2013 and for a total amount not to exceed \$531,022.50 for the full period from March 7, 2010 through March 6, 2013; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2013 Budget of the Rockland County Sewer District No. 1; 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 & 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 purchases from Clean Waters, Inc., 26808 County Route 3, Plessis, New York 13675, for polymer for centrifuges for the Rockland County Sewer District No. 1 under RFB-RC-2010-001 in the additional amount of \$31,000 for the period from March 7, 2012 through March 6, 2013 and for a total amount not to exceed \$531,022.50 for the full period from March 7, 2010 through March 6, 2013, with 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 2013 Budget of the Rockland County Sewer District No. 1.

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Introduced by:

Referral No. 9173

- Hon. Michael M. Grant, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Nancy Low-Hogan, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Douglas J. Jobson, Sponsor

**RESOLUTION NO. 122 OF 2013  
 APPROVING ACCEPTANCE OF CONTINUATION GRANT  
 IN THE AMOUNT OF \$300,000 (NCTD)  
 FROM THE NEW YORK STATE DEPARTMENT OF HEALTH  
 CREATING HEALTHY PLACES TO LIVE, WORK AND PLAY GRANT  
 FOR THE PERIOD APRIL 1, 2013 THROUGH MARCH 31, 2014  
 WHICH MAY BE FOLLOWED BY A COST-OF-LIVING ADJUSTMENT (COLA)  
 AWARD OF NO MORE THAN 10% OR \$30,000  
 MAKING TOTAL GRANT AWARD \$330,000  
 AND AUTHORIZING EXECUTION OF ALL NECESSARY  
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF HEALTH]  
 (\$330,000)**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl, Mr. Jobson, Mrs. Low-Hogan, Mrs. Paul and Mr. Soskin and unanimously adopted:

WHEREAS, The Commissioner of Health has advised the County Executive and the Legislature of Rockland County that the New York State Department of Health has awarded the Rockland County Department of Health a \$300,000 Creating Healthy Places to Live, Work and Play continuation grant with a possible Cost-of-Living Adjustment (COLA) award of no more than 10% or \$30,000, making total grant award \$330,000, for the period April 1, 2013 through March 31, 2014; and

WHEREAS, No County tax dollars (NCTD) are required to accept said grant and potential COLA award; and

WHEREAS, It is necessary to appropriate said amount 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 Rockland County hereby approves the acceptance of a Creating Healthy Places to Live, Work and Play continuation grant from the New York State Department of Health in the amount of \$300,000, with an estimated Cost-of-Living Adjustment (COLA) award of no more than 10% or \$30,000, making total grant award \$330,000, for the period April 1, 2013 through March 31, 2014, and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DOH-4010 -GH02	-E3010	Food	500
	-E3130	Office Supplies	1,433
	-E4040	Travel	1,500
	-E4090	Fees for Services, Non-Employee	109,500
	-E4098	Services from Other County Depts.	110,567
	-E4140	Conferences & Seminars	1,500
	-E5060	Program Costs	<u>22,500</u>
			247,500

A-DOH-4010 -GH03	-E3130	Office Supplies	1,000
	-E4040	Travel	875
	-E4090	Fees for Services, Non-Employee	36,000
	-E4098	Services from Other County Depts.	36,250
	-E4140	Conferences & Seminars	875
	-E5060	Program Costs	<u>7,500</u>
			82,500

Increase Est. Rev. Acct. (Debit):

A-DOH-4010 -GH02	-R3480	Health Grant(s)	247,500
A-DOH-4010 -GH03	-R3480	Health Grant(s)	82,500

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Introduced by:

Referral No. 8634

Hon. Michael M. Grant, Sponsor  
 Hon. Jay Hood, Jr., Sponsor  
 Hon. Alden H. Wolfe, Sponsor  
 Hon. Harriet D. Cornell, Sponsor  
 Hon. Ilan S. Schoenberger, Sponsor  
 Hon. Philip Soskin, Sponsor  
 Hon. Douglas J. Jobson, Sponsor

**RESOLUTION NO. 123 OF 2013  
 APPROVING ACCEPTANCE OF CONTINUATION GRANT  
 IN THE AMOUNT OF \$276,389 (NCTD)  
 [\$247,473 BASE AWARD + POTENTIAL COST-OF-LIVING  
 ADJUSTMENT (COLA) OF NO MORE THAN 10% OR \$24,747  
 AND A ONE-TIME ADD ON AWARD OF \$4,169]  
 FROM THE NEW YORK STATE DEPARTMENT OF HEALTH  
 FOR THE FAMILY HEALTH SERVICES PROGRAM  
 WITH BASE AWARD AND POTENTIAL COLA BEING FOR THE PERIOD  
 JANUARY 1, 2013 THROUGH DECEMBER 31, 2013  
 AND ONE-TIME ADD ON AWARD BEING FOR THE PERIOD  
 JANUARY 1, 2013 THROUGH MARCH 31, 2013  
 AND AUTHORIZING EXECUTION OF ALL NECESSARY  
 DOCUMENTS AND AGREEMENTS BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF HEALTH]  
 (\$276,389)**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl, Mr. Jobson, Mrs. Low-Hogan, Mr. Moroney, Mrs. Paul and Mr. Soskin and unanimously adopted:

WHEREAS, The Commissioner of Health has advised the County Executive and the Rockland County Legislature that her department has been awarded a Family Health Services Program continuation grant from the NYS Department of Health; and

WHEREAS, Grant amount approved for said program is a base award of \$247,473, a potential cost of living adjustment (COLA) of no more than 10% or \$24,747, and a one-time add on award of \$4,169, for a total grant not to exceed \$276,389; and

WHEREAS, Base award and potential COLA are for the period January 1, 2013 through December 31, 2013 and one-time add on award is for the period January 1, 2013 through March 31, 2013; and

WHEREAS, Said grant funds will be used to provide family planning, outreach and education for underserved at-risk young and adult women in Rockland County; and

WHEREAS, \$230,000 of said grant award was already appropriated and estimated as anticipated revenue in the 2013 Adopted Budget of Dept. 4035 - Family Health Services Program (lines R3480 and R4480 added together); and

WHEREAS, The 2013 Budget for said department needs to be amended in order to appropriate and estimate as anticipated revenue the \$46,389 of additional grant funds previously not budgeted; and

WHEREAS, No County tax dollars (NCTD) are required to accept said grant funds; and

WHEREAS, It is necessary to appropriate these funds to the proper accounts; 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 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 acceptance of a continuation grant in the amount of \$247,473 (base award), with a potential cost of living adjustment (COLA) of no more than 10% or \$24,747, and a one-time add on award of \$4,169, for a total grant award not to exceed \$276,389, from the New York State Department of Health for the Family Health Services Program, and that base award and potential COLA are for the period January 1, 2013 through December 31, 2013 and one-time add on award is for the period January 1, 2013 through March 31, 2013, and authorizes execution by the County Executive of all necessary documents and agreements, subject to the approval of the County Attorney; and be it further

RESOLVED, That said grant funds will be used to provide family planning, outreach and education for underserved at-risk young and adult women in Rockland County; and be it further

RESOLVED, That \$230,000 of said grant award was already appropriated and estimated as anticipated revenue in the 2013 Adopted Budget of Dept. 4035 - Family Health Services Program (lines R3480 and R4480 added together); and be it further

RESOLVED, That the 2013 Budget for said department needs to be amended in order to appropriate and estimate as anticipated revenue the \$46,389 of additional grant funds previously not budgeted; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DOH-4035	-E3030	Medical Supplies	5,000
	-E3150	Drugs	5,000
	-E3290	Operational Supplies	4,169
	-E4040	Travel	500
	-E4090	Fees for Services-Non-Employee	6,973
	-E5060	Program Costs	24,747

Increase Est. Rev. Acct. (Debit):

A-DOH-4035	-R3480	Health Grant(s)	40,762
	-R4480	Health Grant(s)	5,627

and be it further

RESOLVED, That should outside funding be reduced and/or eliminated, any position(s) previously created under this grant shall automatically terminate without further action of this Legislature.



Introduced by:

Referral No. 6546

- Hon. Philip Soskin, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor

**RESOLUTION NO. 124 OF 2013  
 APPROVING ACCEPTANCE OF GRANT  
 IN THE AMOUNT OF \$10,000 (NCTD)  
 FROM THE NEW YORK STATE DEPARTMENT OF HEALTH  
 CREATING HEALTHY PLACES TO LIVE, WORK  
 AND PLAY - WORKSITE WELLNESS GRANT  
 TO PERFORM CANCER RELATED ACTIVITIES  
 WITH \$5,000 BEING FOR THE PERIOD  
 JANUARY 1, 2013 THROUGH JUNE 29, 2013  
 AND \$5,000 BEING FOR THE PERIOD  
 JUNE 30, 2013 THROUGH JUNE 29, 2014  
 AND AUTHORIZING EXECUTION OF ALL NECESSARY  
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF HEALTH]  
 (\$10,000)**

Mr. Grant offered the following resolution, which was seconded by Mr. Carey, Mr. Earl, Mrs. Low-Hogan, Mrs. Paul and Mr. Soskin and unanimously adopted:

WHEREAS, The Commissioner of Health has advised the County Executive and the Legislature of Rockland County that a Creating Healthy Places to Live, Work and Play - Worksite Wellness grant has been awarded to her department from the New York State Department of Health in the amount of \$10,000, with \$5,000 being for the period January 1, 2013 through June 29, 2013 and \$5,000 being for the period June 30, 2013 through June 29, 2014; and

WHEREAS, This grant will be use to perform cancer related activities; and

WHEREAS, No County tax dollars (NCTD) are required to accept said grant; and

WHEREAS, It is necessary to appropriate said amount to the proper accounts; and

WHEREAS, The Multi-Services 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 a Creating Healthy Places to Live, Work and Play Grant - Worksite Wellness grant award from the New York State Department of Health in the amount of \$10,000, with \$5,000 being for the period January 1, 2013 through June 29, 2013 and \$5,000 being for the period June 30, 2013 through June 29, 2014, and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County 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 - 2013

Increase Approp. Acct. (Credit):

A-DOH-4010 -GH05	-E4090	Fees for Services, Non-Employee	5,000
	-E4098	Services from Other County Depts.	5,000

Increase Est. Rev. Acct. (Debit):

A-DOH-4010 -GH05	-R3480	Health Grant(s)	10,000
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Introduced by:

Referral No. 8896

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

**RESOLUTION NO. 125 OF 2013  
 APPROVING ACCEPTANCE AND APPROPRIATION OF FUNDS  
 IN THE AMOUNT OF \$6,250 (NCTD)  
 FROM CONTINGENCY MANAGEMENT CONSULTING GROUP, LLC  
 TO REIMBURSE THE COUNTY FOR 2012 EXPENSES INCURRED  
 IN CONNECTION WITH TRAINING SCHOOL BUS  
 DRIVERS IN EVACUATION PROCEDURES  
 [OFFICE OF FIRE AND EMERGENCY SERVICES]  
 (\$6,250)**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl, Mrs. Low-Hogan and Mr. Moroney and unanimously adopted:

WHEREAS, The Office of Fire and Emergency Services has advised the County Executive and the Legislature of Rockland County that it has received funds in the amount of \$6,250 from Contingency Management Consulting Group, LLC. (Consultants for Entergy) to reimburse the County for 2012 expenses incurred in connection with training school bus drivers in evacuation procedures; and

WHEREAS, No County tax dollars (NCTD) are required to accept said funds; and

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

WHEREAS, The Public Safety 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 funds in the amount of \$6,250 from Contingency Management Consulting Group, LLC (consultants for Entergy) to reimburse the County for 2012 expenses incurred in connection with training school bus drivers in evacuation procedures; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said funds; 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

<u>Increase Approp. Acct. (Credit):</u>		
A-EME-3643-E5060	Program Costs	6,250
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-EME-3643-R2770	Unclassified Revenue	6,250

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Introduced by:

Referral No. 9359

- Hon. Philip Soskin, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Joseph L. Meyers, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 126 OF 2013  
 CONFIRMING THE APPOINTMENT OF  
 LAURA S. CARBONE, M.D.  
 AS MEDICAL EXAMINER OF ROCKLAND COUNTY**

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

WHEREAS, Section C7.04 (1) of the Rockland County Charter provides that the County Executive, subject to confirmation by the County Legislature, shall appoint a Medical Examiner for a term of four (4) years; and

WHEREAS, The position of Medical Examiner is currently vacant; and

WHEREAS, Dr. Carbone is Board Certified in Forensic Pathology, Anatomic and Clinic Pathology; and

WHEREAS, Since October 2012, Laura S. Carbone, M.D. has served as Acting Medical Examiner; and

WHEREAS, The County Executive has appointed Laura S. Carbone, M.D., New City, New York, as Rockland County Medical Examiner, to a four (4) year term subject to legislative confirmation; and

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

RESOLVED, That the Legislature of Rockland County hereby confirms the appointment of Laura S. Carbone M.D., New City, New York, as Rockland County Medical Examiner, for a four (4) year term, in accordance with, the Rockland County Charter, at the current salary which is set forth in the 2013 County budget; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to send a copy of this resolution to the appointee, Laura. S. Carbone, M.D.



**Debate:**

Mr. Day

Dr. Carbone has a stellar reputation in this County; I have heard this more than once. As we all know, there has been some rocky times coming up to this point with our previous Medical Examiner with law enforcement. I look forward to seeing those issues laid to rest. I look forward to seeing Dr. Carbone continuing the professionalism this office is well known for.

I would also like offer the fact that myself, Legislators Carey and Moroney had offered during the budget process the thoughts that a Deputy Medical Examiner was not necessary. With the promotion of Dr. Carbone I am hopeful that the position of Deputy will be vacated to the savings of over \$160,000 to the taxpayers that will come to pass hopefully come the budget session.

Mr. Soskin

At the Multi-Services Committee Dr. Carbone said that it was her belief that the position would be eliminated. She has a very outstanding biography; she has practiced in New Jersey and has been here for at least six years. She has done an outstanding job here and has written many papers. I wholeheartedly recommend her. I know she will do all she can. I hope you all vote for her. Thank you.

Chairwoman Cornell

She has a very impressive resume. She lives in the Town of Clarkstown and has also been involved in our schools. We are very fortunate, because of the experience she has in our own Medical Examiner's office. The experience that she brings and the articles she has written on scientific and medical subjects that are relevant to her job are very impressive. I think everybody that was at the Multi-Services Committee meeting was very impressed with her. She has also held meetings already with members of the community to deal with some of the issues that have arisen in the past. I think we are on a very smooth road and very fortunate to have Dr. Laura Carbone.

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**RESOLUTION NO. 127 OF 2013  
WAIVE THE RULES OF THE LEGISLATURE  
TO CONSIDER PROPOSED RESOLUTION  
UNDER NEW BUSINESS**

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

RESOLVED, that the Rules of the Legislature be waived to consider Items 12 A, Resolution No. 128 of 2013 and 12 B, Resolution No. 129 of 2013, under New Business.

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NEW BUSINESS  
 Referral No. 9272

Introduced by:

- Hon. Douglas J. Jobson, Sponsor
- Hon. Patrick J. Moroney, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. 128 OF 2013**  
**EXPRESSING THE ROCKLAND COUNTY LEGISLATURE'S OUTRAGE AND DISGUST FOR THE HATEFUL CONDUCT THAT IS TAKING PLACE IN ROCKLAND COUNTY ON THE EVE OF ST. PATRICK'S DAY, UNEQUIVOCALLY CONDEMNING ALL ACTS OF A DEROGATORY AND/OR DEFAMATORY NATURE THAT MISREPRESENT OR PROMOTE HATE, BIAS AND RIDICULE DIRECTED AT RELIGIOUS, ETHNIC, RACIAL AND CULTURAL GROUPS, AND PROCLAIMING THE ROCKLAND COUNTY LEGISLATURE'S FULL SUPPORT FOR THE RELIGIOUS, ETHNIC, RACIAL AND CULTURAL GROUPS THAT COMPRISE ONE OF THE MOST DIVERSE COUNTIES IN NEW YORK STATE AND THE UNITED STATES OF AMERICA**

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

WHEREAS, the Rockland County Legislature is proud of Rockland's racial, cultural and ethnic diversity, and the fact that Rockland is home to residents of different ancestry; and

WHEREAS, the Rockland County Legislature continuously seeks, as a matter of public policy, to promote harmony in all communities, and to represent faithfully all Rockland residents; and

WHEREAS, by Resolutions 112 of 2007, 238 of 2010 and 113 of 2012, the Rockland County Legislature previously condemned offensive behavior and will continue to oppose such action whenever they occur; and

WHEREAS, the Rockland County Legislature is proud of its large Irish community and is respectful of that community's integrity and community spirit; and

WHEREAS, while the Rockland County Legislature respects the sacredness of the First Amendment to the United States Constitution and the freedoms that it embodies, the Legislature of Rockland County has become aware of the most offensive, derogatory materials now offered for sale at Spencer's at the Palisades Center, West Nyack, New York, which specifically target members of Rockland's Irish-American community; and

WHEREAS, materials, including hats, shirts and other materials which promote ridicule and seek to degrade any ethnic culture should not be permitted to be sold in a public forum especially where children may be exposed and have access to said materials; now therefore be it

RESOLVED, that the Rockland County Legislature expresses its outrage at and disgust for the hateful conduct that is taking place in Rockland County on the eve of St. Patrick's Day, and unequivocally condemns all acts of hate and bias directed at religious, ethnic, racial and cultural groups, and proclaims its full support for all religious, ethnic, racial and cultural groups that comprise our county; and be it further

RESOLVED, that the County should endeavor to publish this resolution's intent through the various media outlets in Rockland County and encourage the removal of these offensive materials; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to the Friendly Sons of St. Patrick, the Ancient Order of Hibernians, the Anti-Defamation League; the American and New York chapters of the Civil Liberties Union; all Rockland County School District Superintendents and School Boards, all Rockland County Parent-Teacher organizations; Rockland County Commission on Human Rights, General Manager of the Palisades Center/A Pyramid Management Group LLC, and such other persons or organizations as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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**Debate:****Mr. Jobson**

Last year I thought this body spoke crystal clear when we had a similar resolution due to the untimely and poor choices of what some of our establishments, mainly Spencer's Gifts, had on their shelves. There were derogatory things right before St. Patrick's Day being sold that were basically mocking the Irish ethnicity and culture. We, as a body, spoke last year and made it crystal clear that we don't accept that for any ethnicity, religious groups or any of the people that comprise Rockland County. I was there last weekend and was even more floored, because the things that I saw on the shelves this year were worse than what I saw last year. The expletives and the wording were on shirts that young kids and parents could see right out in the open in front. I like a joke as much as the next guy, but I was really floored by it. I came back and called and wanted to get out last years resolution and asked Legislators Moroney and Schoenberger to join me on this to make it crystal clear that this is not acceptable in this County. Everyone has a culture, faith and background and deserves to celebrate those things and not have it mocked or dragged through the mud by people who want to gain financially. I hope all my colleagues will support this.

**Mr. Schoenberger**

I agree with Legislator Jobson completely. Last year we passed a resolution on the same issue and unfortunately it is being repeated again this year, and it may be even worse this year. Disrespect or denigration of any culture, race or group of people in our society diminishes our society as a whole. We should not allow it. We have a responsibility to stand up and be heard. I am glad this Legislature is doing that again. I am just disappointed that after last year they didn't get the message. Hopefully they will get the message and we won't have to do it again next year.

**Mr. Moroney**

It is very disappointed, because we went to the mall and spoke with the people who manage the mall last year and we were told that these types of items would not be displayed. To hear now that they have repeated the same issues that we had last year is frustrating. I thank my colleagues for their support on this issue. There is an effort throughout the Irish community to try to eliminate these situations. It is a shame that we have to go through this on a yearly basis. You would think that they would have taken us more serious last year.

**Mr. Day**

I think it is pretty clear that we cannot legislate good taste or common sense. I want to acknowledge the sponsors again for bringing this forward this year. I am Irish, Italian, and a former cop and because of that I have very thick skin and a very good sense of humor. I have heard a lot about this on both sides of the issue. I have heard it is very insulting to the Irish. I also heard it is free speech and we all should lighten up. The fact of the matter is these items are on display in public view so people have to see them. The people who are concerned came to us with a grievance. It is our responsibility to hear that and make our best judgment. In weighing this it is very simple, for anyone who thinks this is free speech or we should lighten up, to substitute any other religious or ethnic group in the verbiage that you see at Spencer's and then come back here and tell me it is perfectly fine. Why the Irish is selected to be the brunt of jokes and absolutely degrading and insulting commentary is just beyond me. I think they take that sense of humor a little bit too freely as we have as a people. I think we have within our purview to respond to those who came to us with the grievance. Again, I acknowledge the sponsors and I will support it. I think we should express outrage and disgust, because that is exactly what we see there. Thank you.

**Chairwoman Cornell**

I agree with everything that everyone said. I also would like to say that there has been insulting and degrading things all over the Country, in airports, having to do with women, particularly women who run for President of the United States. I have also had calls from other people in the community who feel the same way about that, other gender issues and sexual orientation issues. The Irish issue is one that is dear to all of our hearts whether or not we are Irish or not. We have dealt with it before and we are dealing with it tonight, but we should all be aware that poor taste and ugly symbolism is not to be approved no matter whom it is against and what religious, ethnic or gender it is levied against. We should all be ready to speak up.

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AMENDED  
NEW BUSINESS  
Referral No. 2994

Introduced by:

Hon. Frank Sparaco, Sponsor  
Hon. Edwin J. Day, Sponsor  
Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. 129 OF 2013**  
**THE LEGISLATURE OF ROCKLAND COUNTY HEREBY DIRECTS THAT**  
**THE COUNTY ATTORNEYS OFFICE AND COUNTY EXECUTIVE COMPLY**  
**WITH RESOLUTION 457 AND THE FEBRUARY 25, 2013 ORDER OF JUDGE NICOLAI,**  
**THAT THE LEGISLATURE DOES NOT AUTHORIZE THE COUNTY ATTORNEY,**  
**THE COUNTY EXECUTIVE AND OUTSIDE COUNSEL TO FILE AN APPEAL OF THE**  
**FEBRUARY 25, 2013 ORDER AND THAT THE APPEAL OF THE MARCH 30, 2012**  
**BE DISCONTINUED AS BEING MOOT AS A RESULT OF THE**  
**FEBRUARY 25, 2013 ORDER**

Mr. Day offered the following amended resolution, which was seconded by Mr. Sparaco and adopted:

WHEREAS, On or about September 27, 2010, the County began the search for a contractor by issuing RFP-RC-2010-021 (hereinafter RFP-1) for the award of a contract to provide fixed-route public bus operations and maintenance services by which the contractor would be granted a contract to operate the Transport of Rockland and Tappan Zee Express Public Transit Services for a term of five (5) years; and

WHEREAS, The County's transportation operations are funded entirely by federal and state subsidies and fare box revenue; and

WHEREAS, In order to obtain such federal funding, the Federal Transit Administration ("FTA") required that the County award a contract for the necessary transit services by way of a competitive procurement process or adequately documented sole source justification; and

WHEREAS, The FTA also advised the County early on that if such procurement was not completed, the County risked losing its federal funding; and

WHEREAS, After receiving responses to the requests for proposals, on May 12, 2011, members of the Rockland County Evaluation Committee for RIP-1 made an award recommendation to the County Executive; and

WHEREAS, On May 13, 2011 the current transit operation and maintenance provider for the mass transit was made aware that the Evaluation Committee was recommending a firm other than the current provider for the transit contract; and

WHEREAS, Subsequent to May 31, 2011, the County Executive rejected all proposals received under RFP-1 and directed the re-issuance of another Request For Proposal for the service of transit operation and maintenance, without legislative review and approval; and

WHEREAS, On or about August 9, 2011 the Rockland County Department Of General Services - Division Of Purchasing issued a new RFP, RFP-RC-20 11-014 (hereinafter RFP --.2), for the transportation operation and maintenance service contract; and

WHEREAS, Brega Transport Corp., with regard to the issuance of RFP-2, commenced an Article 78 Proceeding before the Supreme Court State of New York challenging said RFP-2 on several grounds; and

WHEREAS, Brega Transport Corp., in its litigation, amongst several other arguments, asserted that the procurement process should be structured as a competitive sealed bid (RFB) and not as a competitive Request for Proposal; and

WHEREAS, in a Decision and Order dated November 11, 2011, Hon. Francis A. Nicolai, JSC ruled that utilizing the RFP process for awarding this public transit contract violated New York State General Municipal Law 103 and ordered the County to follow New York State General Municipal Law competitive bidding process and procedures not by utilization of RFPs; and

WHEREAS, the County of Rockland complied with the Court's order, and prepared a proposal for bids, which was issued on or about February 1, 2012, (hereafter RFB-1) requiring bidders' submissions to be submitted no later than March 30, 2012. RFB-1 gave an expected contract award date of April 17, 2012 and contract approval and execution by May 15, 2012; and

WHEREAS, Brega Transport Corp, challenged the RFB as discriminatory and went to Court to nullify the RFB-1 on multiple grounds; and

WHEREAS, on March 30, 2012, Hon. Francis A. Nicolai, JSC, issued an order finding that the RFB-1, by including provisions requiring special experience as well as other preconditions not rationally based, effectively limited competition in violation of General Municipal Law 103 and invalidated the unlawful provisions of RFB-1 and granted a stay of proceedings for the County to fix the bid award process that the Judge deemed procedurally flawed; and

WHEREAS, The County has appealed that Decision and Order and moved in the New York State Appellate Division Second Department to stay enforcement of the March 30, 2012 Order pending the final determination and appeal and Brega Transport Corp cross-moved for an Order directing the County to proceed with the RFB without the provisions the lower court found to be invalid. The New York State Appellate Division Second Department granted the County's motion to stay the Judge's Order of March 30, 2012, pending hearing and determination of the appeal; and

WHEREAS, the information provided by the Law Department and The Department of General Services — Division of Purchasing raised issues of a conflict of Federal statutes and/or regulations (RFP process) and New York State statutes (competitive bidding process), which resulted in further confusion and delays in attempting to evaluate and award contracts for the operation and maintenance of Rockland County's public transit system; and

WHEREAS, the current transit providers, Rockland Transit Corporation, Hudson Transit Corporation and Hudson Transit Lines whose contracts expired early 2011, were extended by the County several times pending a review and awarding of the bid; and

WHEREAS, had the bid been awarded to the lowest responsible bidder, to wit: Brega Transit Corp., the amount of compensation to Brega Transit Corp. would have been less than the amounts currently being paid to transit providers under the contract extensions for Rockland Transit Corporation; \$934,762.25 for Hudson Transit Corporation \$280,968.28 and Hudson Transit Lines \$24,673.91 for a total of \$1,240,404.44 per month); 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 by Resolution 457 of 2012 the Legislature on September 19, 2012 by vote of 14 to 1 with 1 abstention and 1 absence, found that "Brega Transport Corp is the lowest responsible bidder on the RFB-RC-2012-002 for the operation and maintenance of Rockland County's public transit systems and awards said contract to Brega Transport Corp" and approved the execution of the five year contract; and

WHEREAS, the County Executive on October 3, 2012 disapproved the Resolution; 457 of 2012 of the Legislature on September 19, 2012; and

WHEREAS by Resolution 488 of 2012 the Legislature on October 16, 2012 by vote of 14 ayes 2 nays and 1 unauthorized absence, Overrode the October 3, 2012 County Executive disapproval and pursuant to Rockland County Charter said resolution became adopted; and

WHEREAS on November 2, 2012 the County Executive issued a determination granting MV Transportation's claimed protest and directed the Director of Purchasing to cancel the RFB Contract; and

WHEREAS, Brega Transport instituted an Article 78 Proceeding to vacate the November 2, 2012 determination canceling the contract and for an Order directing the County Executive to execute the RFB contract with Brega Transport; and

WHEREAS on February 25, 2013 Judge Francis Nicolai found that the County Executive violated lawful procedure in canceling the contract thereby upholding the Legislatures award and override of the contract "...the County Executive effectively accomplished a second veto of the legislative action, which is not authorized under the County Charter..." and directed as follows;

ORDERED and ADJUDGED and DECREED that the Petition is granted, Respondent Vanderhoef's November 2, 2012 determination is vacated as violative of lawful procedure, Respondents Fortunate and/or Simeti are directed to prepare the RFB Contract between Respondent County of. Rockland and Petitioner Brega in accordance with resolution 457 of the Rockland County Legislature and Respondent Vanderhoef is directed to execute the RFB between. Respondent County of. Rockland and Petition in accordance with Resolution 457.

WHEREAS, the Court has confirmed that the actions of the Legislature were lawful; and

WHEREAS, the Legislature does not authorize the County Attorney, the County Executive or any outside law firm to Appeal the February 25, 2013 Decision of Judge Nicolai, now therefore be it

RESOLVED, That the Legislature of Rockland County hereby directs that the County Attorneys Office and County Executive comply with Resolution 457 and the February 25, 2013 Order of Judge Nicolai, that the Legislature does not authorize the County Attorney, the County Executive and outside counsel to file an Appeal of the February 25, 2013 Order and that the Appeal of the March 30, 2012 be discontinued as being moot as a result of the February 25, 2013 Order; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution by certified mail, return receipt requested to the Hon. Francis A. Nicolai, JSC; and to the outside counsel, Eckert, Seamans, Cherin & Mellott, LLC who is currently representing the County of Rockland in this particular litigation be it further

RESOLVED, that the Legislature of Rockland County hereby rescinds and/or declines to appropriate any additional funding or appropriation for outside counsel relating to this particular litigation from March 7, 2013 forward.

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)
Abstain:	01	(Legislator Murphy, President and Chairman of the Board of Camp Venture. Brega supplies bus service for Camp Venture)

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**Debate:**

Mrs. Low-Hogan

When we say that we do not authorize the County Attorney to take further action, because it is a negative does that mean they literally can't or it just means it is our view and stance. My question is does that mean that the County Attorney cannot file and appeal or that we are just making a statement that we don't authorize it. Do you follow me?

Mr. Wolfe

This essentially is a memorializing resolution to the County Executive. We don't have to authorize the County Attorney to file and appeal. One might even argue that under the Charter we don't even have the authority to authorize the County Attorney to take these actions. There is a spirit of this particular resolution.

I just want to suggest some language changes in the Resolve clause and in the caption just to tighten it up a little bit. My own sense here is I do agree with the spirit of the resolution. It is certainly very disappointing that the County Executive essentially exercised a second veto of our resolution. So I am not particular comfortable with the wording "directing" the County Attorney's office or County Executive. I think we can "demand" that the County Attorney's office and the County Executive comply with Resolution 457, and that is our right. I think that we can take out "that the Legislature does not authorize" and change it to "we decline to authorize the County Attorney to file an appeal." Again, it is not our right, but I think it is a way of indicating our feeling on the matter. We can "demand" that the appeal be discontinued as being moot. I think there is just some words that were missing in the caption. So if you would like can read it and see if you like it.

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Mr. Wolfe made a motion to amend to include this wording in the caption and amend the Resolve clause as follows: "RESOLVED, That the Legislature of Rockland County hereby demands that the County Attorneys Office and County Executive comply with Resolution 457 and the February 25, 2013 Order of Judge Nicolai, declining to authorize the County Attorney, the County Executive and outside counsel to file an Appeal of the February 25, 2013 Order and demanding that the Appeal of the March 30, 2012 be discontinued as being moot as a result of the February 25, 2013 Order." Mr. Day did not accept the amendment.

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Mr. Day

I am just going to point to a couple of things here as it relates to this resolution that Legislator Sparaco and I discussed. Not that long ago there was a discussion about how much longer this was going to go on when we had some of the people from the administration here. We were assured that the end was here and we would be spending no more money on lawyers. The judgment came down and we hear of a potential appeal. I don't agree and I am asking my colleagues to support that.

I am going to read from the decision, "On November 12, 2012 subsequent to the override to the Rockland County Legislature, Vanderhoef acted in a rogue, unlawful and illegal act by directing Paul Brennan to cancel the proposed award of the contract..." "Respondent Vanderhoef's November 2, 2012 determination is vacated as violative of lawful procedure."

I am sorry, but I will not accept a watering down of this. I do not view this as a memorializing resolution. I view this as something that we as the appropriating branch of government should be standing up for, we did already. We are directing, we are demanding and we are not asking. We are directing that you do not spend one more penny of taxpayer money in pursuit of this. I don't know what the issue is. I don't know what the problem is, but the Judge has declined this three times. Enough is enough. I want to see this go across the hall. I want to see if the County Executive vetoes it. I want to see the Legislature stand up again and override it. So, no I do not accept watering this down. I think it is important that we stand up as a body and say enough. Thank you.

Chairwoman Cornell

As an item of new business there has to be a reason stated as to why it had to come up tonight as opposed to going to committee.

Mr. Schoenberger

I want to begin by quoting from the County Executive's State of the County Address. Towards the end of his speech he turned and he faced all of us and said, "You (the Legislature) are the voices of Rockland County." Tonight this resolution is an expression of our voices.

This is more than a memorializing resolution. I want to compliment the sponsors for introducing this tonight. This is a resolution that draws a distinction; it draws a line between two branches of government. This County acts as two branches of government, the Legislative and the Executive. While there is a division of power in the Charter at some point the question becomes, what constitutes an act or law of the County? Where does the legal process end? When is a matter decided and over?

Earlier in a November 2011 decision of Judge Nicolai he quoted me, because I said at one of these meetings that this Legislature was not a rubber stamp, and he put that in his decision. I was gratified that he had read the papers and saw that I had said that.

The County Charter makes a clear division between the Legislature and the Executive branch. We are the appropriating, lawmaking and policy determining body of the County. Once we appropriate money, pass a law or make a determination of policy it is the administration's responsibility to carry it out. The County Executive has a series of powers enumerated under the County Charter, which I know, because I wrote them. He has what is called "Incidental Power." It is the power necessary to effectuate those powers granted to him. The Charter states that when something is not defined in the Charter as being the County Executive's power the residual power of the County rests with the Legislature. Nowhere in the Charter does it talk about appeals, legal action or who has the authority. The Charter does talk about the County Executive's responsibility to administer the County day-to-day. The incidental power to do that rests with him and the residual power if it is not mentioned rests with us. This is clearly one of those areas that is debating as to who has the authority and who has the power.

There is a process set out in the County Charter for determining when a resolution is adopted, when a law is passed and when a matter has finality when it ends. What that process sets forth in the Charter is that we pass resolutions. We are the only branch of government that can pass a resolution. No resolution is adopted until the County Executive approves it, disapproves it, does nothing within thirty days or vetoes it. If he vetoes it, it comes back to us and we are ultimate determiners, which we do by a two-thirds vote. If two-thirds agree and we override the veto it is over, it is finished, it is decided, it is done and that is what the Charter provides. Every process has to have a finality or an end to it and that is what happened here.

This Legislature awarded the bid to a bidder. The County Executive vetoed it. This Legislature overrode the veto and that resolution became finally adopted. It became the law of the County. Why, because that is the process.

After that occurred one of the bidders filed a protest on the bidding process to the County Executive. The County Executive reviewed that protest and granted it. The problem with that was under the section, which the County Executive granted the protest it clearly says, "Protest before bid awarded." The protest was not made until after we overrode the veto and the bid was awarded. I was disturbed by that aberration in the process. I was disturbed by it so much that I wrote my own Affirmation and I submitted it to Judge Nicolai when he had this case in front of him. I pointed out the things that I just said to all of you. Judge Nicolai in his Decision and Judgment pretty much incorporated what I said and that was the basis of his decision to say that the process ended when we overrode the veto and the County Executive could not take something different or less, which was a Procurement Policy and use it to override our override of the veto.

When Judge Nicolai issued the decision I thought the process ended. Now you have the Legislature overriding the County Executive, it is the law of the County – it is done. Here comes the Judge and he makes a decision that orders that the Petition is granted and he vacates the County Executive's determination. He says, "It is vacated as violative of lawful procedure." Respondents Fortunato, who is the County Attorney, and Simeci, his Deputy, are directed by the Judge to repair the RFP contract between the Respondent County of Rockland and Petitioner Brega in accordance with Resolution 457 of the Rockland County Legislature, which is our resolution that he vetoed and we overrode, and Respondent Vanderhoef is directed to execute the RFB between Respondent County of Rockland in accordance with Resolution 457.

It is a rare occasion for a Supreme Court Judge to issue a Mandamus, which is an order to compel an elected official to perform their duty. Courts generally loath to do that. They do not want to take that step into a governmental action, but Judge Nicolai did. I believe that with Judge Nicolai's decision the process should have ended, the contract should have been signed, the bid should have been awarded and everything should have ended at that point. I am disappointed that it hasn't.

We are going to vote on a resolution tonight that is going to set forth our government's position, not the Legislature's alone, it is the government's position, because the resolution was lawfully adopted and is the law of the County. Our position to the County Executive is end it, once and for all be done with and don't appeal it and don't spend any more of taxpayer money. Let's bring it to a conclusion. I am concerned and disturbed, because in my heart I believe that the County Executive will do one of two things with regard to this resolution – he will either ignore it entirely or he will veto it again. Then it will come back to us for an override and I believe we will override it again. Then we will have a second time that we overrode a veto and the second time that it became the law of the County and the second time that I am afraid it won't be followed. It is not good for government to be in that situation.

Government must obey the law. How do we tell our children and the people out there in the public that they have to obey the law if we don't set an example and obey it ourselves? So I am going to vote for this tonight, but I wanted to express my deep concern for what has done on in this process. For those Legislators who did not support the initial resolution or did not support the initial override I urge you to support this. This is a direct disregard of our entire process, our entire Charter and the laws of this County. The County Executive is a branch of government and we are a co-equal branch of government and neither one of us is superior to the other, but there is a process that defines when the decision is made and when it is over. I urge the County Executive, who is an attorney and I really believe is a descent man and wants to do the right thing, to do the right thing, which is to say that it is over, award the contract, let's go forward and not spend anymore money in pursuit of a mission to upset the lawful process that has been followed. Thank you.

Mr. Hood, Jr.

I have looked at this process from the beginning and it has taken such an awful long time. First with the Purchasing Department, I think, improperly bidding it. We have a County Executive not listening to a veto override and now he is not listening to a court. Why he is so interested in this going to another vender makes no sense to me at all especially when we have said that Brega is the lowest responsible bidder. He is going to save taxpayers money and that is something we need to look at right now the way our budgets are. I just don't know why we are here, to be honest with you.

Are we going to be able to tell the County Attorney not to do something or is he going to go to it anyway? I mean, I have heard conflicting opinions on that.

Mr. McKay

Would the County Attorney honor the directive? That we do not know. That is what causes lawsuits. You take one position and they take another and the courts can decide it. Myself and co-counsel Elana Yager spent a great deal of time this morning and we did find precedent in the law where other counties have had similar situations with a dispute between a County Executive and the Legislature. Though not exactly this fact pattern where the courts have held that the County Executive cannot have two bites at the apple and if his action is violative of a legitimate act of the Legislature it should not be honored. But that is litigation.

Mr. Hood, Jr.

I would like language added to this that this should be mailed or given directly to the law firm handling this, because if they see this they might not necessarily not want to do anymore work not knowing if they are going to get paid or not. I think an important part of this puzzle is to make sure that we don't want them to do any more work. So, that might be something you want to add. I think that is a very real possibility.

The County Attorney can then take it up himself if he wants or find somebody else if he wants, but I think that may be affective in stopping the action of this law firm. I am going to support this tonight. I hope that that the County Executive comes to his senses. What else can I say? I mean, get with the program. Do the right thing legally, governmentally and fiscally. Award this contract and let's move on. I am fully ready to override that veto that may come. Thank you.

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Mr. Hood, Jr. made a motion to amend to add: "RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution by certified mail, return receipt requested to the Hon. Francis A. Nicolai, JSC; and to the outside counsel, Eckert, Seamans, Cherin & Mellott, LLC who is currently representing the County of Rockland in this particular litigation" which was accepted by Mr. Day.

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Mr. Sparaco

Judge Nicolai used an interesting word in his ruling "Rogue" and the truth of the matter is we do have a rogue County Executive's office. For the five years that I have been here he has shown contempt for this Legislature in little ways that maybe we all don't agree on, like not letting his commissioners to come to certain committee meetings and having to get permission to take certain tours of County facilities. I know that Legislator Hood had problems with him a few years back and I agreed with him on it. There has been contempt for this Legislature for years.

This is insane and complete contempt of this Legislature and contempt to the court. There must be away and we must stick together. At this point the law has to be followed. We cannot have a County Executive's office that totally disregards our opinion. This Legislature is responsible to bring sanity back to this process. The County Executive has brought us down a path that is just insane so we must bring the sanity back.

As far as the County Attorney's know they work for the County Executive's office and us. They work for us equally. We have equal say as to what they do, but somehow along the years we have lost that. Just like Judge Nicolai ruled that the County Legislature is responsible for all contracts above \$100,000, we have final say. It is almost like we handed our power over and he is taking more and more advantage of our complacency.

We must stick together on this. He keeps saying that he speaks for Rockland County in his legal papers and press, but at this point we have to correct him, because we speak for Rockland County, especially if we speak unanimously tonight. He has lost his speaking for Rockland County rights during the veto process. We cannot just have total disrespect of this body running rampant across the hall.

I would also like to see, because of this process and atrocity that has been committed; when we meet in Legislator Wolfe's committee about rules there should be some sort of impeachment process. We must have some muscle to stop a total disregard of our laws and a total violation of our decisions. There should be an impeachment process. If anything qualifies anyone for impeachment it would be this situation we are in now, overriding a veto override. It is absurd.

I call upon my colleagues to ban together in this common sense approach to try to do what is right, try to correct the wrong, try to stop the monster that we have created.

Mr. Meyers

On the second page, the third to last Whereas Clause mentions an appeal to the Second Appellate Division, Second Department. Is that appeal still pending?

Mr. McKay

That appeal is still pending, in fact, the County Attorney's office made oral argument before the Appellate Court a week ago. It took more than half a year just to get to the oral argument.

Mr. Meyers

Is the County Executive within his rights to await the results of that appeal before signing the contract?

Mr. McKay

I will ask it the other way, does the Legislature have the power to say, "We have had enough." It is not the same case, but it is the same Judge. It is a similarly related fact pattern. The case is whether or not the second decision of Judge Nicolai was right or wrong when he directed a second request for bid finding that the first request for bid was irregular, which may be mooted now by this decision by Judge Nicolai. He is directing that it first go to contract so he has actually reversed his position.

Mr. Meyers

The end of the Whereas clause says that the Second Department granted the County's motion to stay the judges order of March 30<sup>th</sup> pending hearing and determination of the appeal. What does that mean?

Mr. McKay

The County's motion at that time was saying to the Appellate Division that we have a process, can we go forward with it while you are deciding the decision whether he is right or wrong and the Appellate Division said, "yes, you can go forward on the first RFB."

Mr. Wolfe

Under our Charter the County Executive has the duty to enforce all resolutions and orders of the Legislature of the County of Rockland. I agree with the sentiment that this resolution kind of draws a line in the sand and makes an important statement. I also do believe that the County Executive will veto it and then we have to override it. The amendment that I had suggested before I did not see as watering it down. I thought it was more in the nature of correcting grammar, but be that as it may, I will raise you now and I am going to offer an amendment that I think will put some teeth into this resolution.

We are the appropriating branch of government. The County Executive expects to spend County dollars on outside counsel. I will offer an amendment and if you don't accept it I will put in my own resolutions.

I think that is squarely within our purview. It is right in our wheelhouse, we have the power; the authority and at this point I think we have the obligation.

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Mr. Wolfe made a motion to add: "RESOLVED, that the Legislature of Rockland County hereby rescinds and/or declines to appropriate any additional funding or appropriation for outside counsel relating to this particular litigation from March 7, 2013 forward," which was accepted by Mr. Day.

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Mr. Day

I am going to accept it. As a matter of fact, the first comment I was going to make when I spoke was talking about denying appropriations to counsel.

Mr. Wolfe

I don't know if counsel has reached the point of \$100,000 yet or not, but maybe we want to make reference to a contract or maybe it is just as well that we leave it as it is. When we adopt the budget we essentially appropriate funds for outside counsel. In fact, this year in the budget we scaled it back a little bit so technically we have appropriated funds. The County Executive will have to come to us to approve a contract if it is over \$100,000, but the funds have been appropriated. I would like to pull back any funding for this particular case so if there is a contract, but we are not going to provide the money to the County Executive to pay it.

Point of Information – Mr. Meyers

I just want to caution the proposer and the sponsor that you are going into somewhat uncharted territory. Since the County Executive has the power to expend money in the budget until it reaches the threshold of \$100,000 you are going from something that we clearly have the right to do to an area that we probably don't have a right to do. He could use that as a hook to say that our resolution is not valid, because there is an aspect of it that is making him do something that we don't have the power to make him do. So in your effort to make it better you might be making it worse.

Mr. Wolfe

There is a difference between appropriating funds and approving a contract. The County Executive has the authority to enter into a contract under \$100,000 without our approval. If it is over a \$100,000 he can enter into a contract. What I am suggesting that we do is simply withhold the funding.

Mr. McKay

This particular motion you are making would not be an absolute block, because even if you were to take the funds away from outside counsel the County Attorney's office can still go file the appeal. We would be doing all this moving around of funds actions and it still wouldn't prevent them from using their own powers to file an appeal.

Mr. Wolfe

That is fine, but in my book at least we won't be spending money on outside counsel.

Point of Information – Mr. Sparaco

I believe that the resolution is also ordering the County Attorney's to comply with Resolution No. 457. So we have the County Attorney's covered.

Mr. Wolfe

I agree with that, but I read it as not being binding. I don't look at this resolution as being particularly binding in the first place. I think it is more symbolic. I am trying to put something in that adds a little bit of teeth. Sure, he can decline to use outside counsel and use the County Attorney's, but he probably should be doing that anyway. We spend way too much money on outside counsel. If we can, at the very least, use our control of the purse strings to put a road block in the County Executive's way I certainly think this is an area that we have control over. It is very clear that we control the appropriations, not a contract.

Mr. Meyers

Could counsel rule if we actually have the power to disapprove an appropriation of specificity like this when we haven't approved appropriations with such specificity in the actual budget.

Chairwoman Cornel

He can, but one of the things I wanted to mention myself was, the other night as part of the Government Operations review of the Law Department/County Attorney's office we learned about what they do. They have a multitude of cases that come into their office that we don't know anything about. We don't need to, but there are all kinds of cases and on some cases they hire outside counsel and some they don't depending upon whether there is a conflict of interest within the office, etc. If the contract has been signed we may never really know where it is being paid from, because it doesn't come to us as you all well know. I thought it was important to recognize that they like every other department are doing their work. We don't know all the cases that come to them. We know this one and the FAA air traffic case and some of the other big ones.

One of the things that I have been thinking about, I don't know that we ever want to do it, but as the policymaking body of the Legislature we could adopt policy in the future indicating that the County Executive has to get prior approval from the Legislature before hiring outside counsel. We have never done that, but that is something we can be doing in the future.

Mr. McKay

Yes, we can always amend the budget so clearly we can affect what was originally placed for a particular function and take away if we identify lines. If you are identifying no particular line per say, unless you are closing out the entire outside counsel budget and I don't think that is what you are talking about, and you are now going in and doing something that has never been done before as a budget amendment that way. I am confused myself as to whether or not it would work.

Mr. Jobson

Before we reinvent the wheel here tonight why doesn't everybody just take a deep breath and relax. Two of our colleagues have brought forth an idea and I am going to support that. In my mind, I am only one of seventeen here, but I have chosen to support the lowest responsible bidder from the get go, which is Brega Transport Corporation in my mind.

I do not run this County government day-to-day. I am a part of it. I am a cog in the wheel. C. Scott Vanderhoef is still the CEO of this County government and is charge of the day-to-day operations. I hope that this is the end of this. I do not want to see this go any further, but as Ilan told us in his summary the County Executive still has a couple of things that he can do. He can veto this and we can drag this out even longer or he can appeal this. From what I am told they are appealing this regardless of what we say or do.

Let's pass this, we will all be on the same page saying our feelings that Brega should be awarded this contract and take it from there. Let's not reinvent the wheel tonight.

Chairwoman Cornell

You are a very important cog.

Mr. Soskin

We had an amendment that was accepted by the maker of the resolution that we should advise the law firm that we would not approve payment, because we are the appropriating branch. It states that in the resolution, "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."

I suggest that In addition to the resolution that we advise any law firm who would be accepting the case from the County that this is our position and we are putting them on notice that they will not get paid if their fee exceeds \$100,000.

I would recommend that the maker add that to the resolution. It would give us a little teeth. If the County Attorney is going to pursue this we have no recourse unless you want to take him to the Board of Ethics. I am not sure what the legal matters are here. We can prevent payment to outside counsel. No one wants to work for nothing or have a reputation for going against a legislative body. If the maker would accept that change it may give us a little bit more teeth.

Chairwoman Cornell

Was Legislator Hood's change a recommendation or amendment?

Mr. Hood, Jr.

It is an amendment adding an additional Resolve Clause.

Chairwoman Cornell

So you wanted to add some words to it? What were the words?

Mr. Soskin

I would like to amend to add that whoever accepts the case is put on notice that the Legislature, which is the appropriating branch, will not approve payment if and when it exceeds \$100,000.

Mr. Day

Something simple. Legislator Soskin, thank you. As I said earlier I agree with an added Resolved to make the notifications as my colleague Jay Hood recommended. I think we should add Judge Nicolai to that also. To my colleague Alden Wolfe, I believe that we can direct the County Attorney and we can certainly intercede to the point of making it very clear that when contracts come to us for outside counsel and they have to be approved that in this case it is not our intent to approve it. I think that language however it may fit would make sense.

Other than directing the County Attorney not to continue this is probably as far as I am able to go, but when I think when it comes to expending added funds for outside counsel they are going to be very cautionary in taking any additional responsibility knowing we are not going to approve it. So I think if that intent was in there it would button it up fairly well.

I am happy to accept that language.

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Mr. Soskin made a motion to amend to add that whoever accepts the case is put on notice that the Legislature, which is the appropriating branch, will not approve payment if and when it exceeds \$100,000, which was accepted by Mr. Day.

Mr. Carey

I just want to state for the record that I support this tonight. I think pursuing this further is not in the best interest of the residents of Rockland County. I don't think the continual back and forth is a good use of this Legislative body's time and all the support staff efforts. I think we have made it very clear where we stand on this. I hope that the County Executive doesn't pursue this any further.

Mr. Wieder

I just want to thank, and actually acknowledge Mr. Brega. I truly respect the guy. He has been here as much as we have been. He has come to all the meetings and has sat very patiently down over there, even at meetings where it had nothing to do with the issue at hand. I think this has been one of the issues that have been coming back again and again and again for the past year since I have been on the Legislature. I just wanted to acknowledge him. The guy has a business to run and he still makes a point to come here and sit very patiently and quiet. He truly deserves some acknowledgment for that.

Mrs. Paul

Brega Transport had the lowest bid. We need to save money. I support this.

Mr. Moroney

After sitting here listening to this debate for the last couple of years it is hard for me to visualize after listening to the County Executive tonight praising all the departments, and rightfully so, and then we have this debate over the company who one the bid and saves the taxpayers over \$6,000,000. I have known Mr. Vanderhoef long before he became the County Executive. I always thought that he was a fair and just man. I don't know what the reason is for his objection to the bid, but there is something behind it that stinks to high heaven in my book. He represents the taxpayers of Rockland County, and here why are with a bid \$6,000,000 lower and Mr. Brega spent hundreds of thousands of dollars defending his bid and the County Executive spend hundreds of thousands of dollars going against the bid. I don't understand it. I think we should call him into an executive session to have him explain why this is going on.

We heard his County Address tonight on the state of the County and he is right on a lot of things that he said, but I also don't agree on other things that he said. But to have this go this far and defy the courts of the State of New York and defy the Rockland County Legislature, I think it is time we face facts that he wants to run County government as he wants and we don't play that big a part in his mind. I disagree with that theory Madam Chair. I don't know if we can make him come before us in executive session to explain his actions, but at least the people of Rockland County should know his actions. I have never seen in my over twenty years of experience where we have overridden a veto and it just keeps going on and on. Now, he is defying the courts and it is very hard to believe and visual the County Executive doing something like this. There is more to this than what we are being told. It is a shame that this is going to be his legacy going out after twenty years. I wouldn't be very proud of it.

I am going to support this resolution. I thank my colleagues for bringing it forward. There is something more to this that we are not being told and I don't like it.

Mr. Earl

I think we have been spinning wheels. I think it took us as long to debate this as the whole meeting. I agree with what Legislator Moroney said. If this is going to be his legacy to go out like this it looks kind of hypocritical, because he alluded to all that was going on at the East Ramapo School District and how we should try to get along and so forth, and then he backdoors with this.

I also agree with what Legislator Wieder said. I too have watched Mr. Brega come to all the meetings and so forth and deal with the constant harassment with this. I think we should find a nice solution and move on with this and get this done. Enough is enough.

Mr. Grant

I am a not big fan of taking these issues up at the last minute and I am not a big fan of red dot items coming to us on short notice. I think what we have seen here tonight is proof positive that this is a poor forum for tweaking, fine-tuning and finessing an issue as important as this one. I think the basic elements of it; the Judge's Order, the Resolved and Mr. Hood's addition to it are simple. I don't understand why there are twenty-seven Whereas' here. I hope someone has back checked them, because they are very specific and reference a timetable and things that have happened. I hope they are accurate, because apparently we are going to pass this resolution tonight so I hope someone has back checked those.

The issue is clear and the Judge has ruled. We should move on. I would suggest that the County Executive would not seed power that is granted him in the Charter and may resist this on that basis alone. I suspect he will ignore it. It will be considered passed and will have no affect on him. If he can do what he needs to do or wants to do within the budget he will. He will do so not to seed any powers of the County Executive.

I think it would behoove the Chairwoman and perhaps the Majority and Minority leaders to meet with the County Executive to see if they could congeal him into some finality here. I will support the resolution based on the Whereas that precedes the Order from the Judge and the Resolved, but the rest of it I am not too sure about. It is a very lengthy and involved resolution.

Mr. Schoenberger

Legislator Grant, both counsels reviewed this resolution and all the Whereas clauses for accuracy. I am confident with it.

Legislator Meyers made a very good point. The truth of the matter is we cannot tell the County Executive what to do no more than he can tell us what to do. So to that extent we are expressing our concern.

Chair Cornell asked earlier about our rule about a matter under new business and the concept of why it has to be dealt under new business. It is my understanding that before our next Legislative meeting there will be an argument in the Appellate Division. The County Executive's office has either filed or said they will file an appeal. When they file that appeal it stays the decision of the Judge. I am not so sure that is correct, but counsel tells me it is correct. If we get a judgment against the County and we file a Notice of Appeal it stays the judgment until a higher court decides it. This is a Mandamus and the Judge had said that the acts of the County Executive are illegal and therefore should not be allowed to continue. I questioned whether a filing of an appeal by the County Executive stays the Judge's decision so that the determined legality by the court continued until an appeal. I question whether that stay was meant to perpetuate an illegal act, but counsel told me he researched the question of a Mandamus on a stay and they tell me that the filing of a Notice of Appeal does stay the Mandamus. I have to accept that. They are my counsel.

There will be an appeal filed by the County Executive in the name of the County prior to our next Legislative meeting and there will likely be an argument in the Appellate Division by Brega and their lawyers as to why it should not be stayed. We should make our voice heard prior to that argument and that is why it is on tonight under new business, because it cannot wait until the next meeting we have two weeks from now.

Chairwoman Cornell

I had actually been told that whatever we did tonight needed to be on the Judge's desk by Monday, but your explanation is very helpful.

Mr. Schoenberger

I just want people to know that this is not unique to Rockland County. I asked counsel to look it up. I have a Decision and Order where Kenneth W. Jenkins, in his individual capacity as a Westchester County resident and taxpayer and Chairman of the Westchester Board of Legislators sued Robert P. Astorino. The Decision was filed and entered on February 25, 2013. It went before the Acting Supreme Court Judge Warhit. It had to do with a Local Law passed by the Legislature and the County Executive there refused to institute and a quote from the decision by the Judge is, "The County Executive is required to implement Legislative policy declarations, which are not effectively vetoed or judicially invalidated." And they cite a Supreme Court case of 1980. Apparently there is another decision that came down the same day, February 25<sup>th</sup>, again by the Chairman of the Westchester County Board of Legislators against the County Executive there and that was by Judge Hubert and it says, "It is alleged that shortly after being presented with the County Executive's 2011 budget the Board by a majority vote passed an act, which added to the budget the 2011 amendments. The County Executive promptly vetoed those amendments, however the Board overrode the veto by the required two-thirds majority vote of the Legislature." It cites the Charter. "Nonetheless, the County Executive elected not to include the 2011 amendments in the budget and published it as originally drafted." In other words, the County Executive in effect vetoed the board's two-third override. "As pleaded and if true this would constitute an ultra violative act by the County Executive under the laws of Westchester County and Article 9 of the New York State Constitution."

So, we are not alone. There are things are happening in Westchester. One has to wonder what happens when you become County Executive. Fair warning to my colleague and to me. What happens when you become County Executive that you don't think that the rules and the laws don't apply anymore?

When I voted to award the contract to Brega Transport, the bottom-line is the County awarded the bid to the lowest responsible bidder at some \$6,000,000 to \$7,000,000 than the lowest bidder in accordance with our Charter and New York State laws and now in accordance with the decision of the Judge in Supreme Court. It is the law of the County and we have to protect our County procedures, at last our branch of governments procedures. I urge all of you to support this resolution. Thank you.

Chairwoman Cornell

I voted to award the contract to Brega Transport Corporation in September. I did not support the override. I am going to support the resolution tonight, because the majority of the Legislature voted to override the County Executive. I think that the process that started from the very beginning was really a mess. It is very surprising to me, because we have had nothing, but good work from the County Purchasing Department, but I think that the pulling back of the original recommendation of the Purchasing Department and everything that came after that has been so confusing and to some extent so unfair to probably everyone involved. I think it is time for us to move on. I hope we can move on. I hope this does not come back to us, because it is very counterproductive. I agreed to bring this up today, because of the time element. We are not going to wait for the County Executive to veto it or sit on it. I think a letter will have to go with this resolution to the Judge and law firm so that they know that this Legislature has spoken, because we know that the County Executive is not going to get this back to us too quickly and he is not going to sign it.

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**ADJOURNMENT IN MEMORY OF  
JOSEPH J. PORROVECCHIO**

Mr. Murphy 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 Joseph J. Porrovecchio.

**ADJOURNMENT IN MEMORY OF  
MAEBELLE DIEHL**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Maebelle Diehl.

**ADJOURNMENT IN MEMORY OF  
JOSEPH A. RAHO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Joseph A. Raho.

**ADJOURNMENT IN MEMORY OF  
ARTHUR ONODY**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Arthur Onody.

**ADJOURNMENT IN MEMORY OF  
DAN TOAN**

Chairwoman Cornell offered the following memorial, which was seconded by Mrs. Low-Hogan and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dan Toan.

**ADJOURNMENT IN MEMORY OF  
EDWIN AZANEDO**

Chairwoman Cornell offered the following memorial, which was seconded by Mrs. Low-Hogan and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Edwin Azanedo.

**ADJOURNMENT IN MEMORY OF  
HOWARD KENT HUTSON**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Howard Kent Hutson.

**ADJOURNMENT IN MEMORY OF  
CHRISTOPHER McCRUDDEN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Christopher McCrudden.

**ADJOURNMENT IN MEMORY OF  
HELEN MANCE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Helen Mance.

**ADJOURNMENT IN MEMORY OF  
JOHN "JACK" DEVINE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of John "Jack" Devine.

**ADJOURNMENT IN MEMORY OF  
ROBERT E. DUVERNOY**

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 Robert E. Duvernoy.

**ADJOURNMENT IN MEMORY OF  
ODD ROALD FRIVOLL**

Mr. Moroney 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 Odd Roald Frivoll.

**ADJOURNMENT IN MEMORY OF  
PEARL STERNBERG**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Pearl Sternberg.

**ADJOURNMENT IN MEMORY OF  
ARMAND MIELE**

Mr. Schoenberger 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 Armand Miele.

**ADJOURNMENT IN MEMORY OF  
EILEEN M. BERGEN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Eileen M. Bergen.

**ADJOURNMENT IN MEMORY OF  
TIMOTHY J. SULLIVAN, JR.**

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 Timothy J. Sullivan, Jr.

**ADJOURNMENT IN MEMORY OF  
LAURA SAPORITO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Laura Saporito.

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**RESOLUTION NO. 130 OF 2013  
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Wieder and unanimously adopted (9:37 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, March 19, 2013 at 7:00 p.m.

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Respectfully Submitted,

DARCY SHAPIN - GREENBERG  
Proceedings Clerk