

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, December 18, 2012 at 7:00 P.M., pursuant to the adjournment of the December 4, 2012 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 13th day of December 2012

The Legislature of Rockland County convened in regular session pursuant to the adjournment of the December 4, 2012 meeting.

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

Christopher J. Carey
Toney L. Earl
Michael M. Grant
Douglas J. Jobson
Nancy Low-Hogan
Jay Hood, Jr.
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

Absent: Legislator Edwin J. Day

Honorable Toney L. Earl, Deputy Majority Leader, led in the Salute to the Flag.

Reverend Nathan Demosthene, Pastor First Timothy Church, Spring Valley, New York delivered the invocation.

Special Order of the Day:

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **18th day of December, 2012, at 7:05 P.M.**, prevailing time, to consider a local law amending local law number 11 of 1967 as amended by local law number 16 of 1967, local law number 5 of 1968, local law number 2 of 1983, local law number 2 of 1996, local law number 5 of 2000, local law number 3 of 2005, and local law number 8 of 2007, (chapter 250 of the laws of Rockland county) relating to the licensing of master electricians in Rockland county.

Dated: New City, New York
December 6, 2012

LAURENCE O. TOOLE
Clerk to the Legislature
Allison-Parris County Office Building
11 New Hempstead Road
New City, New York 1095

The Chairwoman opened the public hearing and there were no speakers.

Affidavits of publication and a complete transcript of the public hearing are on file in the Office of the Clerk to the Legislature.

**RESOLUTION NO. 565 OF 2012
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed. (7:10 p.m.)

Special Order of the Day:

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **18th day of December, 2012, at 7:10 P.M.**, prevailing time, to consider a local law providing for an electrical code enforcement program and for the licensing of electrical inspectors in the county of Rockland.

Dated: New City, New York
December 6, 2012

LAURENCE O. TOOLE
Clerk to the Legislature
Allison-Parris County Office Building
11 New Hempstead Road
New City, New York 10956

The Chairwoman opened the public hearing and there were no speakers.

Affidavits of publication and a complete transcript of the public hearing are on file in the Office of the Clerk to the Legislature.

**RESOLUTION NO. 566 OF 2012
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed. (7:11 p.m.)

The Chairwoman opened the public participation portion of the meeting at 7:13 p.m. and the following persons appeared and spoke:

- ❖ Glen Lewis, County employee opposed to lay offs
- ❖ Pete Bower, Highway Department employee, opposed to lay off

Chairwoman Cornell closed public participation at 7:17 p.m. and reopened it at 8:44 p.m.

LOCAL LAW NO. 12 OF 2012**COUNTY OF ROCKLAND****STATE OF NEW YORK**

(Sponsor: Hon. Alden H. Wolfe)

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

A local law amending local law number 11 of 1967 as amended by local law number 16 of 1967, local law number 5 of 1968, local law number 2 of 1983, local law number 2 of 1996, local law number 5 of 2000, local law number 3 of 2005, and local law number 8 of 2007, (chapter 250 of the laws of Rockland county) relating to the licensing of master electricians in Rockland county.

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

Section 1.

Local law number 11 of 1967 as amended by local law number 16 of 1967, local law number 5 of 1968, local law number 2 of 1983, local law number 2 of 1996, local law number 5 of 2000, local law number 3 of 2005, and local law number 8 of 2007, (chapter 250 of the laws of Rockland county) relating to the licensing of electrical contractors in Rockland county is amended as follows:

250-1. [Legislative intent.] Purpose; limitation.

The [l]Legislature of the [c]County of Rockland hereby finds that there is a danger to life and property inherent in the use of electrical energy, that the loss of life and property can be caused by the defective installation and repair of electrical wiring and that such loss of life and property can be prevented if the installation and repair of electrical wiring is undertaken by persons with experienced training in the business of installing, altering or repairing wiring and appliances for electric light, heat, power or signaling systems.

250-2. Definitions[.]: Word Usage.

[For the purpose of] As used in this chapter, [unless otherwise indicated by the context.] the following terms shall have the meanings indicated:

APPLICANT – The qualifying individual applying for the license.

BOARD – The [b]Board of [e]Electrical [e]Examiners created by this chapter.

ELECTRICAL CONTRACTOR – Includes any person, partnership, limited partnership, limited liability company, or corporation which engages in or carries on the business of installing, erecting, altering or repairing, for the public at large, electrical wiring, apparatus, fixtures, devices, appliances and equipment utilized or designed for the utilization of electricity for light, heat or power purposes or for signaling systems operating on fifty (50) volts or more under the supervision of a master electrician.

MASTER ELECTRICIAN – A person who has met all the requirements of the Board of Electrical Examiners including a passing grade on the master electrician exam.

PERSON – An individual. All references to the masculine gender shall be interpreted to include the feminine gender.

SECRETARY – An employee of the [b]Board of [e]Electrical [e]Examiners.

EXAMINER – A person employed by the county and designated by the Board to exercise or to discharge, as directed by the Board the authority or the duties established by this chapter or by the Board pursuant to this chapter.

SHELVE – The voluntary placement by an individual of his [c]County of Rockland master electrician license in an inactive status. An individual with a shelved license shall be unlicensed. This individual shall not maintain, conduct, operate, advertise, engage in or transact a business as a master electrician in the [c]County of Rockland.

SUPERVISOR OF WORK – A master electrician (1) who is an electrical contractor, or (2) who is a partner in a partnership that is an electrical contractor, or a general partner in a limited partnership that is an electrical contractor, or a managing member of a limited liability company that is an electrical contractor, or an officer of a corporation that is an electrical contractor, or (3) who is a bona fide employee of such electrical contractor. The Supervisor of the Work must be available to inspect the work of his employees. [The electrical contractor shall be liable with respect to all actions taken by such partner, general partner, managing member, officer, or employee.]

ELECTRICAL CONTRACT – A written agreement between a contractor and an owner or between a contractor and a tenant for the performance of electric work, which includes all labor, services and materials to be furnished and performed thereunder.

ELECTRICAL CONTRACTING ESTABLISHMENT – Any shop, establishment, place or premises where the electrical business is carried on.

LICENSEE – A person permitted to engage in the electrical contracting business under the provisions of this chapter.

HOMEOWNER – Any homeowner, tenant or any other person who orders, contracts for or purchases the electrical services of a contractor, or the person entitled to the performance of the work of a contractor pursuant to an electrical contract.

DIRECTOR – The Director of Consumer Protection.

THE CODE – The title of this Code shall be NFPA 70, National Electrical Code® Of the National Fire Protection Association. The short title of this Code shall be the NEC® in its most current edition.

250-3. License required.

On or after the effective date of this chapter, no person shall engage in, carry on or conduct the business of an electrical contractor within the [c]County of Rockland unless licensed therefor pursuant to this chapter or unless employed by a person so licensed. On or after the effective date of this chapter, no partnership, limited partnership, limited liability company, or corporation shall engage in, carry on, or conduct the business of an electrical contractor within the [c]County of Rockland unless it is specified as the “holder of the license” of a master electrician pursuant to section 250-6.1 of this chapter; in the case of a partnership, the partnership shall be evidenced by a written partnership agreement. On or after the effective date of this chapter, no persons or other entities may participate in a joint venture involving the business of an electrical contractor in Rockland [c]County unless each participant in the joint venture is, pursuant to this chapter, licensed or specified as a holder of a license.

250-4. Board of Electrical Examiners.

A. There is hereby created a board of electrical examiners consisting of eleven (11) members, hereinafter referred to as the “[b]Board.” The members of such [b]Board shall be residents of the county and shall be appointed by the [c]County [e]Executive subject to confirmation by the Rockland [c]County [l]Legislature, and shall serve at the pleasure of the [c]County [e]Executive. The members so appointed, shall be persons with experienced training in the field of electrical installations.

B. The membership of the board shall at all times provide for representation by at least one (1) [two (2)] residents of each of the several towns in Rockland [c]County, and five (5) members at large, exclusive of the legislative member.

C. The [c]Chairman of the [l]Legislature of the [c]County of Rockland shall designate a member of the [b]Board of Electrical [e]Examiners to act as [c]Chairman thereof, or, on failure so to do, the [b]Board shall elect a [c]Chairman from its own members.

D. A majority of the [b]Board shall constitute a quorum for the transaction of business.

E. Compensation to be paid to the members of the [b]Board of Electrical [e]Examiners, if any, shall be determined by the [c]County [l]Legislature.

F. Members of the Board shall be required to attend sixty percent (60%) of all regular meetings scheduled by the Board in the calendar year, failure to do so may result in the Board submitting a letter to the County Executive recommending the member be removed for failure to attend regularly scheduled Board meetings.

250-5. Powers and duties of [b]Board.

The [b]Board shall have the following powers and duties in addition to those elsewhere prescribed in this chapter:

- A. To hold meetings at the call of the Chairman and at such other times as the [b]Board may determine when necessary or desirable for the efficient discharge of the business of the board, but not less than quarterly. All meetings of such [b]Board shall be open to the public. [Such] The [b]Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every decision or determination of the board shall immediately be filed in the office of the [c]Clerk to the [l]Legislature of the [c]County of Rockland and shall be a public record.
- B. To examine [into] the qualifications and fitness of applicants for licenses under this chapter or of the representatives of such applicants designated for such purpose.
- C. To grant and issue licenses as master electricians to applicants possessing the requisite qualifications. Licenses shall be signed by the [c]Chairman and [s]Secretary of the [b]Board.
- D. To suspend or revoke licenses for cause as prescribed [herein] in this chapter.
- E. To keep records of all [its meetings and proceedings and of all] licenses issued, suspended or revoked by it and to make such records available for public inspections, the same to be filed in the office of the [c]Clerk to the [l]Legislature of the [c]County of Rockland and with the Secretary.
- F. To prepare a manual of its rules and regulations for the conduct of examination and qualifications and to furnish copies thereof to persons desiring the same upon payment of a fee as set by the Board.
- G. To adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this chapter or any other law, after a public hearing by the board and subject to [the] approval of the Rockland County [l]Legislature [of Rockland county]. Upon adoption and approval of such rules and regulations, they shall be duly filed with the [c]Clerk of the Rockland County [l]Legislature [of Rockland County] and the Director.
- [G]H. The [b]Board shall employ experts, clerks and a secretary, subject to the appropriations that may be made therefore by the Rockland [c]County [l]Legislature. Said employees shall report to the [Director] Director on a day-to-day operational basis. The Rockland [c]County [l]Legislature is hereby authorized and empowered to make such appropriation as it may see fit for such expenses; the amount of the appropriation shall be the estimated charges and expenses, less fees, if any, collected pursuant to the licensing required by this chapter.

250-6. Licenses; [term;] renewal; fees.

- A. The [b]Board may issue and renew a master electrician's license. Such license shall permit the licensee to engage in the business of electrical contractor or as an employee or partner or officer of an electrical contracting business within the [c]County of Rockland for the period of one (1) year from the date on which it was issued. A master electrician will only be entitled to possess one (1) valid master electrician's license pursuant to this chapter for any given year. A master electrician shall supply the [b]Board with a passport photograph every year at the time of and as a condition of the renewal the master electrician's license. The [b]Board shall issue each master electrician a new identification card every three (3) years.
- B. The fee for such license shall be set forth in the rules and regulations.
- C. Each licensed master electrician shall receive from the [b]Board one (1) decal with his license without charge. Additional decals may be purchased for a fee to be set forth in the rules and regulations. Every electrical van, truck, utility body, bucket truck, or other vehicle used in any form of electrical contracting activity shall at all times have affixed to its back bumper a decal, which shall be so affixed immediately upon receipt from the [b]Board.

- D. There shall be an application fee which shall be set forth in the rules and regulations for administration of tests required by the [b]Board for persons seeking permission to do electrical work on non-attached personally owned primary residences.
- E. Every electrical van, truck, utility body, bucket truck, or other vehicle used in any form of electrical contracting activity shall at all times also have affixed to each side a sign bearing the full name of the business and either the full address or full telephone number of the business. Sign lettering and numbering shall be at least three inches (3["]) in height.

250-7. Application for licenses and certificates.

- A. Every person desiring a license as a master electrician under this chapter shall make application therefore to the [b]Board in such form and detail as the [b]Board may prescribe and shall be accompanied by the required fee set forth in the rules and regulations. Such application shall state, among other things, the name and address of the applicant who will take the examination for the license and who will act as supervisor of the work to be done under the license, if granted.
- B. Every master electrician desiring certificate as an electrical contractor under this chapter shall make application therefore to the [b]Board in such form and detail as the [b]Board may prescribe, [and shall be] accompanied by the [required] appropriate fee set forth in the rules and regulations. Such application shall state, among other things, the name, address and license number of the supervisor of work who shall be a [c]County of Rockland licensed master electrician.

250-8. Examinations; [requirements; exception]bond and insurance.

- A. Examinations shall be in writing as the Board may determine. A complete record of every examination given shall be kept on file until three (3) years after the date of the examination. Examinations shall be held at such times and places as the [b]Board may fix.
- B. The applicant shall present himself for examination at the time and place specified in a notice to be given by the [b]Board.
- C. An applicant who has failed in his first examination shall not be eligible for reexamination until [the next regularly scheduled exam] three (3) months from the date of such failure. One who fails twice or more shall not be eligible for further reexamination until at least six (6) months have elapsed from the date of such second or subsequent failure.
- D. No license for a master electrician shall be granted and held by any person unless he shall prove to the satisfaction of the board that he is [a] competent [electrician] and qualified to [do electrical contracting, construction and installation] perform work. [and electrical wiring; has a working knowledge of electricity and the natural laws, properties and functions of electricity and of appliances, apparatus, materials, devices for electric light, heat, power and signaling systems used and required in such work, combined with a practical working knowledge of the requirements and provisions of the National Electrical Code and a knowledge of the provisions of this chapter and the rules and regulation of the board and the laws of the state, if any, and of the county of Rockland for installation of electrical wiring, devices, appliances and equipment and of the provisions thereof requiring permits therefor; provided, however, that any person applying therefor within one (1) year after the effective date of this chapter shall have been continuously engaged in the business and work of a master electrician in the county of Rockland for a period of two (2) years or more preceding such date shall, upon proof thereof to the satisfaction of the board, be deemed fit and qualified to receive a license hereunder without further examination, upon payment of the fee prescribed therefor by this chapter.] The Board may, as a condition to the granting of a license, establish a rule or regulation requiring that the applicant must have a certain number of years of experience performing work before the date of application.
- E. Any person applying for a license within one (1) year after the effective date of this chapter who shall hold a current valid license or who shall have been continuously engaged in the business and work of an electrician in the County of Rockland for a period of five (5) years or more preceding such effective date shall be entitled to receive a license without examination upon payment of the fee prescribed by this chapter.

- F. The Board may require an application for a license or a renewal application to be accompanied by a bond, approved as to form by the County Attorney, executed by a bonding or surety company authorized to do business in the state of New York, or cash security in an amount to be set by the Board, conditioned upon the assurance that during the term of such license the licensee will continue to comply with the provisions of this chapter, to assure that upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, or the reasonable costs of completion of the contract in the event of no completion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. Such bond shall run to the County of Rockland for the use and benefit of any person or persons intended to be protected thereby. The filing of the required bond in the Office of the Director, pre-approved as to form by the County Attorney, shall be deemed sufficient compliance with this section. The Board may require a bond at any time during the term of the license based on the licensee's performance during such term.
- G. All persons licensed pursuant to this chapter shall be required to secure liability insurance to protect all persons from personal injury and property damage that could occur, directly or indirectly, during or as a result of their work licensed by this chapter. Such liability insurance must include proof of personal liability and property damage coverage (with no exclusions for product-completed operations coverage) in such form and amount, and with such other kinds of coverage, as may from time to time be set forth in or required by the rules and regulations, along with proof of workers' compensation and disability insurance in such form and amount as may from time to time be set forth in or required by the rules and regulations. Such liability insurance shall be occurrence-based.
- H. 1. The Director or his designee, upon receipt of evidence that any bond required of any licensee by 260-8 (F.) or any liability, disability, or workers' compensation insurance required of any licensee by 250-8(G) or the rules and regulations is not in effect, the Director or his designee shall promptly issue an order suspending the license of such licensee and shall promptly mail a copy of such order by regular first class mail and by certified mail to the licensee at the licensee's address provided in accordance with this law or the rules and regulations.
2. The suspension shall take effect on the date specified in the order and shall remain in effect for a period of time equal to the time from the date that the bond or insurance, as the case may be, was not in effect to the date on which a subsequent insurance, as the case may be, became or will have become in effect.
3. No order suspending any license shall be issued, or, if such order has been issued, it shall be terminated, if the Director or his designee shall determine either that the bond or insurance, as the case may be, had been erroneously determined not to have been continuously in effect or that both:
- (a) The licensee was not aware of the fact that the bond or insurance, as the case may be, was not in effect; and
 - (b) The failure to have such bond or insurance in effect was caused solely by the negligence or malfeasance of a person other than such licensee. The burden of proving that the bond or insurance had been erroneously determined not to have been continuously in effect, or that the licensee did not know that the bond or insurance was not in effect and that such failure to have the bond or insurance in effect resulted solely from the negligence or malfeasance of another, shall be upon the licensee seeking to avoid suspension action. Such facts shall be established by clear and convincing evidence, either by the submission of affidavits or at a hearing called in the discretion of the Board. The Board may, as justice may require, terminate or modify any order suspending any license.
4. No order issued, and no action taken or not taken, by the Director or his designee pursuant to this subsection 250-8(h) shall be subject to appeal to the Board or to the appeal procedures specified in 250-20 but, rather, shall be deemed an administratively final determination for purposes of judicial review.
5. Nothing in this subsection shall prohibit the Board from further suspending or revoking such license pursuant to 250-9 of this law or prohibit the Director or the others specified in 250-24 from proceeding further to enforce this law as provided in 250-24.

250-[10]9. Refusal, suspension or revocation of license [and/or certificate].

1. Any license issued hereunder may be suspended or revoked, at the discretion of the Board, after public hearing, upon due notice held, upon charges given to the licensee and an opportunity to be heard in his defense, in person or by an attorney, if the Board is satisfied that the holder of such license or any of his or its officers or employees willfully, or by reason of incompetence, have violated any provision of this chapter, any other law, ordinance, local law, resolution or building code governing electric work or requiring permits therefore or any requirement contained in the rules and regulations of the Board and any revisions thereof. The Board shall cause the proceedings of such hearing to be electronically or otherwise recorded verbatim and permanently preserved.
2. Any revocation under subsection 2 of this section shall be for not less than one (1) year unless otherwise specified by the appeals board pursuant to 250-20 of this chapter.
3. A license to conduct, operate, engage in and transact an electrical contracting business as an electrical contractor may be refused, suspended or revoked by the Board for any one (1) or more of the following causes:

[Examinations shall be in writing. A complete record of every examination given shall be kept on file until three (3) years after the date of the examination. Examinations shall be held at such times and places as the board may fix.]

[A. A master electrician license and/or electrical contractor certificate may be refused, suspended or revoked by the board for any one (1) or more of the following causes:]

- [1.]A. Fraud, misrepresentation or bribery in securing a license.
- [2.]B. The making of any false statement as to material matter in any application for a license [or name change] or in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director of his designee with respect to a license or with respect to any electrical contract.
- [3.]C. [License holder and/or electrical contractor having been convicted of a felony involving another person or property.] The person or the management personnel of the contractor are untrustworthy or not of good character.
- [4.]D. The business transactions of the [master electrician and/or electrical] contractor have been marked by a practice of failure to perform its contracts or the [fraudulent] manipulation of assets or accounts by fraud or bad faith.
- [5.]E. Failure to display the license [sticker which is issued by the county of Rockland] as provided in this chapter.
- [6.]F. Violation of any provision of this chapter or of any rule or regulation adopted hereunder. [or any other law or ordinance pertaining to electricians.]
- G. The institution of federal bankruptcy proceedings (voluntary or involuntary), or of proceedings in any court to appoint a receiver, with respect to the person or any management personnel of the contractor; or the making of an assignment by the person or any management personnel of the contractor for the benefit of creditors whose claims arise under or are related to any electrical contract with the person or management personnel of the contractor; or failure to notify the Board of the institution of such proceedings or the making of such assignment.
- H. License holder and/or electrical contractor having been convicted of a felony involving another person or property.
- I. Failure to display the license sticker, which is issued by the County of Rockland.
- J. Violation of any provision of this chapter or of any rule or regulation adopted hereunder of any other law or ordinance pertaining to electricians.
- [7.]K. Maintaining, conducting, operating, advertising, engaging in or transacting a business as a master electrician in the [c]County of Rockland with a shelved license.
- [8.]L. Employing an unlicensed subcontractor or subcontractors to perform electrical work or any combination thereof in the [c]County of Rockland.
- [9.]M. Failure to renew master electrician license on or before expiration date.
- [10.]N. Filing for electrical contracting work which the contractor did not contract to perform, or taking over and filing through [an authorized] a certified electrical inspection [and certification] company for electrical contracting work begun by a person not licensed pursuant to this chapter prior to approval of the Board of Electrical Examiners.
- [B]O. Prior to the revocation or suspension of a master electrician license, the licensee shall receive, in writing, all the particulars of the alleged violation and shall have an opportunity to present his defense at a public hearing either in person or by his attorney.

250-1[1]0. Prohibited acts.

A. The following acts are prohibited.

(1) Abandonment or willful failure to perform, without justification, any electrical contract or project engaged in or undertaken by a contractor, or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner.

(2) Making any substantial misrepresentation in an electrical contract or in the procurement of an electrical contract [and/] or making any false promise likely to influence, persuade or induce [the procurement of an electrical contract].

(3) Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to an electrical transaction.

(4) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligations of an electrical transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the electrical work.

(4)5) Directly or indirectly publishing any advertisement relating to electrical work which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement, which is subject to and complies with then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or any means of advertising or purporting to offer the general public any electrical work with the intent not to accept contracts for the particular work or the price, which is advertised or offered to the public.

(6) Willful or deliberate disregard and violation of the building, sanitary and health laws of this state or any political or municipal subdivision thereof.

(5)7) Willful failure to notify the [b]Board of any change or control in ownership, management, business name, location or person whose qualifications were the subject of review and approval by the board as designee of a contractor.

(8) Conducting an electrical contracting business in any name other than the one in which the contractor is licensed.

(6)9) Willful failure to comply with any order, demand or requirement made by the [b]Board pursuant to provisions of this chapter, or the willful making of any false statement as to a material matter in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board of by the Director of his designee with respect to a license or with respect to any electrical contract.

(10) Willful or other refusal, failure, or neglect to pay or comply with any judgment in favor of any owner, supplier, vendor, material man, subcontractor, independent contractor, employee, or other person arising out of any electric contract or electrical contracting activity entered in any court of competent jurisdiction, within sixty (60) days after the entry of such judgment, or within sixty (60) days after the disposition of any appeal from it, or within sixty (60) days after the expiration of any period during which an appeal or further appeal may be taken from it, whichever is later.

(11) Willful refusal or failure to make any payment, when due, to any supplier, vendor, material man, subcontractor, independent contractor, employee, or other person for any labor or materials in connection with any electrical contract, or any willful act or omission that may expose any owner to the imposition of any lien or to any civil or other liability or penalty.

B. As part of or in connection with the inducement to make an electrical contract, no person shall promise or offer to pay credit charges or allow to a buyer any compensation or reward for the procurement of an electrical contract with others.

C. No contractor shall offer or pay a loan as an inducement to enter into an electrical contract.

D. No acts, agreements or statements of a buyer under an electrical contract shall constitute a waiver of any provisions of this chapter intended for the benefit or protection of the buyer.

[B]E. No person shall advertise or hold themselves out as being qualified to perform [as a master electrician] electric work, as defined in this chapter, in Rockland [c]County unless licensed as herein provided, and the license number shall appear in all such advertising.

F. No contractor shall employ an unlicensed subcontractor or subcontractors.

250-11. Exceptions.

- A. No contractors' license shall be required of any person when acting in the particular capacity or particular type of transaction set forth in this section:
 - 1. An individual who performs labor or services as a bona-fide employee for a Rockland County licensed electrical contractor for wages or salary.
 - 2. Any retail clerk, clerical, administrative or other employee of a licensed contractor as to a transaction on the premises of the contractor.
- B. This chapter shall not apply to an electrical contract otherwise within the purview of this chapter, which is made prior to the effective date of the respective provisions of this chapter governing such contracts.

250-1[3]2. Installation standards.

All installations of electrical work, all extensions thereto and all alterations thereof within the [c]County of Rockland shall be in conformity with the provisions of this chapter and of any other applicable statute, local law, resolution, ordinance or building code pertaining thereto and shall also be in conformity with approved standards for safety to life and property. In every case where no specific type or class of material or no specific standards are prescribed by law, conformity with the regulations and requirements contained in the National Electrical Code, [1999] 2008 edition, and any revisions thereof shall be prima facie evidence of conformity with approved standards for safety to life and property.

250-1[4]3. Evidence of proper installation.

The inspections made and the certificates of approval or permits issued by [the New York board of fire underwriters or] any local municipality approved inspection agency for any electrical installation in the county of Rockland shall be deemed by the [b]Board as evidence of proper installations.

[250-15. Issuance of permits by municipalities.

Nothing contained herein shall be construed to obviate the necessity of procuring a permit for electrical work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed. No permit for construction or certificate of approval or certificate of occupancy shall be issued by a municipality in the county of Rockland if there has been an installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices, appliances or equipment in violation of the requirements of this chapter, or if work is performed in violation of the licensing requirements contained herein.]

250-14. Contract Requirements.

Every electrical contract, where the total aggregate cost exceeds two hundred fifty dollars (\$250) shall be subject to the provisions of this section. Every contract and any changes in the contract subject to the provisions of this section shall be in writing, shall be signed by all parties to the contract, and the writing shall contain the following:

- A. The name, address, license number and federal employer identification number, if any, of the contractor.
- B. The approximate dates when the work will begin and on which all construction is to be completed.
- C. A description of all work to be done, the materials or material allowances and equipment to be used, the agreed consideration for the work and whether any other work is required to be performed to comply with any other law, ordinance, local law, resolution or building code governing electrical work or requiring permits therefore or any requirement contained in the rules and regulations of the Board and any revisions thereof.
- D. If the payment schedule contained in the contract provides for a down payment to be paid to the contractor by the owner before the commencement of work, such down payment shall not exceed one thousand dollars (\$1,000) or fifteen percent (15%) of the contract price, excluding finance charges, whichever is the lesser. However, this subsection D shall not be construed to prohibit any contractor from demanding or receiving from any owner at any time during the performance of any contract advance payment for any materials that are necessary for the owners specific project, provided:

- (1.) that the contractor has become or may become, for any reason, irrevocably committed to purchase such materials from any supplier, vendor, material man, or other person; or
- (2.) that the contractor has become or may become, for any reason, contractually liable to pay any supplier, vendor, material man, or other person for such materials; or
- (3.) such materials have become irreversibly customized for the owners specific project and may not feasibly, without undo hardship to the contractor, be salvageable by the contractor from the owner specific project; and provided, further, that the contract shall contain in bold 12-point or larger print, immediately above the signature of the owner, the following language, which shall be separately initialed by the owner: "At any time during the performance of this contract, the contractor may demand and shall be entitled to receive in full from the owner advance payment for any materials that are necessary to perform this contract."
- E. A schedule of payments showing the amount of each payment as a sum in dollars and cents. In no event shall the payment schedule provide for the contractor to receive, nor shall the contractor actually receive, payments in excess of one hundred percent (100%) of the value of the work performed on the project at any time, excluding finance charges, except that the contractor may receive an initial down payment and any advance payments authorized by subsection D. The schedule of payments shall be stated in dollars and cents and shall be specifically referenced to the amount of work to be performed and to any materials and equipment to be supplied.
- F. The contract shall state that, upon satisfactory payment being made for any portion of the work performed, the contractor shall, prior to any further payment being made, furnish to the person contracting for the work a full and unconditional release from any claim of a mechanics lien by the contractor or by a person entitled to enforce a mechanics lien for that portion of the work for which payment has been made.
- G. The requirements of subsections D, E and F shall not apply when the contract provides for the contractor to furnish a performance and payment bond, lien and completion bond, or a bond equivalent approved by the Board, covering full performance and completion of the contract and such bonds are furnished by the contractor or when the parties agree for full payment to be made upon or for a schedule of payments to commence after satisfactory completion of the project. The contract shall contain in close proximity to the signature of the owner a notice in at least ten-point type stating that such owner has the right to require the contractor to have a performance and payment bond.
- H. No additional work shall be performed without prior written authorization of the person contracting for the electrical work. Any such authorization shall be on a contract change-order form, showing the agreed terms and reasons for such changes and shall be approved by both parties in writing. Any such change-order forms shall be incorporated in, and become part of, the contract.
- I. The writing shall be legible and shall be in such form as to clearly describe any other document, which is to be incorporated into the contract, and before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor.
- J. The contract shall contain not less than a one-year warranty guaranteeing the quality of workmanship.
- K. The contract shall require the contractor to obtain any necessary permits and inspections and provide to the owner a electrical final inspection for work performed. Should the contract indicate that the homeowner is to obtain any necessary permits and certificate of occupancy, same shall be set forth in not less than ten-point bold lettering.
- L. The writing may also contain other matters agreed to by the parties to the contract.
- M. At the time a contract is signed by the parties, the contractor shall deliver a legible copy of such contract to the person contracting for the electrical contracting work.
- N. Each electrical contractor shall maintain books of account, copies of all contracts with buyers and such other records as shall properly and completely reflect all transactions involving the electrical contracting business. These records shall be maintained for six (6) years or the length of time of the contract guaranty, whichever is longer.
- O. A notice to the owner that, in addition to any right to otherwise revoke an offer, the owner may cancel the electrical contract until midnight of the third business day after the day on which the owner has signed an agreement or offer to purchase relating to such contract. Cancellation occurs when written notice of cancellation is given to the electrical contractor. Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and postage prepaid. Notice of cancellation shall be sufficient if it indicates the intention of the owner not to be bound. Notwithstanding the foregoing, this subsection shall not apply to a transaction in which the owner has initiated the contact and the electric work is needed to meet a bona fide emergency of the owner, and the owner furnishes the electrical contractor with a separate dated and signed personal statement in the owner's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the electrical contract within three business days. For the purposes of this subsection, the term owner shall mean an owner or any representative of an owner.

250-15. Contract funds.

An electrical contractor must treat all funds received from a customer pursuant to a electrical contract as trust funds to be applied solely to the payment of expenses directly related to the electrical contract. Such funds may not be applied to the payment of expenses unrelated to the electrical contract unless and until the electrical contract is completed and all the expenses for direct labor, material and subcontractors related thereto have been paid by the contractor.

250-16. Disposition of fees.

All fees derived by the Board from the operation of this chapter shall be turned over to the Commissioner of Finance by the Board within ten (10) days after they are received.

250-17. Liability for damage.

This chapter shall not be construed to relieve from nor lessen the responsibility of any electrical contractor for any loss of life or damage to person or property, nor shall the County of Rockland be deemed to have assumed any such liability by reason of any license issued pursuant to this chapter.

[250-17. Disposition of money received.

All fees derived by the board from the operation of this chapter shall be turned over to the commissioner of finance by the board within ten (10) days after they are received, and such money shall be deposited by such commissioner. Said funds and all disbursements shall be recorded in such manner as to be identified as "board of electrical examiners funds". All disbursements herein provided for which may hereafter be directed to be made for the purpose of carrying out this chapter shall be made from and charged to such fund.]

[250-18. Penalties for offenses.

- A. Any willful or negligent failure by any person to comply with the provisions of 250-3 hereof shall constitute a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for a period not exceeding one (1) year or by both such fine and imprisonment.
- B. Any person who, with intent to defraud or deceive, knowingly makes a false statement in the application for a license or the renewal of a license or the application for a shelved license or the renewal of a shelved license provided for in this chapter or in any proof or instrument in connection therewith, shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars (\$1,000.) or by imprisonment for a period not to exceed one (1) year, or both.
- C. Any willful or negligent failure by any person to comply with any of the other sections of this chapter shall constitute a violation and shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for a period not exceeding fifteen (15) days, or both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.
- D. The secretary, as designated herein, the director of the department of weights and measures/office of consumer protection, and the director's designees, shall have the power to issue appearance tickets as the same are defined in article 150 of the criminal procedure law.
- E. In addition to any criminal penalties provided in the preceding subsections A, B, and C of this section 250-19 which may be imposed by a court of competent jurisdiction, an administrative notice of violation assessing a civil penalty not to exceed three thousand dollars (\$3000.) for any willful or negligent failure by any person to comply with any provision of this chapter may be issued by the secretary, as designated herein, the director of the department of weights and measures/office of consumer protection, and the director's designees, and sent by certified, registered, or ordinary mail to the person who has failed to comply. Each failure to comply with one or more separate and distinct provisions of this chapter shall constitute a separate and distinct failure to comply, for each of which the secretary, as designated herein, the director of the department of weights and measures/office of consumer protection, and the director's designees may issue a separate and distinct administrative notice of violation assessing a civil penalty not to exceed three thousand dollars (\$3000.). The continuation of any failure to comply shall constitute a separate and distinct failure to comply for each day the failure is continued. The director of the department of weights and measures/office of consumer protection may commence a civil action in any court of competent jurisdiction to collect any civil penalty assessed pursuant to this subsection that remains unpaid for more than thirty (30) days after the mailing of the notice of violation.

- F. Nothing herein contained shall prevent the secretary, the director of the department of weights and measures/office of consumer protection, or the director's designees, the board, or other employee of the county designated by the board from proceeding to enforce [, by both criminal and civil action,] the requirements of this chapter by any one or any combination, successively or simultaneously, of the following: criminal proceedings as provided in subsections A, B, C, and D of this section; civil penalty as provided in subsection E of this section; or civil action for injunctive, declaratory, monetary, or other relief.
- G. The board may suspend, revoke, refuse to issue, or refuse to permit the shelving of a license or refuse to renew or reactivate a shelved license, to any person who has failed to pay any fine or civil penalty imposed pursuant to the provisions of this chapter.
- H. All civil penalties assessed pursuant to subsection E of this section, and all monetary relief awarded by any court of competent jurisdiction pursuant to subsection F of this section shall be entirely the property of the county of Rockland.]

250-18. Other licenses; powers of municipalities.

(A). A license issued pursuant to this chapter may not be construed to authorize the licensee to perform any particular type of work or kind of business, which is reserved to qualified licensees under separate provisions of state or local law, nor shall any license or authority other than as is issued or permitted pursuant to this chapter authorize engaging in the business of electrical contracting.

(B). Nothing in this chapter shall be construed to limit or restrict the power of a town or village to regulate the quality, performance or character of the work of contractors, including a system of permits and inspections, which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws or to enforce other laws necessary for the protection of the public health and safety.

(C). Nothing in this chapter limits the power of a town or village to adopt any system of permits requiring submission to and approval by the town or village of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done.

250-1[6]9. Nonapplicability.

A. The provisions of this chapter shall not apply to:

- (1) Persons engaged solely in selling or solely in the attachment of ordinary electric appliances to existing circuits where no jointing or splicing of electrical conductors is required.
- (2) The installation, maintenance or repair of elevators, dumbwaiters and escalators.
- (3) The repair of heating systems.
- (4) Any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as his principal business.
- (5) The work in connection with the erection, construction, maintenance or repair of lines and facilities for the generation, transmission and distribution of electricity from the source of supply to the service connection on the premises where used by electric corporations, as defined by the Transportation Corporations Law of this state, excluding however, the construction or erection of plants and substations for the generation and distribution of electricity.
- (6) Municipal plants authorized to generate or sell electricity.
- (7) The work of such companies or plants in installing, maintaining and repairing, on the consumer's premises, of service connections, meters and other apparatus and appliances remaining the property of such companies or plants after installation.
- (8) Emergency repairs of wiring and appliances, on the consumer's premises, necessary for the protection of life or property.
- (9) Electrical work performed by or pursuant to contract with any federal or state government or any agencies thereof.

B. This section in providing that this chapter shall not apply to designated persons shall in no way be construed by inference to expand the scope of the definition of "master electrician" contained in §250-2 of this chapter.

[250-19. Liability for damage; insurance.

This chapter shall not be construed to relieve from nor lessen the responsibility of any person, partnership, limited partnership, limited liability company, or corporation owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the county of Rockland be deemed to have assumed any such liability by reason of any inspection made or license issued pursuant to this chapter. Every electrical contractor that is a "holder of the license" pursuant to this chapter shall submit proof to the board, in such form and in such manner as the board may from time to time require or determine to be satisfactory, that such electrical contractor at all times during which it is a "holder of the license" either maintains such workers compensation and disability insurance as may be required by New York state law, or that such electrical contractor is exempt from maintaining such insurance, as well as that such electrical contractor maintains liability insurance in an amount established from time to time by rule or regulation pursuant to this chapter for damage to persons and property in connection with engaging in or carrying on business as an electrical contractor.]

250-[12]20. Appeals.

A. Any person aggrieved by the action of the board in refusing to issue a license or renewal thereof or shelving of a license or renewal thereof or reactivation of a shelved license or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the legislature within thirty (30) days after the same has been filed with the [c]Clerk of the Rockland County L[]legislature as required herein. Such appeal shall be taken by filing with the [b]Board and the Rockland County L[]legislature a notice of appeal, specifying the grounds therefore.

B. The [b]Board shall forthwith transmit to the Clerk of the Rockland County L[]legislature and shall by personal delivery or by first class mail serve upon the appellant a copy of the recorded proceedings and a copy of all the papers constituting the record upon which the action appealed from was taken.

C. An appeal, except from an action of the Board in refusing to issue a license or renewal thereof, stays all proceedings in furtherance of the action appealed from, unless the [b]Board [issues a certificate] certifies to the Rockland County L[]legislature, after the notice of appeal shall have been filed, [stating that a stay of all proceedings would,] that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property, in which case the [stay] proceedings shall not be stayed [vacated unless the legislature grants a stay of all proceedings in furtherance of the action appealed from] otherwise than by a restraining order which may be granted by the Rockland County Legislature.

D. The County Executive, subject to confirmation by the County Legislature, may [by general or special rule] designate three (3) [of its] members of the Legislature, [exclusive of the member on the board of electrical examiners,] as an appellate panel to hear the appeal[s].

E. A time shall be fixed for the hearing of the appeal, and notices of the hearing shall be mailed to the appellant and the [b]Board at least [ten (10)] twenty (20) days before the hearing. Upon the hearing any party may appear in person or by agent or by attorney. The appellate panel may reverse or affirm, wholly or partly, or may modify the decision or determination or action appealed from and shall make such decision or determination as, in its opinion, ought to be made in the premises and to that end shall have the powers of the Board from which the appeal is taken.

[The three (3) members of the county legislature designated to hear the appeal may reverse or affirm, wholly or partly, or may modify the decision or determination or action appealed from and shall make such decision or determination as in its opinion ought to be made in the premises and, to that end, shall have the powers of the board from which the appeal is taken.]

F. Any person or persons aggrieved by any decision made upon an appeal may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days after filing the decision in the [o]Office of the [c]Clerk [of] to the [l]Legislature.

G. Said appeals shall be [limited to the evidence relevant to the issues decided by the board] hearing de novo at which the proceedings of and the evidence presented at the hearing before the Board shall be considered, together with such other evidence offered by the appellant or the Board that the three (3) members of the Legislature hearing the appeal deem relevant to the issues decided by the Board.

H. All exhibits proposed by the appellant or the Board to be submitted as evidence at the hearing of the appeal shall be filed with the [c]Clerk [of] to the [l]Legislature and by personal delivery or by first class mail served upon the other party at least [three (3)] seven (7) days prior to said hearing.

[I. The cost of an appeal lost by the appellant, provided that such adverse decision is not reversed by the court, shall be taxed to the appellant.]

250-2[0]1. Construal of provisions.

Nothing [in this] herein [chapter] shall [operate to restrict the meaning of or diminish or impair any power granted to a local government by the constitution or by any other law.] be construed to obviate the necessity of procuring a permit for work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed.

250-22. Penalties for offenses.

- A. Any willful or negligent failure by any person to comply with the provisions of section 250-3 hereof shall constitute a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not exceeding one (1) year, or by both such fine and imprisonment. The continuation of any offense shall constitute a separate and distinct misdemeanor hereunder for each day the offense is continued.
- B. Any person who, with intent to defraud or deceive, knowingly makes a false statement in an electrical contract, or in connection with the inducement to make a electrical contract, or in securing a license, or in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director or his designee with respect to a license or with respect to any electrical contract shall be guilty of a class A misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not exceeding one (1) year, or by both such fine and imprisonment.
- C. Any willful or negligent failure by any person to comply with the other sections of this chapter shall constitute a violation and shall be punishable by a fine not exceeding one thousand dollars (\$1000) or imprisonment for a period not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day the offense is continued.
- D. The Director as designated herein, and his employees shall have the power to issue appearance tickets as the same are defined in article 150 of the Criminal Procedure Law.
- E. In addition to any criminal penalties provided in the preceding subsections A, B, and C of this section 250-22 which may be imposed by a court of competent jurisdiction, an administrative notice of violation assessing a civil penalty not to exceed five thousand dollars (\$5000) for any willful or negligent failure by any person to comply with any provision of this chapter may be issued by the Director, as designated herein, and his designees and sent by certified, registered, or ordinary mail to the person who has failed to comply. Each failure to comply with one or more separate and distinct provisions of this chapter shall constitute a separate and distinct failure to comply, for each of which the Director or his designees may issue a separate and distinct administrative notice of violation assessing a civil penalty not to exceed five thousand dollars (\$5000). The continuation of any failure to comply shall constitute a separate and distinct failure to comply for each day the failure is continued. Any person aggrieved by the assessment of any civil penalty by the Director or his designees may, within thirty (30) days after the mailing of the notice of violation appeal the assessment to the Board. The Director may, with the consent of the County Executive, commence a civil action in any court of competent jurisdiction to collect any civil penalty assessed pursuant to this subsection that remains unpaid for more than thirty (30) days after the mailing of the notice of violation or, if an appeal is taken to the Board or if a further appeal is taken from the Board to the Legislature, more than thirty (30) days after the determination by the Board or the appellate panel, as the case may be.
- F. Nothing herein contained shall prevent the Director, as designated herein, his designees, the Board, or other employees of the County designated by the Board from proceeding to enforce the requirements of this chapter by any one or any combination, successively or simultaneously, of the following: criminal proceedings as provided in subsections A, B, C, and D of this section; civil penalty as provided in subsection E of this section; or civil action for injunctive, declaratory, monetary, or other relief.

G. The Director may refuse to issue a license or a renewal thereof to any person who has failed to pay any fine or civil penalty imposed pursuant to this chapter. Any person aggrieved by the refusal by the Director to issue a license or a renewal thereof pursuant to this subsection may, within thirty (30) days after the mailing of the notice of such refusal, appeal the refusal to the Board. The Board may suspend or revoke the license of, or refuse to issue a license or a renewal thereof to, any person who has failed to pay any fine or civil penalty imposed pursuant to this chapter.

H. Impoundment.

In addition to the criminal and civil penalties, the Rockland County Department of Consumer Protection having enforcement powers may, in its discretion, impound the equipment used during the violation of 250-3 as follows:

1. Any police officer or authorized officer, employee or agent of the Office of Consumer Protection, upon service on the operator of a vehicle and/or person in possession of tools or implements of a notice of violation for operating without a license required by 250-3 of this chapter, may seize and impound any vehicle, tool or other implement, which such officer has reasonable cause to believe is being used in connection with such violation. If stopping the work and impounding any vehicle, tools or implements shall result in rendering the premises being worked on uninhabitable or unsecured, the police officer or authorized officer, employee or agent of the Office of Consumer Protection issuing the notice of violation shall have the discretion to permit the worker or workers to either complete the work or in some manner render the premises temporarily habitable and secure prior to impounding any vehicle, tools or other implements. Any vehicle, tool or implement seized pursuant to this subsection shall remain in the custody of the department or agency of the police officer or authorized officer, employee or agent who impounded the vehicle, tools or other implements.
2. A person from whom a vehicle, tool or implement has been seized and impounded pursuant to this subsection shall receive notice at the time of such seizure and by overnight mail, as soon thereafter as practical, informing such person how and when the vehicle, tool or implement may be reclaimed. In the event that the person from whom the vehicle was seized is not the registered owner of the vehicle, separate notice shall be provided by overnight mail to the registered owner of the vehicle.
3. The Director or the designee of the Director shall hold a hearing in accordance with the provisions of 250-24 of the Laws of Rockland County not otherwise in conflict with this subsection, to adjudicate the violation of 250-3 of this chapter underlying the seizure and impoundment within five (5) business days after the date of such seizure and impoundment and shall render his or her determination immediately following the conclusion of such hearing. Such determination shall also include a finding as to whether or not such vehicle, tool or other implement was used in connection with such violation and, if necessary, an additional finding as to whether the owner of such property, if not the person served with a notice of violation pursuant to 250-22.E., permitted the use of such property under circumstances evincing that such owner knew or should have known that such property would be used for the conduct that was the basis for the seizure of the property. There shall be a rebuttal presumption that such owner knew or should have known that such property would be used for the conduct that was the basis for the seizure of the property, if such owner was the employer, corporate owner or partner, parent, legal guardian or spouse of the person served with a notice of violation pursuant to 250-22 at the time of the seizure. In the event that the property impounded is released to the owner of said property pursuant to Subsection H(4) of this subsection, the hearing may be rescheduled to a later date within a reasonable time period.
4. A vehicle, tool or other implement seized and impounded pursuant to this subsection may be released to the owner of such property prior to the hearing provided in Subsection H (3) of this subsection upon the posting of an all-cash bond in a form satisfactory to the Director in an amount sufficient to cover:
 - a. the maximum civil penalties, which may be imposed for the violation of 250-3 of this chapter underlying the seizure and impoundment; and
 - b. all reasonable costs for removal and storage of such vehicle, tool or implement. Release to a person claiming such property shall be conditioned on presentation of, in the case of

- i. a vehicle, proof of ownership or authorization from the owner of the vehicle as ownership is defined by 388 of the Vehicle and Traffic Law, or
 - ii. in the case of a tool or other implement or equipment, proof of ownership or authorization by the owner satisfactory to the Director. The owner of said vehicle, tool or other implement seized is entitled, within 48 hours of a written request, to a hearing before an independent hearing examiner to determine if there was reasonable cause to seize and impound said vehicle, tool or other implement. In the event the independent hearing examiner determines that there was not reasonable cause to seize said vehicle, tool or other implement, said vehicle, tool or other implement shall promptly be released to its owner upon written demand and proof of ownership as provided above.
5. Following an adjudication that has resulted in a determination that the vehicle, tool or other implement was used in connection with unlicensed activity in violation 250-3 of this chapter, release of such vehicle, tool or other implement to the owner of such property may be obtained upon payment of:
 - a. All civil penalties for the violation of 250-3 of this chapter underlying the seizure and impoundment; and
 - b. All reasonable costs for removal and storage of such vehicle, tool or implement and proof of ownership as provided in Subsection H(4) of this subsection.
6. No person shall obtain release of a vehicle, tool or other implement pursuant to Subsections H(4) and (5) of this subsection, unless and until such person submits an application for a electrical license, or reinstatement of such a license, as appropriate, to the Director in the form and containing the information required by the Director. Notwithstanding the provisions of this subsection, in the event that the owner of the vehicle, tool or other implement was not the person who was served with a notice of violation alleging a violation of the provisions of 250-3 of this chapter or found to be in violation of the provisions of 250-3 of this chapter, the owner may obtain release upon payment of all reasonable costs of removal and storage as provided herein and upon execution of a sworn statement, subject to the provisions of the Penal Law relative to false statements and satisfactory to the Director that he or she will not permit the person who is alleged to have violated or found to have violated such provisions to operate or possess the vehicle, tool or other implement in violation of 250-3 of this chapter.
7. After adjudication of the violation underlying the seizure in accordance with Subsection H(3) of this subsection, if the Director or the designee of the Director finds that the vehicle, tool or other implement has not been used in connection with unlicensed activity under the provisions of 250-3 of this chapter, the Office of Consumer Protection shall promptly cause such vehicle, tool or other implement to be released to its lawful owner upon written demand of the owner. If applicable, the Department of Consumer Protection shall also promptly return any cash bond posted pursuant to Subsection H(4) of this subsection in accordance with the determination of the Director or the designee of the Director pursuant to Subsection H(3) of this subsection.
8. In the event that property impounded pursuant to this subsection is not released to its owner due to the owner's failure to respond to the notice of violation and appear at three hearing dates scheduled at least one month apart, said property will be considered lost and abandoned property, the disposition of which is governed by New York State law under Personal Property Law 253.

250-[9]23. Nontransferability of license; designation and termination of supervisor; name change; display of license.

- A. No license issued hereunder shall be assignable or transferable.
- B. Each electrical contractor's certificate issued hereunder shall specify the name and street address or post office address of the person, partnership, limited partnership, limited liability company, or corporation, who or which shall be known as the "holder of the license". There shall be only one "holder of the license" with respect to any license at any given time. The certificate of an electrical contractor shall specify the name and street address or post office address of the person who is the master electrician, and such person shall be designated in the electrical contractor's certificate [of an electrical contractor] as the supervisor of work with respect to all electrical contracting business engaged in or carried on by the electrical contractor named as "holder of the license". It shall be the affirmative duty of every applicant for a license, every master electrician, and every "holder of the license" to notify the [b]Board of any change of his or its address or post office box number, in writing and within fifteen (15) calendar days after such change. Service of official notices and communications upon the applicant, master electrician, or "holder of the license", as the case may be, by first class mail to such street address or post office address shall be considered sufficient for all purposes under this chapter.
- C. In the event that the supervisor of work ceases to be a partner in a partnership that is an electrical contractor, or a general partner in a limited partnership that is an electrical contractor, or a managing member of a limited liability company that is an electrical contractor, or an officer of a corporation that is an electrical contractor, or a bona fide employee of such electrical contractor, or in the event that the electrical contractor ceases to be liable with respect to all actions taken by such partner, general partner, managing member, officer, or employee, the supervisor of work shall notify the [b]Board of such fact forthwith and upon notification the license holder shall no longer be a "holder of the license" of the supervisor of work and shall no longer be permitted to engage in or carry on the business of an electrical contractor pursuant to this chapter.
- D. The application fee for the certificate of an electrical contractor shall be set forth in the rules and regulations.
- E. All licenses and certificates shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the [b]Board.
- F. Each license and certificate shall at all times be kept conspicuously displayed in the place of business of the licensee.

250-24. Director's powers.

- A. The Director and his designees may conduct initial investigations of complaints filed with his office with regard to violation(s) of this chapter or of rules and regulation adopted hereunder.
- B. The Director and his designees may conduct initial hearings or hearings for the purpose of taking testimony, reporting findings of fact, recommendations and decisions as a hearing officer concerning any investigation, inquiries or violations of this section or rule or regulation adopted hereunder.
- C. Any person or person aggrieved by the action of the Director's or his designees' recommendations and decisions may take an appeal therefrom to the Board within thirty (30) days after the same has been filed with the Board.

250-2[1]5. [Separability.] Severability.

If any part of this local law, or the application thereof to any person or circumstance shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to any other persons or circumstances.

Section 2. Effective date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home rule law.

New Material is underlined.
Deleted Material is identified by [brackets].

LOCAL LAW NO. 11 OF 2012**COUNTY OF ROCKLAND****STATE OF NEW YORK**

(Sponsor: Hon Alden H. Wolfe)

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

A local law providing for an electrical code enforcement program and for the licensing of electrical inspectors in the county of Rockland.

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

Section 1. Purpose:

This chapter establishes an electrical code enforcement program intended to protect the health, safety and welfare of the public and to protect public and private property by assuring competence of persons who perform electrical inspections of dwellings and other structures through certification. Inspections of installed electrical work provide an opportunity to identify and correct potential hazards, including shock, electrocution, fire, and prevent resultant injuries.

Nothing in this chapter shall limit the power of a City, Town or Village to adopt any system of permits requiring submission to and approval by the City, Town or Village of plans and specifications for an electrical installation prior to the commencement of construction of the installation or of inspection of work done.

Section 2. Definitions:

As used in this chapter, the following terms shall have the meaning indicated below:

I.A.E.I. - The International Association of Electrical Inspectors.

N.E.C. - National Fire Protection Association 70 National Electric Code 2008, or most current version.

N.F.P.A. - National Fire Protection Association.

ARTICLE 80 – Annex H of The N.F.P.A.

ELECTRICAL INSPECTOR - An individual meeting the requirements of the I.A.E.I. and authorized to perform electrical inspections within his certified discipline. This individual shall work under the supervision of the Chief Electrical Inspector for the firm where he is employed. Individuals that are not legally employed by an approved Electrical Inspection Business shall not conduct electrical installations in the jurisdiction of Rockland County.

CHIEF ELECTRICAL INSPECTOR - An Electrical Inspector who is the primary inspector in a business licensed to perform electrical installations in the Towns and Villages in the County of Rockland. The Chief Electrical Inspector is responsible for all Electrical Inspectors employed by the business and all inspections performed by the Electrical Inspection Business. The Chief Electrical Inspector must be certified by the I.A.E.I. as a Master Electrical Inspector.

DIRECTOR - The Director of Consumer Protection.

ELECTRICAL INSPECTION BUSINESS – Any person, partnership, limited partner ship, limited liability company or corporation which engages in or carries on the business of electrical inspections for electrical installations, repairs, additions or alterations for the public at large, as described in 90.2 of the N.E.C. There shall be at least one Chief Electrical Inspector employed by the business at all times.

ELECTRICAL INSPECTION – Any inspection required by this chapter and the rules and regulations adopted hereunder, and any inspection of a building to which electrical service is connected, wherein the Electrical Inspector certifies that the electrical system in the building is in compliance with the N.E.C. and state fire and building codes.

Section 3. License Required:

On or after the effective date of this chapter, no person shall engage in, carry on or conduct the business of an Electrical Inspector within the County of Rockland unless licensed as an Electrical Inspector or unless employed by a business so licensed. The Director of Consumer Protection or his designee may issue a license to engage in an Electrical Inspection Business within the County of Rockland for the period of one (1) year, which license may be renewed annually. A copy of the license listing the name of the business and the Chief Electrical Inspector is to be prominently displayed in the place of business. A complete list of all employees, accompanied by two (2) passport photos of each employee shall be required with the license application. ID cards displaying employee picture, name, and inspection rating will be included in the license approval package.

Section 4. Certification of Electrical Inspectors:

All Electrical Inspectors shall be certified by a nationally recognized electrical inspector certification program accepted by the Director of Consumer Protection. The certification program shall specifically qualify the inspector in electrical inspections. No person shall be employed as an Electrical Inspector unless that person is the holder of license as an Electrical Inspector issued by the Director of Consumer Protection, or his designee, except that any person who on the date on which this law went into effect was serving as a legally employed Electrical Inspector of an Electrical Inspection Business and who has a minimum of 30 final inspections in the past 2 years, shall, upon application and payment of the prescribed fee be issued a special certificate permitting him or her to continue to serve as an Electrical Inspector in the same jurisdiction for a grace period of one year from the date of enactment of this law .

Section 5. Re-certification:

Electrical Inspectors shall be recertified as required by the provisions of the accepted nationally recognized electrical inspector certification program. Any change in the certification status of an Electrical Inspector must be reported to the Director immediately. Any and all authority to perform electrical inspections will be suspended upon the loss of certification of an Electrical Inspector.

Section 6. Electrical Inspection Business Requirements:

An Electrical Inspection Business must comply with the following:

The Corporation must submit a copy of the filing receipt showing the filing of the corporation with the State of New York, Secretary of State.

A Foreign Corporation must submit a copy of the filing receipt from the State of New York Secretary of State granting the corporation the authority to do business in New York State.

A Domestic or Foreign Corporation with an **ASSUMED NAME** must submit a copy of the filing receipt from the State of New York Secretary of State granting use of the assumed name in the County of Rockland.

A Partnership conducting business under a trade name must submit a copy of a fully executed partnership agreement and a certified copy of the partnership certificate on file in the County Clerks Office. All information except partnership name, address, partner's percentage of ownership, and signature page shall be redacted.

An Individual operating under a trade name must submit a certified copy of the business certificate on file in the Rockland County Clerks Office.

Section 7. Insurance:

An Electrical Inspection Business shall submit proof to the Director of Consumer Protection that such Electrical Inspection Business maintains workers compensation and disability insurance as required by New York State law, or that such Electrical Inspection Business is exempt from maintaining such insurance. In addition, such Electrical Inspection Business shall maintain occurrence-based liability insurance in an amount not less than \$5,000,000 for damage to persons and property in connection with the Electrical Inspection Business. The Electrical Inspection Business is responsible for submitting updated certificates of insurance ten (10) days prior to the expiration date noted on the business license.

Section 8. Employees:

The Electrical Inspection Business must supply proof of current certification by a nationally recognized electrical inspector certification program accepted by the Director of Consumer Protection for all its employees that will perform electrical inspections. The Electrical Inspection Business must list the certified Master Electrical Inspector who will serve as Chief Electrical Inspector for the business. The Electrical Inspection Business shall immediately report to the Director of Consumer Protection any change in the certification status of an employee.

Section 9. Address for Purposes of Official Notices and Communications:

Every application for a license must state the Electrical Inspection Business' street address and post office box, if any. It shall be the affirmative duty of license holder to notify the Director of any change of address and/or post office box number, in writing within fifteen (15) calendar days after such change. Service of official notices and communications upon the Electrical Inspection Business' by first class mail to such street address and/or post office address shall be considered sufficient notice for all purposes under this chapter and the rules and regulations promulgated hereunder.

Section 10. Director's Powers:

- A. The Director or his designee may conduct initial investigations of complaints filed with his office with regard to violation(s) of this chapter or the rules and regulations promulgated hereunder.
- B. The Director or his designee may conduct initial hearings, or hearings for the purpose of taking testimony, reporting findings of fact, recommendations and decisions as a hearing officer concerning any investigation, inquiry or violation of this chapter or the rules and regulations adopted hereunder.
- C. Any person or persons aggrieved by the action of the Director or his designees' recommendations and/or decisions may take an appeal therefrom to the Legislature within thirty (30) days after the same has been filed with the Director of Consumer Protection.

Section 11. Notice of Violations, Penalties:**A) Violations.**

Whenever the Director of Consumer Protection or his designated agent determines that there has been a violation of this chapter, a written notice shall be issued alerting the offending party of such findings.

B) Penalties.

(1) Any person who fails to comply with the provisions of this chapter or who fails to carry out an order made pursuant to this chapter or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the Director of Consumer Protection.

(2) Failure to comply with the corrective action after notification of violation is received shall result in each day that such violation continues being regarded as a new and separate offense.

(3) Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three thousand dollars (\$3000) or not less than one hundred dollars (\$100) for each offense.

Section 12. Inspection and Approvals:

(A) Upon the completion of an installation of electrical equipment it shall be the affirmative duty of the person, firm, or corporation making the installation ("applicant") to notify an Electrical Inspection Business having jurisdiction in Rockland County to perform electrical inspections within a reasonable time. The Electrical Inspection Business shall confirm the applicants license is active and in good standing. In the event Electrical Inspector has reason to believe the applicant did not install the work to be inspected, he /she must notify the Director of Consumer Protection immediately.

(B) Where the Electrical Inspector finds the installation to be in conformity with the N.E.C. and all applicable local ordinances, Orange and Rockland specifications, and relevant rules and regulations, the Electrical Inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the connection to an electrical supply and shall send written notice of such authorization to the supplier of electric service as required by Orange and Rockland Utilities, Inc.

(C) No portion of an electrical installation or the equipment involved in such installation may be concealed from plain sight by the permanent placement of parts of the building or excavated fill until such installation has been inspected and approved by an Electrical Inspector.

(D) If, upon inspection, any installation is found not to be in full conformity with the provisions of this chapter, including Article 80 and all applicable ordinances, rules, and regulations, the Electrical Inspector performing the inspection shall at once forward to the person, firm, or corporation handling the installation, a written notice stating the defects that have been found. A copy shall also be forwarded to the Director of Consumer Protection and the Town or Village Building Department where the violation has occurred. Notification to all parties after violations are corrected is required.

Section 13. Review of Code Interpretation:

(A) Review of Electrical Inspectors Decisions.

Any person, firm, or corporation may register an appeal request in writing to the Director of Consumer Protection a review of any decision of an Electrical Inspector provided that such request is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such request, the Director of Consumer Protection, or his designee, shall, if requested, hold a hearing to determine whether the action of the Electrical Inspector, complies with this chapter and, within thirty (30) days after receipt of the request, or after holding the hearing, shall make a decision in accordance with its findings. The decisions shall be filed in the Office of Consumer Protection.

(B) Conditions.

Any person shall be permitted to request a review of a decision of a Certified Electrical Inspector, or resolve an interpretation of the N.E.C., to the Director of Consumer Protection when it is claimed that any one or more of the following conditions exist:

1. The intent of the codes or ordinances described in this chapter have been incorrectly interpreted.
2. The provisions of this chapter do not fully apply.
3. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

Section 14. Prohibited Acts:

An Electrical Inspector shall not:

1. Approve or disapprove work of which he or she does not have personal knowledge.
2. Misrepresent his or her authority or responsibility.
3. Use his or her Certification as an Electrical Inspector for special favors or treatment.
4. Inspect any electrical installation for which he or she has performed any part of the work.
5. Perform an Electrical Inspection of any work furnished by an electrical contractor that employs him or her on a full time, part time, or incidental basis.

Section 15. Revocation and Suspension of License:

The Director, or his designee, shall have the authority to revoke or deny an Electrical Inspectors license to conduct inspections within the jurisdiction of the County of Rockland for the following reasons:

- (A) The license was granted on an application, or on documents supporting an application, that materially misstated the Electrical Inspectors qualifications or experience.
- (B) The Electrical Inspector knowingly subscribed to or vouched for a inaccurate statement by an applicant for certification.
- (C) The Electrical Inspector incompetently performed an Electrical Inspection.
- (D) The Electrical Inspector failed to comply with the provisions of this chapter.

Section 16. Appeals:

- A. Any person aggrieved by the action of the Director of Consumer Protection, or his designee, in refusing to issue a license or renewal thereof or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the Rockland County Legislature within thirty (30) days after the same has been filed with the Clerk of the Rockland County Legislature. Such appeal shall be taken by filing with the Director and the Rockland County Legislature a notice of appeal, specifying the grounds therefore.
- B. The Director shall forthwith transmit to the Clerk of the Rockland County Legislature and shall by personal delivery or by first class mail serve upon the appellant a copy of the recorded proceedings and a copy of all the papers constituting the record upon which the action appealed from was taken.

- C. An appeal, except from an action of the Director in refusing to issue a license or renewal thereof, stays all proceedings in furtherance of the action appealed from, unless the Director certifies to the Rockland County Legislature, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Rockland County Legislature.
- D. The County Executive, subject to confirmation by the County Legislature, may designate three (3) members of the Legislature as an appellate panel to hear the appeal.
- E. A time shall be fixed for the hearing of the appeal, and notices of the hearing shall be mailed to the appellant and the Director at least twenty (20) days before the hearing. Upon the hearing any party may appear in person or by agent or by attorney. The appellate panel may reverse or affirm, wholly or partly, or may modify the decision or determination or action appealed from and shall make such decision or determination as, in its opinion, ought to be made in the premises and to that end shall have the powers of the Director from which the appeal is taken.
- F. Any person or persons aggrieved by any decision made upon an appeal may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days after filing the decision in the Office of the Clerk to the Legislature.
- G. Said appeals shall be hearing de novo at which the proceedings of and the evidence presented at the hearing before the Director shall be considered, together with such other evidence offered by the appellant or the Director that the three (3) members of the Legislature hearing the appeal deem relevant to the issues decided by the Director.

All exhibits proposed by the appellant or the Director to be submitted as evidence at the hearing of the appeal shall be filed with the Clerk to the Legislature and by personal delivery or by first class mail served upon the other party at least seven (7) days prior to said hearing.

Section 17. Severability:

If any part of this local law, or the application thereof to any person or circumstances shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to any other persons or circumstances.

Section 18. Effective date.

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

Chairwoman Cornell

When we passed the revised budget on December 4th everything that we passed, with the exception of the items that we are going to consider tonight that have been vetoed by the County Executive, all of those other items are presently the 2013 budget. So whatever was in the budget that we passed that night, except for the items that have been vetoed by the County Executive comprise the budget for 2013. Tonight we can only consider the items that have been vetoed. We will either override or not override depending upon the will of the Legislature and the votes, but this is not an opportunity to write a new budget, we can't do that – we follow the Charter. So I just wanted to be clear about what it is that we are doing tonight. With that I will as the Chair of the Budget and Finance Committee to move the referrals.

Mr. Schoenberger

The way they are presented on the agenda they might be confusing so I would like to move then explain. I am going to move the override of the County Executive's veto of that part or portion of Resolution No. 540 of 2012 - Accepting Report Of The Budget & Finance Committee After Its Review Of The Rockland County Proposed 2013 Budget.

Referral No. 9481

Introduced by:
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 567 OF 2012
OVERRIDING THE DISAPPROVAL OF THE COUNTY EXECUTIVE
RESOLUTION 540 OF 2012 OF THE LEGISLATURE OF THE COUNTY OF ROCKLAND,
ACCEPTING REPORT OF THE BUDGET & FINANCE COMMITTEE AFTER ITS REVIEW OF
THE ROCKLAND COUNTY PROPOSED 2013 BUDGET**

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

RESOLVED, That, Pursuant To Section 2.02 Of The Rockland County Charter, This Legislature, Upon Reconsideration Of The Disapproval Of The County Executive With Respect To Resolution 540 Of 2012 Of The Legislature Of The County Of Rockland, Accepting Report Of The Budget & Finance Committee After Its Review Of The Rockland County Proposed 2013 Budget, And By A Vote Of At Least Two-Thirds Of The Total Voting Power Of The Legislature Passed Such Resolution.

The vote resulted as follows:

Ayes: 13 (Legislators Earl, Grant, Hood, Jr., Jobson, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Nays: 03 (Legislators Carey, Low-Hogan, Sparaco)
Absent: 01 (Legislator Day)

Debate:Mr. Schoenberger

I want to reiterate and maybe perhaps clarify what you said. The County Executive sends us a proposed budget. We make amendments or changes to the budget. We then send it back to him. If he vetoes nothing that becomes the budget. Tonight we are going to discuss the vetoes only, because all the rest of the budget is deemed adopted. Now, the County Executive's vetoes I am going to urge you all to override. The County Executive's budget by these vetoes will increase the deficit in 2013 by \$12,000,000. How do I know that? In this report by O'Conner Davies, which is Bennett Kielson's Analysis and Review of the Proposed 2013 Budget, on page 46 they specifically state that since the revenue of the sale of the nursing home to an LDC will not be achieved in 2013 the general fund deficit will not be reduced, in fact it will be increased in 2013, because it is put on the books as a revenue, but will not be achieved until at the earliest 2014. Therefore, according to Government Accounting Standards Board statement number 48 this will have to be classified as an increase in the deficit by \$12,000,000.

All of us sitting here in this Legislative body have worked very hard to reduce the deficit of Rockland County and not allow it to be artificially increased by mere accounting computations. To do so will have us viewed less favorably by the financial markets and by the rating agencies. If for no other reason alone we must override the vetoes to not create this accounting increase in the deficit by \$12,000,000. In addition, the vetoes sent by the County Executive also increased property taxes above which was set by him in the proposed budget and approved by the Legislature in a small amount of about \$14,000 or \$15,000, but it is still an increase and it is philosophically wrong.

Some seven weeks ago or so before the County Executive sent the budget to the Legislature he negotiated a contract with three unions. CSEA, RAM and the Doctors Council. All three of those contracts have the same clause that there will be no lay offs or termination of employees for budgetary reasons. The Budget and Finance Committee brought in the office of General Services, because the County Executive proposed laying-off all of the Security personnel. There were 16 ½ positions and some 19 employees. When I asked Gerry Walsh, Commissioner, why this was being proposed his answer was that the County Executive wanted to take a company on the State's list of bidders and have them provide the service of security instead of County employees. Why? His rationale was that it was cheaper than having County employees. Mr. Walsh said, "the County Executive's proposal was about \$700,000 cheaper." Our Legislative Fiscal Analyst Nicole Doliner calculated it to be about \$300,000 cheaper.

Then in came the jail and the food service workers at the jail and it was the same rationale – hire an outside company and lay off Count employees. Then there are the employees for the laundries, same thing, outsource the laundry.

I said then and I will repeat it tonight, those in my mind were clearly budgetary lay offs. If the County Executive said to us that we are not going to have anymore security guards, not provide anymore food to the jail or we are not going to do the laundry at the hospital anymore, which we have to do by law, then we can call that programmatic and ending a program, but that is not what he did. His own department heads told us that this was purely budgetary. We ratified and approved the contracts with the unions. We gave our word. Our government gave its word. We must keep that word tonight and override these vetoes. I know full well that if we don't override these vetoes there will be litigation, because the unions won't allow it to stand. They negotiated contracts in good faith and if the vetoes are not overridden they will sue the County. What that will mean in a year or two when the litigation is finally resolved, and if they are successful, which I believe they will be, we will have paid an outside company the money to do the work and the employees that were damaged will be entitled to collect the damages, which will be their lost pay, pension benefits, medical coverage and they will not have worked for that period of time. It is too risky. It is wrong morally. It is wrong legally and it creates exposure to the County for millions of dollars, which we should not entertain. If the savings of \$700,000 is correct by the County Executive or \$300,000 by our Fiscal Analyst the risk for saving that money is too great. The word of the County must be kept. If the government doesn't keep its word who can expect anyone to keep their word.

When the County Executive laid off these employees or vetoed our restoration of these employees he also vetoed our elimination of 22 to 24 County employees who left positions. Those 22 to 24 positions are vacant positions in the 2013 budget. They are 100% fully funded, including pensions and benefits. He vetoed our elimination of those positions. So those vacant positions go back in, but the employees whom he has contracts with go out. I think the way this Legislature adopted the budget, which was to keep our word to the employees and to eliminate the vacant positions that do not violate the contractual agreement, because there is nobody in those positions, is the proper way to go.

We restored money to contract agencies that do wonderful things and take care of the disadvantaged and the disabled, and they help people with Alzheimer's and feed the hungry. All of those restorations, which were about \$90,000, he vetoed. He did not veto the Sheriff's Patrol, Mounted Patrol or Mosquito Control Program. They were not in the County Executive's budget, we restored those and he did not veto them. He said in his veto message that these were items of public safety and the Sheriff gave back some \$350,000 from his budget to facilitate that. I negotiated with the Sheriff to get that back. Nicole Doliner met with the Sheriff to get that back. Chairwoman Cornell met with the Sheriff to get that back. Vice Chairman Wolfe and Legislator Grant also met with the Sheriff to get him to give the concession back of \$350,000.

I want to talk about the Highway Department. They are not under a contract like CSEA or RAM or the Doctors Council, but aren't they also public safety? They could be laid off, because they are not part of the contract as could the Sheriff's Mounted Patrol. Skip Vezzetti, to his credit, wrote us all a letter and appeared before us and said to the best of my recollection that he had 27 routes to plow, but only had 24 drivers. So there would be three routes when it snows that won't be plowed, at least not the first time, but maybe the second or third. So 27 routes and 24 crews.

By the way Peter, I remember when I was the County Attorney the Highway Department went in with a forklift to cut out the side of a person's house and remove a person, put him in a truck and deliver him safely to the hospital. I have not forgotten that you deserve credit for all that you do.

When we had Hurricane Sandy there was a tree across Wilder Road. I called Skip Vezzetti, because Wilder Road is a County road, and said, "Are your guys going to cut up that tree and when?" He said, "There are wires in the tree and we can't cut the tree until the wires are out." He told me that every single tree where the wires are out that affect the County roads the guys have been out there cutting. If we don't override this veto for the Highway Department they won't have the people to cut the trees when there is a hurricane. You will wait an extra two to three days before those trees are cut and that means before the road is open and that means before Orange and Rockland can start to restore the wires. You are going to wait to have your roads plowed. Cars will have accidents, there won't be salt on the roads and they won't be plowed, people's lives will be in jeopardy and in the event of a storm if you waited five or six days this time, you will need seven to nine days next time. I don't understand why that isn't public safety, like the Sheriff and like Mosquito Control. I am not diminishing the Sheriff. I think the County Executive did the right thing in not vetoing the Sheriff's Department or Mosquito Control, but I think that the Highway Department and the people that dedicate their lives making our roads and our lives safer deserve not to be vetoed.

I am going to ask all of you tonight to consider overriding these vetoes. I know, as you all do, these are difficult financial times. We are trying to be as careful as we can with every penny of County tax dollars where and how we spend it, but you have to draw the line somewhere. We have to provide for public safety, provide for those people who make us safe and we have to provide for those contracts and legal obligations that we have incurred. We also have to make sure we maintain our quality of life. Reasonable people can differ over what constitutes an appropriate veto, what should and should not be overridden, but I urge all of you tonight to override all of the vetoes for the benefit of all the people of Rockland County. Thank you.

Mr. Wolfe

Legislator Schoenberger really laid out the main points. I just want to highlight, not rehash. We got the veto message last week on Wednesday. My initial reaction was really one of puzzlement. I didn't understand it, because it really didn't make any sense. It certainly didn't make any political sense and I don't think he really cares at this stage of the game about politics, but it didn't make any governmental sense. I think, really, it put the County in jeopardy. We have been criticized for years for not heeding the warnings of our auditors. I am sorry Legislator Day is not with us tonight, because I am sure he would have something to say on that point.

The poison pill in this whole thing is the \$12,000,000 restoration. It is the PBC all over again. We have our auditors saying that the proceeds from the sale will not be recorded as revenue and it will be an unfavorable revenue variance unless it is removed from the operating budget. To me that is about as plain as you can be. We have worked very hard. We spent weeks, evening and weekends being here trying to do what we have to do, really going through the budget and trying to make it as balanced as possible. Make it a real budget. I think we achieved something this year that is a much better work product that we have achieved in the years that I have been on the Legislature. Then this veto comes down and it gives us something that we know is going to be a \$12,000,000 hole. The revenue will not come in and it will not be booked as revenue. To me that is reason enough to override the veto.

The treatment to the County employees really disgusts me. We have a decision by the County Executive where he chooses to keep employees who aren't protected by a contract and then lay off employees who are protected by a contract and that doesn't make any sense to me. It puts the County at a very serious risk not just for legal fees, but also as Legislator Schoenberger mentioned, damages and lost wages. We are talking about another potential hole down the line. I guess it is really a legal issue whether a lay off would violate the letter of the contract. I think that it would. Reasonable minds may differ, but it surely violates the spirit of the contract and that is not something that I am willing to do tonight.

Legislator Schoenberger talked about the Highway Department. How would you like your route to be the one that doesn't get plowed until the second time around? The thing that really blows me away is the restoration of the vacant positions. We cut 22 some odd fully funded vacant positions in the budget saving about \$2,000,000. The County Executive would rather lay off people than cut vacant positions. Mind you, he can hire people to fill those vacant positions and he doesn't need our position and he doesn't even need to tell us. He is laying people off and laying the groundwork to hire other people if he wants to do so. Again, I think that is bad government and sends the wrong message and that is not something I am going to support. There is a position in the Hospital for a Deputy Medical Director for \$195,000 that we cut to \$150,000 and he put the money back. Does that make any sense? I don't think so.

Basically what this veto does if you boil it down to its net affect it increases overall spending. It increases spending and local share is increased. It eliminates our \$1,400,000 reserve account, which gives us a very important hedge revenue that may or may not come in during 2013 and it really leaves us vulnerable. I think things are as precarious as they can be any way and I shutter to think of what the rating agencies will have to say if we fail to override the veto. I strongly urge my colleagues to support an override. I don't have a horse in this race other than doing what I think is best for the taxpayers and that is what I am standing up for tonight.

Mr. Meyers

I think that over the last five years I would like to say that I believe that I have been the most consistently fiscally conservative person on this body. I have been urging budgetary reductions for all of the five years that I have been here. I have to say that the level of budgetary ineptitude by the County Executive has been astonishing over the last five years. I also think that the unwillingness of this body to take a strong stand on cutting the budget and just hoping for the best over the last five years has also been astonishing. For me this is not a moment to rejoice in the fact that we are saving this or that it is just been a complete failure of County government to address the fiscal needs of this County, which has let us to the point where people who are members of unions who do important work for the County have to lose their jobs or worry about losing their jobs in droves just because the County could not make modest reductions five years ago, four years ago, three years ago and just was hoping that sales tax revenue would come back. You can't run a budget on a hope.

I didn't support this budget that Mr. Vanderhoef proposed and I didn't support the alternative that was passed by this body. I also didn't support the CSEA contract when it came up a few months ago, because I felt very strongly that we couldn't tie our hands by giving up on the possibility of lay offs when you are in such fiscal calamity as we are. As I look at the veto message, I think Legislator Wolfe said it best, I also don't even understand it. I am a Commercial Real Estate Attorney/Contractual Attorney and the most important thing in my work is honoring a contract. Not just the word of the contract, but the spirit of the contract, because if you don't do that you are just nothing but a "shyster, a wheeler-dealer. I didn't support the union contract, because I didn't want to have lay offs, but my colleagues except for Legislator Low-Hogan, voted for it. How could he have propose a contract just a few months ago that eliminated his ability to have lay offs and then put them in his budget two months later? He does things like that all the time. It has been just a ball of nonsense over the last few years. Here we are with a contract that the majority of this body voted for that he approved and now he is going to wheedle out of it saying it is a program cut. In my mind even a program cut done for budgetary reasons violates the contract. I saw the language in the contract and there were no lay offs for budgetary reasons. Outsourcing is well established throughout the word economy as a way to cut expenses, but eliminating a program would be a budgetary cut. You are eliminating a program, because you do not have the money for it any more and that is a budgetary cut. Programmatic or outsourcing, either way it is a violation of easily the spirit of the contract and probably the words of the contract.

I am not a big fan of using abolishing positions as a budgetary tool, because I know that Mr. Vanderhoef probably would probably follow what he has done the last couple of years and not fill the positions. Having eliminating those vacant positions, why would he restore them? There would only be one reason to restore them and that is because he wants to fill them. It doesn't make any sense. Use the savings to reduce the property taxes, but no he just restores vacant positions that don't make any sense if you want to champion yourself that in these difficult budgetary times. He never was a fiscal conservation. All he ever did was raise sales taxes instead of property taxes to look like a hero when all of our taxes were going up in other ways.

There is really nothing in this veto message to like. There is nothing in the budget on either side to like, but his is just absolutely absurd and the very thought of the fact that Mr. Vanderhoef would try to portray himself as a fiscal conservative, difficult times call for difficult measures, is such utter nonsense. This is not what he is doing here. On his way out he is deciding to be a fiscal conservative by violating contracts that he has entered into.

The Highway Department. One of the things that I have said all along is that if you are going to cut expenses the very last thing you cut is basic infrastructure maintenance. That is what the taxpayers are paying their taxes for. Pave road, snowplow road, maintain road, inspect the restaurants, etc. There are a lot of things that are not basic and those would be the areas to cut although they would hurt people. For instance, the Mounted Patrol, I think it is great that the Sheriff is here this evening and found other places to cut. This is probably not popular, but we will take those cuts and we will take the Mounted Patrol also. If we could find other places to cut we will take it all. He found other money so he gets to save this program, which does nice things for people. No question that the Mounted Patrol has its uses, but when you are in a financial calamity like we are you can't have every program that serves a purpose. Every program serves a purpose. You have to make decisions. This program serves this purpose, but we need these programs more. In the veto message he says that he is saving the Mounted Patrol. I could have gotten behind letting the Mounted Patrol go. I like the Mounted Patrol, but that is something we could have given up that would not have violated any of the contracts and is a program that perhaps would could restore some years down the road, but no, that he leaves. It just doesn't make any sense.

His veto is garbage. Thank you Madam Chair.

Mr. Wieder

Ladies and gentlemen, after months of discussion, committee meetings and a full body Legislative meeting we all thought the budget of 2013 to be settled and behind us, but here we are tonight staring at the budget of 2013 yet again. In the budget process we talked about State mandates, more specifically we talked about unfunded State mandates and its very destructive effects.

Ladies and gentlemen, look no further then the motion on the floor to fully grasp the havoc Albany's unfunded mandates has afflicted upon the good people of Rockland County. Under the constraints of unfunded mandates local municipalities and governments are struggling to approve sound budgets and as a direct result have turned on each other.

This veto if left in tack will result in possible litigations, decreases of services, an increase of the deficit, and an increase of property taxes and more importantly this veto results in hard working people losing their jobs. Let me be very clear, I don't fault my colleagues and either will I criticize the Executive branch. I do however lay blame fair and square at the doorsteps of Albany. Albany's touting its successes, State representatives are patting themselves on their collective backs, but local municipalities are paying the price, a very heavy price. Taxes are increasing, reserve funds are depleting, deficits are prevalent, and there is a decrease of vital services. I for one will not participate in this ghastly dance. I voted no on the proposed budget in protest of Albany's unfunded mandates. I vote aye to override the veto for I cannot and will not take part in this insanity. Thank you Madam Chair.

Mr. Jobson

I was hoping two weeks ago when we voted on the budget that we had put our fiscal year 2013 budget to bed. I was hoping that the County Executive would just let things lie, no vetoes would come back across the hall and we would be good. We did the heavy lifting, we made the tough choices and we put all the people being laid off back into their positions in various department. I was a history major in college and I learned about the French Revolution and Marie Antoinette, but things really haven't changed. All the fat cats get covered and all the fat cats get taken care of, but when push comes to shove the little people are the first ones to get kicked out the door or told there is no money for them. We could have cut 100 six-digit jobs out of that County budget and not a sole that resides in this County would have said boo, because they would have never even noticed it. He had find the little people who hare making \$30,000 to \$75,000 that are all cogs in the wheel that keep things moving in County government. The Marie Antoinette technicality that they can eat cake is given out still till this day and it amazes me.

I am a workingman too. I don't like to raise people's taxes, which is never a popular thing to do, but this year when this Budget and Finance committee sat down to do its work the unfunded mandates were tremendous. The rock stars of both parties walking around Albany sold us a bill of goods with this whole 2% tax cap. All the counties in New York State are all hemorrhaging. Everybody cut their special deal in Albany. Everybody stayed below their 2% cap. They cut their deals for their new districts and came home and everything was pushed down to the County level. Now we have to deal with it, because the people that are supposed to be our real leaders with the real power just passed the buck down to each of the counties in the State, which is unfortunate.

No matter what deals were cut it is the little people that end up paying for it in the long run. There are dozens and dozens of services and little things that go on every day throughout this County that most of the residents in this County don't even realize are happening. There are the obvious like when we have a snowstorm people expect the road to be plowed. They expect these type of services to be done year in and year out. They don't realize that there are hundreds of less people on the payroll today than there were years ago even when I just started on this body and I have been here a while. People came into work and were just told they aren't needed anymore as of January 1st. The panacea that goes along with that is the day that we let those people walk out the door that it doesn't cost us a nickel, vacations and others things due to them under contractual agreements. I sat with CSEA and told them I would never try to hurt anyone openly and never have as long I have been in this elected office. People have been hurt for no reason. There were agreements that were made, things that were said and then in the eleventh hour people go back on their word or they change their view of something or they use another technical or legal term that makes it sound a little bit different from what it is. You can send over 70 people packing or keep them on the payroll. Personally I would rather keep them on the payroll.

Mr. Moroney

I am not going to repeat what most of my colleagues have mentioned this evening. It was this Legislature that put the Mounted Patrol back in the budget, put the Sheriff's Patrol back in the budget and the Department of Health back in budget. That did not come from the County Executive's office. Now at the last moment he decides to veto these other positions. This budget, whatever you think, is the best we can do in the timeframe that we have to contemplate a new budget. I am really worried about 2014 and 2015. Whatever happens here tonight I hope it is positive. This budget reminds me of an old Irish story that I used to tell years ago. The Irish plumber was on his honeymoon in Niagara Falls. He said, "I think I can fix this." I am not so sure that we can fix this, but we are going to try, because I know what the Highway Department does and I know how hard they work.

We have cut the Highway Department 25% over the years. The Highway Department is always available when someone calls for any reason. I have never had a request turned down by the Highway Department in my 23 years here.

How do I vote not to override this veto a week before Christmas? I can't lay off certain people to balance the budget. It is not in my nature to do that and it never will be. I am going to vote to override the budget

Mr. Soskin

I am not going to repeat what everybody else said, because you heard it already. We were elected to represent our constituents, be it public workers or private workers or just residents of the County. You want services and each different group need different services. There is the Hospital, Social Services, the Highway Department, and etcetera. Private industry does things in one fashion and you can't compare private industry to the public sector. The public employee does what is necessary for the County. You have heard everything that you do. The budget that we passed, in our opinion, after much deliberation was the best, most conservative, and humanistic and met the needs of everybody. I urge all my colleagues to vote to override this veto, because it is not only good for you, not only good for them, but it is good for the people of Rockland County. Thank you.

Mrs. Low-Hogan

Obviously, you know this is a very difficult vote. I think clearly this is the most difficult vote that I have had in the past year. I am agreeing with my colleagues who have spoken that there is a lot of ineptitude in the County Executive's budget. I do not want to lay off any person in this room or otherwise. I admire the work of Cornell Cooperative Extension, Paul Trader and his staff. Any decision to lay anyone off or increase someone's taxes by 18% is not an easy decision to make. These are murky waters and frankly neither budget satisfies all of my hopes for reducing our baseline. This past year I have voted in favor of chargebacks to towns, in favor of several new taxes, against the CSEA contract that contained a no lay off clause and against a deferral of pay to 2014 all in the hopes that a significant property tax increase could be prevented and all in the hopes that we could avert cutting more services and laying off more employees.

Yes, there are problems with the County Executive's budget. According to our auditor he has misled the public into thinking he can apply the \$12,000,000 from the sale to the LDC to our current deficit, which he cannot do. Listing the \$12,000,000 as a revenue source is to "inappropriate budget entry" according to the auditor. However, this is an accounting disagreement in my view. After much thought, discussion and analysis I am forced to return to my own personal bottom-line, which is take steps to reduce our County's base-line expenditures. The County Executive's budget proposes cuts that represent a substantive reduction in our base-line expenditures. While these are not the cuts I would have suggested the Legislature's budget essentially keeps this base-line the same and that base-line is unsustainable.

For this reason I will vote no to override the County Executive's vetoes. I call upon my colleagues to join me in a plan to do an ongoing analysis of the budget during the course of the entire upcoming year with different committees looking at different categories, such as our revenues, our expenditures, and Social Services, General Services and Highway and so forth. We can hold hearings, invite people in and study the budget over an entire year so that we are better prepared for next years budget cycle.

Chairwoman Cornell

When I entered the Legislature in 1984 I was the only woman in an eighteen-member body. There were so many issues that affected my life and affected the lives of so many families that I knew. Over the years I have just been so proud of the work that County government has done. We have tackled so many issues such as domestic violence, fair housing, breast cancer prevention and treatment, affordable childcare for the many families with two working parents or single heads of households needing quality affordable childcare, and elder care as our community was aging and needing so much. I take really great pride in what I consider to be the unique work of County government. Many of them, as we have said earlier, are things that people see. You do see the wonderful work of the Highway Department when there is a snowstorm or downed trees. You do see the work of the Sheriff's Mounted Patrol particularly in places that I represent like the Village of Nyack where they do so much to maintain order.

There are so many services that people don't see and I think that we need to understand that along with public safety there is public health and that is something that no other government in Rockland County does. There is no one out there helping to prevent illness. There are so many ways in which the County Health Department and agencies like Cornell Cooperative Extension are out there educating people about prevention that is so very important.

I saw these budget vetoes and the budget that actually came to us initially as being very short on education and prevention, because the way you maintain public health in many ways is through educating people about fall prevention, older people are prone to fall and if they learn how not to fall and the kinds of things to put into their homes to help them they can live independent lives for as long as they live. If they fall their life may be over much sooner in not a very pleasant way, because they become dependent. There is health information about exercise, about heart health, about breastfeeding, about youth development and about immunizations and all of those things that are so important. One year we had to mobilize, because we thought there was going to be an onslaught of Swine Disease, which didn't happen, but our Health Department was prepared. The County Department of Health is key in the emergency services unit in preparing for any kind of emergency. When we had Hurricane Sandy, along with all of the people in our emergency services department, the Department of Health were key players. Tobacco prevention. This County has taken awards and has been recognized across the nation for what we have done to prevent disease that comes from the evils of tobacco, which is well known.

So these are the things that I think are so important to know. I also think, and I don't know that I have the numbers exactly right; we have 636 employees fewer then ten years ago. Over that time this means that fewer people are doing more with much less, but we are at the point of really losing services. When you lose services they don't come back that quickly and then people want to know why it wasn't there. Why didn't something happen?

I remember hearing another County Executive several years ago at a forum for County Executives that was held here in the County and this County Executive said, "What do I tell people? We are only going to answer every other 911 call." I think it has already been pointed out that we are only going to be able to plow roads every other snowstorm. So those are the kinds of things that we need to think about. I certainly support overriding all of these vetoes. What County government does is so important. I haven't touched many of the departments. We certainly will be talking about other departments as time goes on. I think it is important for people to know that yes we are cognizant of the taxpayer and we are also cognizant that every single resident, every single employee of County government is a taxpayer, everyone is a resident and everyone depends on services and we do our best to supply those services. I am going to call the vote.

Introduced by:
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 568 OF 2012
OVERRIDING THE DISAPPROVAL OF THE COUNTY EXECUTIVE
RESOLUTION 541 OF 2012 OF THE LEGISLATURE OF THE COUNTY OF ROCKLAND,
ADOPTION OF THE 2013 COUNTY BUDGET**

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

RESOLVED, That, Pursuant To Section 2.02 Of The Rockland County Charter, This Legislature, Upon Reconsideration Of The Disapproval Of The County Executive With Respect To Resolution 541 Of 2012 Of The Legislature Of The County Of Rockland, Adoption Of The 2013 County Budget, And By A Vote Of At Least Two-Thirds Of The Total Voting Power Of The Legislature Passed Such Resolution.

The vote resulted as follows:

Ayes:	13	(Legislators Earl, Grant, Hood, Jr., Jobson, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Nays:	03	(Legislators Carey, Low-Hogan, Sparaco)
Absent:	01	(Legislator Day)

Introduced by:
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 569 OF 2012
OVERRIDING THE DISAPPROVAL OF THE COUNTY EXECUTIVE
RESOLUTION 542 OF 2012 OF THE LEGISLATURE OF THE COUNTY OF ROCKLAND,
APPROPRIATION OF BUDGET ITEMS FOR 2013.**

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

RESOLVED, That, Pursuant To Section 2.02 Of The Rockland County Charter, This Legislature, Upon Reconsideration Of The Disapproval Of The County Executive With Respect To Resolution 542 Of 2012 Of The Legislature Of The County Of Rockland, Appropriation Of Budget Items For 2013, And By A Vote Of At Least Two-Thirds Of The Total Voting Power Of The Legislature Passed Such Resolution.

The vote resulted as follows:

Ayes:	13	(Legislators Earl, Grant, Hood, Jr., Jobson, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Nays:	03	(Legislators Carey, Low-Hogan, Sparaco)
Absent:	01	(Legislator Day)

Chairwoman Cornell called for a recess at 8:16 p.m. The meeting reconvened at 8:31 p.m.

Introduced by:

Referral No. 6248

- Hon. Harriet D. Cornell, Sponsor
- Hon. Philip Soskin, Co-Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Toney L. Earl, Co-Sponsor
- Hon. Aney Paul, Co-Sponsor
- Hon. Douglas J. Jobson, Co-Sponsor
- Hon. Patrick J. Moroney, Co-Sponsor
- Hon. Aron B. Wieder, Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. 570 OF 2012
 APPOINTMENT OF KRISTEN ZEBROWSKI STAVISKY
 AS ROCKLAND COUNTY COMMISSIONER OF ELECTIONS**

Mr. Soskin offered the following resolution, which was seconded by Mr. Carey, Mr. Earl, Mr. Grant, Mr. Hood, Jr., Mr. Jobson, Mrs. Low-Hogan, Mr. Moroney, Mr. Murphy, Mrs. Paul, Mr. Schoenberger, Mr. Sparaco, Mr. Wieder, Mr. Wolfe and Chairwoman Cornell and adopted:

WHEREAS, by Resolution No. 647 of 2008 the Rockland County Legislature reappointed Ann Marie Kelly to the position of Rockland County Commissioner of Elections, for a term of four years expiring December 31, 2012; and

WHEREAS, a certificate has been received from the Chairwoman of the Rockland County Democratic Committee certifying that Kristen Zebrowski Stavisky is a resident of the County of Rockland and is a suitable and qualified person to be appointed as Commissioner of Elections and recommending such reappointment for a four year term beginning January 1, 2013; and

WHEREAS, the Multi Services Committee has met, considered and by a vote of 5 ayes, 1 nay and 1 absent, approved this resolution; now therefore be it

RESOLVED, that pursuant to the recommendation of the Rockland County Democratic Committee, the Legislature of Rockland County hereby appoints Kristen Zebrowski Stavisky of 106 Strawtown Road, West Nyack, New York in the Town of Clarkstown to the position of Rockland County Commissioner of Elections, said term to expire on December 31, 2016.

The vote resulted as follows:

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

Debate:

Mr. Soskin

I have known Mrs. Stavisky for many years. She has always been a hard worker for the Democratic Party. She has been impartial in everything she has done and I have spoken to her several times about different items. Sometimes she says things I didn't like and sometime she didn't, but she always said the right thing in the final outcome. I am very proud to move her appointment. I know that she will do a good impartial job and keep the office running very smoothly. I wish you all the best.

Mr. Schoenberger

I want to commend Kristen. Obviously I have known her for many years. I was very close to her father. I know her husband. I know she is dedicated to public service. She comes from a family with a lifetime of dedication to public service. I think she will do a very good job in this position. I wish her the best of luck. She is the designee of the County Democratic Committee. Not too long ago we confirmed the appointment of Mr. Babcock who was the designee of the County Republican Committee. This is a difficult job. It is not an easy job. Some years ago we confirmed the appointment of the County Republican Committee, which nominated their County Chair for this position and I think once he found out how much was involved and how difficult it was he left and we replaced him then with someone else.

Kristen will do an excellent job. She has a fine legal mind. She has a lifetime of municipal experience. I think we are all going to be very proud of her and her results in that job. We wish you well.

Mr. Meyers

I made some remarks on this nomination at the Multi-Services Committee meeting and I will try to shorten them. I don't want to waste too much of Legislator Earl's time this evening; he complained that I spoke too long at the Multi-Services Committee. To be brief, I think that the nomination is not a good idea. Two things tar it: it is tarred the process and by conflict of interest. The process of the nomination of Mrs. Stavisky was tarred by having a meeting with very short notice at a time of the day, the Monday right after Thanksgiving, when most people could not attend at 5:30 in the afternoon when the County has never had a general meeting of the Democratic Party at 5:30 p.m. So I think that was a very political thing to collect proxies and have very few people at the meeting. And that doesn't bode well particularly since Mrs. Stavisky's leadership was touted as being transparent and above board. I thought that was unfortunate.

Also, I think it is a conflict of interest to have a Chair of a party also serve as Elections Commissioner. Before the Multi-Services Committee discussion Madam Chair mentioned that there are other places that have a head of a party acting as Elections Commissioner and it seems to work well. I don't know how you came to that conclusion that it seems to work well. I have no idea whether or not it works well in those counties or not. If you mean that nobody was beaten or other violence occurred then I guess you can say that is worked well. I don't know how many insurgent, candidates were disenfranchised by running in primaries against organization candidates backed by the Chair of the party who also happened to be the Election Commissioner. I don't think we can really say that it works well or not well.

The Rockland Journal News editorial page came out against this nomination and actually pointed out that there was a bill before the State Senate that would have forbid Party Chairs from serving as Commissioner or Deputy Commissioner. It so happens that Toby Stavisky, State Senator from Queens, sponsored the bill. It is a very reasonable position to take. I think that it doesn't make our County government look that good. It doesn't make the Democratic Party in Rockland County look that good that we are having this type of conflict of interest – sort of favoritism. For those reasons I am going to vote no on this nomination this evening.

Mr. Sparaco

I am going to vote yes for this nomination. I want to congratulate Mrs. Stavisky on her appointment. I come from a little bit of different experience than most of you have with Mrs. Stavisky. I ran against her brother and therefore basically ran against her. If I were a Democrat there wouldn't be anybody other than her that I would want in that job. She knows what she is doing. She wasn't fun to run against.

I don't see a conflict. The Board of Elections is a political environment. It is supposed to be political. There is a reason that it is split 50/50 between Republicans and Democrats. There is a reason there is a Republican Commissioner and a Democratic Commissioner. I have no problem at all with the committees appointing their commissioners who is loyal to their party, who will put forth their candidates, who will have people that work at the Board of Elections that carry Republican candidates petitions, because that is the system that we built. It is as American as apple pie and that is the way it is. Nobody wants to talk about that, they want to pretend otherwise, but the truth of the matter is the Board of Elections is for political appointed positions that will help build the party. That is the way it goes, the way it has always been and the way it is supposed to be.

Good luck Mrs. Stavisky.

Mr. Earl

I will be voting yes on this tonight. Legislator Meyers, thanks for remembering the other night, I appreciate that. I would just like to echo all those nice things Mr. Schoenberger and Mr. Soskin said about Mrs. Stavisky. I know your heart. I know you will do a great job. Good luck with it.

Mrs. Paul

I want to congratulate Kristen Stavisky. She is the right person to do this job. She is a very dedicated hardworking person. She proved that many times as the County Chair of the Democratic Party. I appreciate all her services. Her whole family is dedicated to the community and I appreciate all of them for the service that they do. I congratulate you and wish you good luck.

Chairwoman Cornell

The Board of Elections is constructed by the State of New York to be bipartisan and that is why it is set up that way. There is a Republican Commissioner and a Democratic Commissioner. What I think is most important with this appointment is that I see Kristen Stavisky as bringing a truly professional working climate to that very important office. What could be more important than to be insured fair elections where the workers are trained well. They know what to do if there is some sort of emergency or problem with a machine. All year long to be sure that the people in the office are not only well trained, but work together as a team.

I think that Kristen has the character and the personality to bring together the people in that office who also come from two different political parties. She is intelligent. She has experience in administering programs. I think she is really going to be great. As the say, "the apple doesn't fall far from the tree." Kristen comes from a family dedicated to public service. I know she is going to be a great Commissioner of Election. She is going to do us proud and she is going to be fair to all the people of the County.

The Chairwoman reopened the public participation portion of the meeting at 8:44 p.m. and the following persons appeared and spoke:

- ❖ Julius Graifman, Chair Sewer Commissioner, Hurricane Sandy
- ❖ Jack Borowsky, Cancel March 2013 gun show in Rockland County

Chairwoman Cornell closed public participation at 8:50 p.m.

Comments from the Chairwoman:

Honorable Harriet D. Cornell

I want to offer the congratulations of the Rockland County Legislature to our Legislative colleague Aney Paul who is now a Doctor of Nursing Practice. Congratulations. Aney received her Doctorate this past weekend. We are very proud of you, Aney.

The lives of twenty young children and six adults who had made it their life's work to educate and nurture them ended suddenly and violently on Friday. A community, a State, a nation, reels. Everyone who has ever loved a child or thanked a teacher has been wounded to the core by the tragedy at Sandy Hook Elementary School in New Town, Connecticut.

I know that it is the job of political leaders to focus on the causes of this tragedy and to search for the solutions and protections we can put into place to keep it from ever happening again. And we will participate in those discussions.

But for today, for tonight, I think only of the children and their teachers, those who died and those who live. I think of the parents, the grandparents, the spouses, the sisters and the brothers. I pray that they find peace in the cherished memories of beautiful innocent lives.

Introduced by:

Referral No. 9488

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

**RESOLUTION NO. 571 OF 2012
URGING THE UNITED STATES SENATE AND HOUSE OF
REPRESENTATIVES TO PASS LEGISLATION GRANTING TAX RELIEF
TO INDIVIDUALS AND BUSINESSES WHO SUFFERED FINANCIAL
LOSS DUE TO HURRICANE SANDY**

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

WHEREAS, United States Senators Charles E. Schumer and Robert Menendez are introducing comprehensive legislation to reduce the tax burden on individuals and businesses financially impacted by Hurricane Sandy; and

WHEREAS, as Senator Schumer stated, "When recovering from a hammer-blow like Sandy, every bit of support helps, and this legislation will make it easier for families and small businesses affected by the storm to marshal more of their resources for recovery. These changes to existing tax law are a common sense and simple way to help disaster victims, and a quick way to get them aid to repair their homes, to recover losses, and to support their businesses"; and

WHEREAS, some of the major provisions in the package include the following;

- 1) deduction for disaster cleanup expenses – individuals and businesses would be allowed to fully deduct cleanup costs on their tax returns;
- 2) relaxed retirement plan distribution rules – waives the 10% penalty tax that would otherwise apply on an early withdrawal from a retirement plan and permits individuals to withdraw up to \$100,000 without penalty to cover storm-related expenses;
- 3) housing exemption for displaced individuals – provided additional tax exemptions (\$500 exemption per person, maximum of four exemptions for the year) for individuals who provide free shelter for at least 60 days to anyone displaced by the storm;
- 4) worker retention credit – would extend tax credits to business owners who continued paying wages while their businesses were forced to close. The credits would apply to businesses with 200 or fewer employees and would equal 40% of an employee's first \$6,000 in wages paid between the day the business closed and the day it reopened (but before March 1, 2013);

and;

WHEREAS, by reducing taxes on those affected by Hurricane Sandy, the federal government will ease the burden on those so severely impacted by hurricane Sandy and allow more resources to go toward cleanup and reconstruction, and;

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

RESOLVED, The Rockland County Legislature hereby urges the United States Senate to pass such legislation when it introduced, urges the House of Representatives to introduce and pass such legislation, and urges President Obama to sign such legislation; 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 to Hon. Barack H. Obama, President of the United States; Hon. Charles Schumer and Hon. Kirsten Gillibrand, United States Senators; Hon. Eliot L. Engel, Hon. Nita M. Lowey and Hon. Nan Hayworth, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

Debate:

Mr. Schoenberger

I introduced and sponsored this resolution in support of our two United States Senators, Chuck Schumer from New York and Robert Menendez from New Jersey who introduced the bill in the United States Senate to change the existing tax law to help the victims of the Hurricane Sandy disaster to allow them to have deductions for disaster clean up expenses, to relax the retirement plan distribution rules to waive the 10% penalty tax that would otherwise apply to an early withdrawal up to \$100,000 if they are going it to cover storm related expenses, to provide a housing exemption for misplaced individuals, tax exemption of \$500.00 per person for individuals who provide free shelter for at least sixty days and a worker retention credit, which would extend tax credits to business owners who continue paying wages while their businesses were forced to close, because of Hurricane Sandy.

I think these are very original and far sighted ways to help people who have been affected by this terrible storm particularly allowing them to use their retirement money to help them rebuild their homes and waiving the penalties. I am glad that this Legislature is supporting this and our United States Senators from New York and New Jersey who are carrying this bill. Thank you.

RESCINDED FEBRUARY 5, 2013

Introduced by:

Referral No. 5906

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

RESOLUTION NO. 572 OF 2012

A RESOLUTION APPROVING A \$43,000,000 INCREASE IN COST OF THE WESTERN RAMAPO SEWER EXTENSION OF ROCKLAND COUNTY SEWER DISTRICT NO. 1, BRINGING THE TOTAL COST TO \$168,000,000 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

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

WHEREAS, By proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Rockland, New York, has established a County sewer district designated and known as the Rockland County Sewer District No. 1 ("RCSD"); and

WHEREAS, By proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, and approving orders of the New York State Comptroller, the County Legislature approved the Western Ramapo Sewer Extension of RCSD for sewer projects in unsewered areas and improvements to sewers in connection with extending service to the Villages of Hillburn and Sloatsburg and a portion of the unincorporated area of the Town of Ramapo, including an advanced wastewater treatment plant, pump stations, a sewer collection system and interconnection line, all at a maximum estimated cost of \$125,000,000; and

WHEREAS, A revised engineer's report and estimate of cost relating to the Western Ramapo Sewer Extension dated June, 2010 and approved by the Board of the RCSD has been filed with the County Legislature indicating that in order to complete the improvements for the Extension, it will be necessary to expend the sum of \$168,000,000, an increase of \$43,000,000 over that previously authorized; and

WHEREAS, On July 2, 2012, the State Comptroller consented to the proposed increase in cost; and

WHEREAS, Said County Legislature duly adopted a resolution on August 7, 2012, calling a public hearing on the aforesaid increased cost of the Extension in accordance with the provisions of Section 269 of the County Law, said public hearing to be held at the Legislative Chambers, Allison-Parris County Office Building, in New City, New York, in said County, on the 19th day of September, 2012, at 7:10 o'clock P.M., Prevailing Time; and

WHEREAS, Notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, Said public hearing was duly held at the time and place aforesaid; and

WHEREAS, Said County Legislature has duly considered the evidence at said public hearing;

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

BE IT RESOLVED, by the County Legislature of the County of Rockland, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase the cost of the establishment of the Western Ramapo Sewer Extension of Rockland County Sewer District No. 1 in the County of Rockland, New York as hereinbefore set forth and as more fully described in the aforesaid map and report including an estimate of cost, and the same is hereby authorized at a maximum estimated cost of \$168,000,000, all as more fully described in the preambles hereto.

Section 2. The Clerk of the County Legislature shall, within ten (10) days, cause a certified copy of this resolution to be published in the "ROCKLAND JOURNAL NEWS," published in West Nyack, New York and the "ROCKLAND COUNTY TIMES," published by Citizen Publishing Corp., Nanuet, New York.

Section 3. This resolution is adopted subject to permissive referendum and shall take effect forty-five (45) days after its adoption unless a petition is presented with the required number of signatures requesting a referendum thereon.

Introduced by:

Referral No. 9481

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

**RESOLUTION NO. 573 OF 2012
 RESCINDING RESOLUTION NO. 526 OF 2012
 WHICH APPROPRIATED THE SUM OF \$1,750 TO V.F.W. CHARLES R. LEWIS
 POST NO. 8997, STONY POINT, NEW YORK
 FOR PATRIOTIC OBSERVANCES IN 2012 AND APPROPRIATES
 THE SUM OF \$1,500 TO V.F.W. CHARLES R. LEWIS
 POST NO. 8997, STONY POINT, NEW YORK
 FOR PATRIOTIC OBSERVANCES IN 2012**

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

WHEREAS by Resolution No. 526 of 2012, the Legislature of Rockland County appropriated a sum to the V.F.W. Charles R. Lewis Post No. 8997 for patriotic observances in 2012; and

WHEREAS, the sum set forth in Resolution 526 of 2012 should have been \$1,500 and not the \$1,750 as contained in said resolution; and

WHEREAS, inasmuch as the resolution contained a typographical error in the dollar amount of said contract, the Legislature of Rockland County hereby rescinds said resolution number 526 of 2012 and now appropriates the sum of \$1,500 for patriotic observances in 2012; and

WHEREAS, the sum set forth in Resolution 526 of 2012 should have been \$1,500 and not the \$1,750 as contained in said resolution; 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 rescinds said resolution 526 of 2012; and be it further

RESOLVED, that the Legislature of Rockland County appropriates the sum of \$1,500 to the V.F.W. Charles R. Lewis Post No. 8997 for patriotic observations in the year 2012; 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-7602-5010	VFW Charles R. Lewis Post 8997 P.O. Box 250 Stony Point, NY 10980	\$1,500

<u>Decrease Approp. Acct.:</u>		
A-LEG-1010-5042	Patriotic Observances	\$1,500



Introduced by:

Referral No. 9473

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

**RESOLUTION NO. 574 OF 2012
 APPROPRIATING THE SUM OF \$1500 TO AMERICAN LEGION
 SLOATSBURG MEMORIAL POST NO. 1643, SLOATSBURG, NEW YORK
 FOR PATRIOTIC OBSERVANCES IN 2012**

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

WHEREAS, the Rockland County Legislature has set aside in the 2012 Budget and designated an account for funding of patriotic observances; and

WHEREAS, the American Legion Post 1643, Sloatsburg, New York is contracting with the County of Rockland to conduct patriotic observances in 2012, 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 \$1500, for providing patriotic observance events in Rockland County in calendar year 2012; 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-7340-5010	American Legion Sloatsburg Memorial Post 1643 15 Liberty Rock Road Sloatsburg, NY 10974	\$1,500
<u>Decrease Approp. Acct.:</u>		
A-LEG-1010-5042	Patriotic Observances	\$1,500

Introduced by:

Referral No. 9473

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

**RESOLUTION NO. 575 OF 2012
 AMENDING THE 2012 BUDGET BY APPROVING A "ONE-TIME" ONLY ALLOCATION
 IN THE AMOUNT OF \$17,233 [NCTD] FROM THE NEW YORK STATE
 OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES
 TO BE DISTRIBUTED TO THE ROCKLAND COUNCIL ON ALCOHOLISM
 AND OTHER DRUG DEPENDENCE, INC.
 FOR EQUIPMENT, FURNITURE, FIXTURES AND COMPUTER SOFTWARE
 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL NECESSARY
 DOCUMENTS INCLUDING THE APPLICABLE CONTRACT AMENDMENT
 [DEPARTMENT OF MENTAL HEALTH]
 (\$17,233)**

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

WHEREAS, The Commissioner of the Department of Mental Health (DMH) has advised the County Executive and the Legislature of Rockland County that the Rockland Council on Alcoholism and Other Drug Dependence, Inc. (RCADD) has been awarded a "one-time" only allocation for the calendar year 2012 in the amount of \$17,233 from the New York State Office of Alcoholism and Substance Abuse Services for equipment, furniture, fixtures and computer software; and

WHEREAS, The acceptance of these funds will require an amendment to the County's contract with RCADD, which was approved by Resolution No. 47 of 2012; and

WHEREAS, No County tax dollars [NCTD] are required to accept these funds; and

WHEREAS, It is necessary to appropriate these funds to the proper account; 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 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 "one-time" only allocation in the amount of \$17,233 from the New York State Office of Alcoholism and Substance Abuse Services for the Rockland Council on Alcoholism and Other Drug Dependence, Inc. (RCADD) for equipment, furniture, fixtures, software and other computer related equipment, and hereby authorizes the County Executive to execute all necessary documents related to the acceptance of this allocation, including the contract amendment with RCADD, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars [NCTD] are required to accept these funds; and be it further

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

GENERAL FUND - 2012

<u>Increase Approp. Acct. (Credit):</u>		
A-DMH-4330-E5010	RCADD, Inc	17,233
 <u>Increase Est. Rev. Acct. (Debit):</u>		
A-DMH-4330-R3476	State Aid - OASAS	17,233



Introduced by:

Referral No. 9473

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

**RESOLUTION NO. 576 OF 2012
AMENDING THE 2012 BUDGET
BY APPROVING THE ACCEPTANCE OF ADDITIONAL FUNDS
IN THE AMOUNT OF \$64,415 [NCTD] FROM THE
NEW YORK STATE OFFICE OF MENTAL HEALTH TO BE DISTRIBUTED TO
MENTAL HEALTH ASSOCIATION OF ROCKLAND COUNTY, INC.,
LOEB HOUSE, ST. DOMINIC'S HOME AND ROCKLAND HOSPITAL GUILD
AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL NECESSARY
DOCUMENTS INCLUDING THE APPLICABLE CONTRACT AMENDMENTS
[DEPARTMENT OF MENTAL HEALTH]
(\$64,415)**

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

WHEREAS, The Commissioner of the Department of Mental Health has advised the County Executive and the Legislature of Rockland County that the New York State Office of Mental Health has awarded the County additional funding for the calendar year 2012 in the total amount of \$64,415, which is to be distributed to the following agencies: (1) Mental Health Association of Rockland County, Inc. (\$16,103); (2) Loeb House (\$16,104); (3) St. Dominic's Home (\$16,104); and (4) Rockland Hospital Guild (\$16,104); and

WHEREAS, The funds will be used for twenty (20) new supported housing beds in Rockland County; and

WHEREAS, The acceptance of these funds will require an amendment to the County's contracts with these agencies, which were approved by Resolution No. 47 of 2012; and

WHEREAS, No County tax dollars [NCTD] are required to accept these 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 the "execution of all contracts in excess of \$100,000 entered into by the County"; 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 additional funds for the calendar year 2012 from the New York State Office of Mental Health in the total amount of \$64,415 for the following agencies: (1) Mental Health Association of Rockland County, Inc. (\$16,103); (2) Loeb House (\$16,104); (3) St. Dominic's Home (\$16,104); and (4) Rockland Hospital Guild (\$16,104), for twenty (20) new supported housing beds in Rockland County, and hereby authorizes the County Executive to execute all necessary documents related to the acceptance of these additional funds including the applicable contract amendments with these agencies, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars [NCTD] are required to accept these funds; and be it further

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A-DMH-4306-E5010	MHA of Rockland County, Inc	16,103
A-DMH-4342-E5010	Loeb House	16,104
A-DMH-4345-E5010	St. Dominic's Home	16,104
A-DMH-4347-E5010	Rockland Hospital Guild	<u>16,104</u>
		64,415

Increase Est. Rev. Acct. (Debit):

A-DMH-4306-R3470	State Aid - OMH	16,103
A-DMH-4342-R3470	State Aid - OMH	16,104
A-DMH-4345-R3470	State Aid - OMH	16,104
A-DMH-4347-R3470	State Aid - OMH	<u>16,104</u>
		64,415

AMENDED

Referral No. 9323

Introduced by:

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

**RESOLUTION NO. 577 OF 2012
 APPROVING THE PURCHASES IN EXCESS OF \$100,000
 FROM ORACLE AMERICA, INC. OF ANNUAL PEOPLESOFT
 ENTERPRISE AND PEOPLESOFT DATABASE
 MAINTENANCE AND SUPPORT FOR EXISTING LICENSES
 IN AN AMOUNT NOT TO EXCEED \$104,480.68
 FOR THE PERIOD JULY 1, 2012 THROUGH DECEMBER 31, 2012
 IN ACCORDANCE WITH NYS OGS CONTRACT NO. PT64000
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$104,480.68)**

Mr. Schoenberger offered the following amended resolution, which was seconded by Mr. Murphy and unanimously adopted:

WHEREAS, The New York State Office of General Services (NYS OGS) has issued an award to Oracle America, Inc., 1910 Oracle Way, Reston, VA. 20190, for Oracle PeopleSoft Enterprise and PeopleSoft Database maintenance and support for existing licenses under NYS OGS Contract No. PT64000 for the period from June 26, 2008 through June 25, 2013 with five (5) year renewal options; and

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

WHEREAS, The initial purchase of software maintenance was awarded under RFP-RC-004-007 and was purchased in advance as part of the original capital project for the County's Financial and Human Resource system, but the maintenance contract that was purchased is complete; and the County now must purchase annual software maintenance; and

WHEREAS, Software maintenance is required to receive annual tax updates for the payroll system, software upgrade licenses and system fixes as they become available; and

WHEREAS, The Director of Purchasing requests that the County Executive and the Legislature of Rockland County approve the purchases in excess \$100,000 from Oracle America, Inc. for Oracle PeopleSoft Enterprise and PeopleSoft Database maintenance and support for existing licenses in an amount not to exceed \$104,480.68 for the period from July 1, 2012 through December 31, 2012 in accordance with the terms and conditions specified in NYS OGS Contract No. PT64000; and

WHEREAS, All purchases shall be made by formal purchase order; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Adopted Capital Budget, Capital Project 1462; 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 from Oracle America, Inc., 1910 Oracle Way, Reston, VA. 20190, for Oracle PeopleSoft Enterprise and PeopleSoft Database maintenance and support for existing licenses in an amount not to exceed \$104,480.68 for the period from July 1, 2012 through December 31, 2012 in accordance with the terms and conditions specified in NYS OGS Contract No. PT64000; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Adopted Capital Budget, Capital Project 1462.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 578 OF 2012
APPROVING A SECOND AMENDMENT TO AGREEMENT IN EXCESS OF \$100,000
WITH AMERICAN TOWER MANAGEMENT, LLC
FOR THE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM REQUIRING THE
PLACEMENT OF ADDITIONAL ANTENNAS ON AN EXISTING COMMUNICATION TOWER IN
THE ADDITIONAL AMOUNT OF \$500.00 PER MONTH WITH A THREE (3%) PERCENT
ANNUAL INCREASE FOR ALL SUBSEQUENT YEARS COMMENCING JANUARY 1, 2013
FOR A TOTAL CONTRACT AMOUNT OF \$483,631.20 (2010 - \$88,800.00, 2011 - \$91,464.00,
2012 - \$94,207.92, 2013 - \$103,034.16, 2014 - \$106,125.12) AND AUTHORIZING ITS
EXECUTION BY THE COUNTY EXECUTIVE
[OFFICE OF FIRE AND EMERGENCY SERVICES]
(\$483,631.20)**

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

WHEREAS, By Resolution No. 329 of 2009, the Legislature of Rockland County approved a license agreement with American Tower Management, LLC, 10 Presidential Way, Woburn, MA 01801 for the use of space on the "Jackie Jones" communications tower located in the Town of Haverstraw for the Public Safety Communications System in an amount not to exceed \$184,757.92 for the period from January 1, 2010 through December 31, 2014 with terms for renewal; and

WHEREAS, Pursuant to said resolution, the County entered into a Renewal License Agreement with American Tower Management, LLC on July, 09 2009 in an amount not to exceed \$184,757.92 for the period from January 1, 2010 through December 31, 2014 with terms for renewal; and

WHEREAS, By Resolution No. 90 of 2011, the Legislature of Rockland County approved a license agreement with American Tower Management, LLC, 10 Presidential Way, Woburn, MA 01801 for the use of space on the "Jackie Jones" communications tower located in the Town of Haverstraw for the Public Safety Communications System for a total contract not to exceed \$198,915.84 for the period from January 1, 2010 through December 31, 2014 with terms for renewal; and

WHEREAS, Pursuant to said resolution, the County entered into a First Amendment to Renewal License Agreement with American Tower Management, LLC on March 17, 2011 in an amount not to exceed \$198,915.84 for the period from January 1, 2010 through December 31, 2014 with terms for renewal; and

WHEREAS, The Director of the Office of Fire and Emergency Services has advised the County Executive and the Legislature of Rockland County that the County of Rockland requires the approval of a second amendment to the Renewal License Agreement for the placement of additional communications antennas on the existing communications tower which are necessary for the Public Safety Communications System; and

WHEREAS, The amendment to the license agreement with American Tower Management, LLC will increase the fees paid by the County an additional \$500.00 per month with a three (3%) percent annual increase for all subsequent years commencing January 1, 2013; and

WHEREAS, The total contract amount for the lease agreement with American Tower Management, LLC shall not exceed the total sum of \$483,631.20; and

WHEREAS, Funding for the 2011 and 2012 portion of this agreement is provided by available funds in Fire and Emergency Services Capital Project # 1860 (Rockland County Public Safety Communication System) and funding for subsequent years will be considered for appropriations in the 2013 and 2014 Operating Budget of Fire and Emergency Services; and

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

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

RESOLVED, That the Legislature of Rockland County approves a second amendment to the license agreement with American Tower Management, LLC, 10 Presidential Way, Woburn, MA 01801 for the placement of additional antennas on an existing communications tower which are necessary for the Public Safety Communications System and an increase in the fees paid by the County of an additional \$500.00 per month with a three (3%) percent annual increase for all subsequent years commencing January 1, 2013 for a total contract sum in the amount of \$483,631.20 and further authorizes its execution and all other documents necessary to effectuate the purpose and intent of this resolution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for the 2011 and 2012 portion of this agreement is provided by available funds in Fire and Emergency Services Capital Project # 1860 (Rockland County Public Safety Communication System) and that funding for subsequent years will be considered for appropriations in the 2013 and 2014 Operating Budget of Fire and Emergency Services.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 579 OF 2012
 APPROVING A FIRST AMENDMENT TO AGREEMENT IN EXCESS OF \$100,000
 WITH NEXTEL OF NEW YORK, INC. FOR THE INSTALLATION OF AN
 ADDITIONAL SIX (6) REMOTE RADIO HEADS AND THREE (3)
 COMBINERS AT THE 117 FOOT LEVEL ON THE COUNTY OWNED COMMUNICATIONS
 TOWER LOCATED AT 175 BRICK CHURCH ROAD IN THE TOWN OF RAMAPO AND
 INCREASING THE LICENSE FEES PAID TO THE COUNTY OF ROCKLAND BY AN
 ADDITIONAL \$750.00 PER MONTH FOR ALL SUBSEQUENT
 YEARS COMMENCING JANUARY 1, 2013
 FOR A TOTAL CONTRACT AMOUNT OF \$1,592,119.28
 FOR THE PERIOD FROM OCTOBER 25, 2006 THROUGH OCTOBER 24, 2031
 (OFFICE OF FIRE AND EMERGENCY SERVICES)
 (\$1,592,119.28)**

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

WHEREAS, By Resolution No. 112 of 2006, the Legislature of Rockland County approved a twenty-five (25) year license agreement with Nextel of New York, Inc., a Delaware corporation, with an office at 6391 Sprint Parkway, Mailstop KSOPHT0101Z2650, Overland Park, KS 66251-2650, for the use of space on a County-owned communications tower located at 175 Brick Church Road in the Town of Ramapo for the total amount of \$1,317,267 for the period from October 26, 2006 through October 24, 2031; and

WHEREAS, Pursuant to said resolution, the County entered into a license agreement with Nextel of New York, Inc. ("Nextel") on October 25, 2006 for the use of space on a County-owned communications tower located at 175 Brick Church Road in the Town of Ramapo for the total amount of \$1,317,267 for the period from October 26, 2006 through October 24, 2031; and

WHEREAS, The Director of the Office of Fire and Emergency Services has advised the County Executive and the Legislature of Rockland County that Nextel has requested permission to install six (6) remote radio heads and three (3) combiners at the 117 foot level of the County-owned communications tower which will increase the monthly fees paid to the County by \$750.00 per month beginning the first month following commencement of construction or 180 days following full execution of the amendment for a total contract sum of \$1,592,119.28 for the term of the license agreement; and

WHEREAS, The adoption of this resolution does not require the expenditure of any County funds; and

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

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

RESOLVED, That the Legislature of Rockland County approves a first amendment to an agreement with Nextel of New York, Inc., a Delaware corporation, with an office at 6391 Sprint Parkway, Mailstop KSOPHT0101Z2650, Overland Park, KS 66251-2650, for the installation of six (6) remote radio heads and three (3) combiners at the 117 foot level of the County-owned communications tower located at 175 Brick Church Road in the Town of Ramapo which will increase the license fees to be paid to the County in the amount of \$750.00 per month for a total contract sum of \$1,592,119.28 beginning the first month following commencement of construction or 180 days following full execution of the amendment through October 24, 2031, and further authorizes its execution and all other necessary documents to effectuate the intent and purpose of this resolution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That the adoption of this resolution does not require the expenditure of any County funds.



Introduced by:

Referral No. 9340

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

**RESOLUTION NO. 580 OF 2012
ACCEPTANCE OF A CONTINUATION GRANT
IN THE AMOUNT OF \$175,000 (NCTD)
WHICH MAY BE FOLLOWED BY A COST-OF-LIVING ADJUSTMENT (COLA)
AWARD ESTIMATED TO BE NO MORE THAN 10% OR \$17,500 (NCTD),
MAKING TOTAL GRANT AWARD \$192,500 (NCTD)
FROM THE NEW YORK STATE DEPARTMENT OF HEALTH
FOR THE HEALTHY NEIGHBORHOODS PROGRAM
FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013
AND AUTHORIZING EXECUTION OF THE NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[DEPARTMENT OF HEALTH]
(\$192,500)**

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

WHEREAS, The Commissioner of Health has advised the County Executive and the Legislature that the New York State Department of Health has awarded a \$175,000 continuation grant for the Healthy Neighborhoods Program to reduce tobacco use, asthma hospitalization, home fire deaths, contaminants that affect indoor air quality and childhood lead poisoning, for the period October 1, 2012 through September 30, 2013; and

WHEREAS, As in the past, this grant may be followed by a COLA award that is estimated to be no more than 10% or \$17,500, making total grant award \$192,500; and

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

WHEREAS, It is necessary to appropriate these funds 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 \$175,000 continuation grant, and a COLA award that is estimated to be no more than 10% or \$17,500, for a total grant award of \$192,500 for the Healthy Neighborhoods Program, to reduce tobacco use, asthma hospitalization, home fire deaths, contaminants that affect indoor air quality and childhood lead poisoning, for the period of October 1, 2012 through September 30, 2013, and authorizes execution of the 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 - 2012

Increase Approp. Acct. (Credit):

A-DOH -4048	-E1100	Salaries, Employees	94,160
	-E1110	Overtime	813
	-E1910	Health	36,000
	-E1911	Dental	3,000
	-E1912	Vision	600
	-E1920	Retirement	11,000
	-E1930	Social Security	7,205
	-E1940	Unemployment Insurance	150
	-E1950	Workers' Compensation	609
	-E1980	MTA Mobility Tax	320
	-E3290	Operational Supplies	16,018
	-E3130	Office Supplies	1,750
	-E4040	Travel	750
	-E4140	Conferences & Seminars	2,000
	-E4600	Telephone	625
	-E5060	Program Costs	17,500

Increase Est. Rev. Acct. (Debit):

A-DOH -4048	-R3489	State Aid - Health	192,500
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UNEMPLOYMENT FUND - 2012

Increase Approp. Acct. (Credit):

Q -PER -9050	-E8010	Employee Benefits	150
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Increase Est. Rev. Acct. (Debit):

Q -PER -9050	-R2809	Interfund Revenues	150
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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. 5327

Hon. Jay Hood, Jr., Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Ilan S. Schoenberger, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Philip Soskin, Sponsor
 Hon. Toney L. Earl, Sponsor

RESOLUTION NO. 581 OF 2012
AUTHORIZING INTERMUNICIPAL COOPERATION AGREEMENTS BETWEEN
THE COUNTY OF ROCKLAND AND THE, VILLAGE OF SUFFERN (\$4,548.40-OVERTIME-
TRAINING), TOWN OF STONY POINT (\$1,093.17-OVERTIME-TRAINING), VILLAGE OF
SOUTH NYACK (\$3,329.56-OVERTIME-TRAINING), VILLAGE OF PIERMONT (\$1,208.40-
OVERTIME-TRAINING), TOWN OF RAMAPO (\$5,368.53-OVERTIME-TRAINING),
TOWN OF RAMAPO (\$34,810.36-OPERATIONAL OVERTIME) AND TOWN OF
CLARKSTOWN (\$38,231.22-OPERATIONAL-OVERTIME)
IN ORDER TO REIMBURSE THESE MUNICIPALITIES FOR
OVERTIME TRAINING COSTS AND/OR OPERATIONAL OVERTIME COSTS
THEY INCURRED IN CONNECTION WITH THE 2012 MACCABI GAMES
TO BE COVERED BY ALREADY APPROPRIATED FUNDS WITHIN THE
LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT (DEPT. GS26)
AND THE STATE HOMELAND SECURITY PROGRAM GRANT (DEPT. GS27)
AND AUTHORIZING THE EXECUTION OF THESE
INTERMUNICIPAL AGREEMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE SHERIFF]
(\$88,589.64)

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

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into separate intermunicipal agreements with the following municipalities in order to reimburse these municipalities for overtime training costs and/or operational overtime costs they incurred in connection with the 2012 Maccabi Games in the following amounts shown:

• Village of South Nyack	\$ 3,329.56 (Overtime Training)
• Town of Stony Point	1,093.17 (Overtime Training)
• Village Piermont	1,208.40 (Overtime Training)
• Town of Ramapo	5,368.53 (Overtime Training)
• Village of Suffern	4,548.40 (Overtime Training)
• Town of Ramapo	\$34,810.36 (Operational Overtime)
• Town of Clarkstown	<u>38,231.22</u> (Operational Overtime)
	\$88,589.64

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

WHEREAS, Funding for these agreements is currently appropriated within the Law Enforcement Terrorism Prevention Program grant (Dept GS26) and the State Homeland Security Program grant (Dept. GS27) and, therefore, no funding clause is required; 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 separate intermunicipal cooperation agreements between the County of Rockland and the following municipalities in order to reimburse these municipalities for overtime training costs and/or operational overtime costs they incurred in connection with the 2012 Maccabi Games in the following amounts shown:

- Village of South Nyack \$ 3,329.56 (Overtime Training)
- Town of Stony Point 1,093.17 (Overtime Training)
- Village Piermont 1,208.40 (Overtime Training)
- Town of Ramapo 5,368.53 (Overtime Training)
- Village of Suffern 4,548.40 (Overtime Training)
- Town of Ramapo \$34,810.36 (Operational Overtime)
- Town of Clarkstown 38,231.22 (Operational Overtime)
- \$88,589.64

and authorizes execution of these intermunicipal agreements by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for these agreements is currently appropriated within the Law Enforcement Terrorism Prevention Program grant (Dept GS26) and the State Homeland Security Program grant (Dept. GS27) and, therefore, no funding clause is required.

Introduced by:

Referral No. 8378

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

**RESOLUTION NO. 582 OF 2012
APPROVING ACCEPTANCE OF CONTINUATION GRANT
IN THE AMOUNT OF \$90,429 (NCTD) FROM THE
NEW YORK STATE DEPARTMENT OF HEALTH FOR THE
CHILDHOOD LEAD POISONING PREVENTION PROGRAM
WITH A COST OF LIVING ADJUSTMENT (COLA)
THAT IS ESTIMATED TO BE NO MORE THAN 10%
OR \$9,042, MAKING TOTAL GRANT AWARD \$99,471 (NCTD)
FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013
AND AUTHORIZING EXECUTION OF NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
(DEPARTMENT OF HEALTH)
(\$99,471)**

Mr. Schoenberger offered the following resolution, which was seconded by 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 her department has been awarded a \$90,429 continuation grant for the Childhood Lead Poisoning Prevention Program. This continuation grant from the New York State Department of Health is for all activities related to the screening, monitoring and surveillance of lead poisoning in children for the period October 1, 2012 through September 30, 2013; and

WHEREAS, As per New York State Chapter 57, Laws of 2006, the Commissioner of Health is able to establish an annual Cost of Living Adjustment (COLA) for programs outlined in the statute; and

WHEREAS, A COLA is based on a Congressional Budget Office calculation for each State fiscal year pursuant to Chapter 496 of the Laws of 2008; and

WHEREAS, An initial award of \$90,429 has been awarded from the New York State Department of Health towards the salary and fringe benefit of the position linked to this grant; and

WHEREAS, It may be followed by a COLA that is estimated to be no more than 10% or \$9,042, making total grant award \$99,471; and

WHEREAS, The salary and fringe of the position linked to this grant was appropriated in the 2012 Adopted Budget of Dept. 4010 (Department of Health) and will be appropriated in this same department in the 2013 Adopted Budget, making a funding clause for this resolution unnecessary; and

WHEREAS, No County tax dollars (NCTD) are required to accept potential \$99,471 award; 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 \$90,429 Childhood Lead Poisoning Prevention Program continuation grant from the New York State Department of Health to reimburse Rockland County for salary and fringe benefit costs related to temporary lead-safe housing for families with children with elevated lead levels for the period October 1, 2012 through September 30, 2013, 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 this grant may be followed by a COLA that is estimated to be no more than 10% or \$9,042, making total grant award \$99,471; and be it further

RESOLVED, That the salary and fringe of position linked to this grant was appropriated in the 2012 Adopted Budget of Dept. 4010 (Department of Health) and will be appropriated in this same department in the 2013 Adopted Budget, making a funding clause for this resolution unnecessary; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept potential \$99,471 award; 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. 9364

Hon. John A. Murphy, Sponsor
 Hon. Philip Soskin, Co-Sponsor
 Hon. Jay Hood, Jr., Co-Sponsor
 Hon. Toney L. Earl, Co-Sponsor
 Hon. Aney Paul, Co-Sponsor
 Hon. Joseph Meyers, Co-Sponsor
 Hon. Douglas J. Jobson, Co-Sponsor
 Hon. Patrick J. Moroney, Co-Sponsor
 Hon. Alden H. Wolfe, Co-Sponsor

RESOLUTION NO. 583 OF 2012
REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL A. 10816 –
AN ACT TO AMEND THE EDUCATION LAW IN RELATION TO PERMITTING
APPORTIONMENT OF STATE AID WHERE A SCHOOL WAS NOT IN SESSION
DUE TO EXTRAORDINARY WEATHER CONDITIONS, DISASTERS OR
EMERGENCIES DURING THE 2012-2013 SCHOOL YEAR

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

WHEREAS, Superstorm Sandy was one of the biggest storms to ever hit the New York City tri-state area. Many areas were affected causing massive infrastructure damage, flooding many areas, and creating unsafe conditions. The New York City Transit system was shut down and there were widespread and long-lasting power outages, causing many school district to be closed for days; and

WHEREAS, according to existing Education Law, school districts must be open a minimum of 180 days in a school year in order to receive their share of state aid; and

WHEREAS, it would be unfair to penalize school districts and deny them their portion of state aid because they were physically unable to open, or because they did the right thing for parents, students and local residents by keeping students safe and out of harm's way; and

WHEREAS, there is precedent for this legislation, as the state legislature last year passed a similar provision for the upstate areas that were affected by Hurricane Irene and Tropical Storm Lee in 2011; and

WHEREAS, Assembly Bill 10816:

1. would amend the Education Law by adding a new section to require the Education Commissioner to hold school districts financially harmless if a school has lost up to ten days and is unable to be in session for the state mandated 180 days due to a duly declared state of emergency following a federally and state recognized natural disaster;
2. would require certification by the school superintendent;
3. would only be effective for the 2012-2013 school year;

and

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

RESOLVED, the Rockland County Legislature hereby requests that the New York State Assembly pass Bill A. 10816, an act to amend the Education Law in relation to permitting apportionment of state aid where a school was not in session due to extraordinary weather conditions, disasters or emergencies during the 2012-2013 school year, that the New York State Senate introduce similar legislation, and that the Governor sign such legislation; and be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Dr. John B. King, Jr., New York State Education Commissioner; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

Introduced by:

Referral No. 5474

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

**RESOLUTION NO. 584 OF 2012
 APPOINTING DANIEL O’LEARY TO THE VACANCY ON
 THE ROCKLAND COUNTY BOARD OF SEWER COMMISSIONERS
 CREATED BY THE RESIGNATION OF J. MARK REIMER**

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

WHEREAS, J. Mark Reimer resigned his position as a commissioner on the Rockland County Board of Sewer Commissioners, thereby creating a vacancy on the Rockland County Board of Sewer Commissioners; and

WHEREAS, J. Mark Reimer’s resignation was effective on or about December 3, 2012, thereby creating a vacancy on the Rockland County Board of Sewer Commissioners; and

WHEREAS, the Legislature of Rockland County wishes to thank J. Mark Reimer for his years of service to the County of Rockland; and

WHEREAS, J. Mark Reimer was appointed as a Commissioner from that portion of the geographic extension to the boundaries of the Rockland County Sewer District No. 1, as a village trustee from an incorporated village within the said geographic extension; and

WHEREAS, it has been recommended that Daniel O’Leary, of Sloatsburg, New York, a Trustee from an incorporated Village within said geographic extension of the Rockland County Sewer District No. 1 be appointed to replace J. Mark Reimer; and

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

RESOLVED, that the Legislature of Rockland County hereby appoints Daniel O’Leary a member of the Rockland County Board of Sewer Commissioners, as a Trustee from an incorporated village within the said geographic extension of the Rockland County Sewer District No 1, commencing with the passage of this resolution; and be it further

RESOLVED, that the Clerk to the Legislature shall notify the Rockland County Board of Sewer Commissioners and the appointee of this resolution.

**ADJOURNMENT IN MEMORY OF
MARY THERESA JACOBS**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mary Theresa Jacobs.

**ADJOURNMENT IN MEMORY OF
JESSE YANKO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Jesse Yanko.

**ADJOURNMENT IN MEMORY OF
JUANITA DeLPILAR**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Juanita Delpilar.

**ADJOURNMENT IN MEMORY OF
JOSEPH "BIG JOE" VINCENT DONALDSON**

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 Joseph "Big Joe" Vincent Donaldson.

**ADJOURNMENT IN MEMORY OF
RONALD G. SEE**

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 Ronald G. See.

**ADJOURNMENT IN MEMORY OF
MARY W. PETTERSEN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mary W. Pettersen.

**ADJOURNMENT IN MEMORY OF
PATRICIA A. MAHER**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Patricia A. Maher.

**ADJOURNMENT IN MEMORY OF
EDWARD T. COSTELLO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Edward T. Costello.

**ADJOURNMENT IN MEMORY OF
MAUREEN NEUBAUER**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Maureen Neubauer.

**ADJOURNMENT IN MEMORY OF
JOHN P. TROMBINO SR.**

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 John P. Trombino Sr.

**ADJOURNMENT IN MEMORY OF
JOSEPH CUNNINGHAM**

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 Joseph Cunningham.

**ADJOURNMENT IN MEMORY OF
GEORGE SCROCCO**

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 George Scrocco.

**RESOLUTION NO. 585 OF 2012
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and adopted (9:04 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Thursday, December 27, 2012 at 1:00 p.m.

Respectfully Submitted,

DARCY M. GREENBERG
Proceedings Clerk