

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, August 6, 2013 at 7:00 P.M., pursuant to the adjournment of the July 23, 2013 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 1st day of August 2013

The Legislature of Rockland County convened in regular session pursuant to adjournment of the July 23, 2013 meeting.

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

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

Late: Legislators Douglas J. Jobson (7:03 p.m.) and Philip Soskin (7:06 p.m.)

Absent: Legislator Christopher J. Carey

Legislators Douglas J. Jobson arrive (7:03 p.m.)

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

William Holmes, Minister, First Baptist Church of Spring Valley, delivered the invocation.

Legislator Soskin arrived (7:06 p.m.)

**RESOLUTION NO. 405 OF 2013
ADOPTION OF MINUTES OF LEGISLATIVE MEETINGS
JUNE 4, 2013, JUNE 18, 2013, JULY 2, 2013, JULY 23, 2013
JULY 2, 2013 – COMMITTEE OF THE WHOLE**

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

Resolved, that the transcribed minutes of the Legislative meetings of June 4, 2013, June 18, 2013, July 2, 2013, July 23, 2013 and July 2, 2013 Committee of the Whole, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

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

- ❖ Stan Pascoo, Pres. United Sportsman Assoc. Of Rockland, Officially recognize National Hunting & Fishing Day, September 28, 2013
- ❖ Roy Tschudy, Concerned Citizens of Suffern, Requested Funding for remediation of Mahwah River in Suffern
- ❖ Jim Giannettino, Concerned Citizens of Suffern, Requested Funding for remediation of Mahwah River in Suffern

Public Participation ended at 7:11 p.m.

Comments from the Chairwoman:

Honorable Harriet D. Cornell

This afternoon we held the very first meeting of the Rockland Health Facilities Corporation. It was an excellent meeting that was held at Rockland Community College in the Technology building. The board members elected officers, adopted policies and they set the wheels in motion for a request for proposal to be drafted seeking purchasers for the nursing home. I have to say, and the Executive actually said the same thing, we have had extremely good responses from the community as to the people who have been appointed to serve on the corporation, which is known as the "Rockland's Health Facilities Corporation." They are public spirited citizens serving without compensation and they will be giving their time doing a lot of studying, reading and coming together at meetings in order to accomplish the sale of the nursing home.

Comments from Legislators:

Legislator Michael M. Grant

Regarding the LDC, if it hasn't already been contemplated and set up it would be good if we had a website where people could go to get the agendas, minutes, studies and news releases related to work of the LDC. We had done that for the Comprehensive Plan and redistricting. It worked out well and the public remained well informed.

Chairwoman Harriet D. Cornell

That is going to be done. There will be a link on the County website and all of the documents will be up there and that would be very helpful to the public and to the members of the LDC Board. As soon as that is up and running I will make sure that all Legislators are tuned in as well.

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 406 OF 2013
APPROVING AN AGREEMENT IN EXCESS OF \$100,000
BETWEEN THE COUNTY OF ROCKLAND ON BEHALF OF
THE ROCKLAND COUNTY SEWER DISTRICT NO. 1
AND CARBRO CONSTRUCTORS CORP. IN THE AMOUNT OF
\$7,827,760 FOR A CONTRACT WR03-04C
WESTERN RAMAPO SANITARY SEWER SYSTEM,
WALDRON TERRACE AND NORTH SLOATSBURG
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY SEWER DISTRICT NO. 1]
(\$7,827,760)**

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

WHEREAS, This contract is for the Western Ramapo Sanitary Sewer System, Waldron Terrace and North Sloatsburg, Contract WR03-04C; and

WHEREAS, This work will furnish, install, test and place approximately 10,060 linear feet of gravity sewer within the Village of Sloatsburg, installation of manholes, building connections, cleanouts, and related improvement and appurtenances, and demolish and abandon the Lincoln Street wastewater treatment plant; and

WHEREAS, The work under this contract includes the interceptor on Waldron Terrace. Once this pipe is complete, residents in north Sloatsburg will be able to connect and the Lincoln Street wastewater treatment plant can be eliminated. Elimination of this plant is required under a NYSDEC consent order; and

WHEREAS, Bids were advertised for the Western Ramapo Sanitary Sewer System, Waldron Terrace and North Sloatsburg, Contract WR03-04C; and

WHEREAS, The Sewer District received bids for the project on April 17, 2013; and

WHEREAS, By Resolution No. 20 of 2013, the Board of Commissioners of the Rockland County Sewer District No. 1 approved the contract with Carbro Constructors Corp. in the amount of \$7,827,760 and the terms of the contract will be 365 calendar days from Notice To Proceed, subject to the approval of the Rockland County Legislature; 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, Sufficient funds for this amendment are authorized to be borrowed for Capital Project No. 6150 of the Rockland County Sewer District No. 1; 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 the Contract No. WR03-04C with Carbro Constructors Corp., 605 Omni Drive, Hillsborough, New Jersey 08844, in the amount of \$7,827,760, for the Western Ramapo Sanitary Sewer System, Waldron Terrace and North Sloatsburg, in 365 calendar days from Notice To Proceed, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this amendment are authorized to be borrowed for Capital Project No. 6150 of the Rockland County Sewer District No. 1.

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 407 OF 2013
APPROVING PURCHASES IN EXCESS OF \$100,000
FROM HAUSER BROS., INC. FOR PLUMBING, MECHANICAL,
PIPING WORK & MATERIALS FOR USE BY THE
ROCKLAND COUNTY SEWER DISTRICT #1
AND THE DEPARTMENT OF GENERAL SERVICES
UNDER RFB-RC-2013-023
IN AN AMOUNT NOT TO EXCEED \$450,000
FOR THE PERIOD FROM JUNE 20, 2013 THROUGH JUNE 19, 2014
WITH FOUR (4) ADDITIONAL ONE (1) YEAR OPTION TERMS
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
(\$450,000)**

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

WHEREAS, The Director of Purchasing requested bids for plumbing, mechanical, piping work and materials for use by the Rockland County Sewer District #1 and the Department of General Services under RFB-RC-2013-023 (the "RFB") for the period from June 20, 2013 through June 19, 2014 with the option to renew for four (4) additional one (1) year option terms; and

WHEREAS, One hundred fifty (150) vendors were notified of the RFB, and only two (2) bids were received from Hauser Bros., Inc. ("Hauser"), 17 Schoolhouse Road, Orangeburg, NY 10962, and Armistead Mechanical, Inc. ("Armistead"); and

WHEREAS, The Purchasing Department determined that Armistead's bid was non-responsive as it did not satisfy section 4.3 of the specifications, which required the bidder to have ASME/National Board R, PP, S and U stamps to perform boiler/vessel welding repair work; and

WHEREAS, Hauser met the specifications of the RFB, which required the bidder to have special expertise, access to heavy equipment, a large specific inventory and a County of Rockland plumbing license; and

WHEREAS, The Purchasing Department determined that Hauser was the lowest responsive, responsible bidder; and

WHEREAS, This contract includes emergency repair work; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 from Hauser for plumbing, mechanical, piping work and materials for use by the Rockland County Sewer District #1 and the Department of General Services under the RFB in an amount not to exceed \$450,000 for the period from June 20, 2013 through June 19, 2014 with the option to renew for four (4) additional one (1) year option terms; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2013 Budgets of the Rockland County Sewer District #1 and the Department of General Services and is contingent on 2014 budget appropriations; and

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

WHEREAS, The Planning & 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 Hauser Bros., Inc., 17 Schoolhouse Road, Orangeburg, New York 10962, for plumbing, mechanical, piping work and materials for use by the Rockland County Sewer District #1 and the Department of General Services under RFB-RC-2013-023 in an amount not to exceed \$450,000 for the period from June 20, 2013 through June 19, 2014 with the option to renew for four (4) additional one (1) year option terms and authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2013 Budgets of the Rockland County Sewer District #1 and the Department of General Services and is contingent upon 2014 budget appropriations.

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 408 OF 2013
APPROVING AMENDMENT AGREEMENT IN EXCESS OF \$100,000
IN THE ADDITIONAL AMOUNT OF \$165,000 TOTAL SUM
NOT TO EXCEED \$3,380,000 WITH WESTERN RAMAPO ENGINEERING DESIGN
AND PROCUREMENT TEAM, LLP FOR ENGINEERING AND ADMINISTRATION
CONSTRUCTION SERVICES FOR THE ADVANCED WASTEWATER TREATMENT
PLANT IN WESTERN RAMAPO (RFP-RC-02-034) AND AUTHORIZING
ITS EXECUTION BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY SEWER DISTRICT NO. 1]
(\$3,380,000)**

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

WHEREAS, By Resolution No. 59 of 2003, the Rockland County Legislature approved the execution of a contract with the joint venture of Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, Hennigson, Durham & Richardson Architecture & Engineering, PC, 711 Westchester Avenue, White Plains, New York 10604 and Lawler, Matusky & Skelly Engineers, LLP, One Blue Hill Plaza, Pearl River, New York 10965 (“Joint Venture”), in an amount not to exceed \$2,890,000, for engineering and administration of construction services for the design and construction of the Western Ramapo Advanced Wastewater Treatment Plant; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an agreement with the joint venture of Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, Hennigson, Durham & Richardson Architecture & Engineering, PC, 711 Westchester Avenue, White Plains, New York 10604 and Lawler, Matusky & Skelly Engineers, LLP, One Blue Hill Plaza, Pearl River, New York 10965 on September 2, 2003, for engineering and administration of construction services for design and construction of the Western Ramapo Advanced Wastewater Treatment Plant in an amount not to exceed \$2,890,000; and

WHEREAS, On October 24, 2003, the Rockland County Sewer District No. 1 amended the agreement to correct the legal name and federal identification number for the joint venture of Stearns & Wheler, LLC; Hennigton, Durham & Richardson Architecture & Engineering, PC; and Lawler, Matusky & Skelly Engineers LLP, a limited liability partnership formed for this project and known as Western Ramapo Engineering Design and Procurement Team, LLP; and

WHEREAS, By Resolution No. 24 of 2010, the Board of Sewer Commissioners of Rockland County Sewer District No. 1 accepted the proposal of the Joint Venture and approved an amendment to the agreement in the amount of \$325,000, for a total contract sum not to exceed \$3,215,000; and

WHEREAS, By Resolution No. 287 of 2010, the Rockland County Legislature approved the execution of a contract with the joint venture of Stearns & Wheler, LLC, One Remington Park Drive, Cazenovia, New York 13035, Hennigson, Durham & Richardson Architecture & Engineering, PC, 711 Westchester Avenue, White Plains, New York 10604 and Lawler, Matusky & Skelly Engineers, LLP, One Blue Hill Plaza, Pearl River, New York 10965 (“Joint Venture”), in an additional amount of \$325,000 for a total sum not to exceed \$3,215,000, for engineering and administration of construction services for the design and construction of the Western Ramapo Advanced Wastewater Treatment Plant; and

WHEREAS, By Resolution No. 70 of 2012 on October 25, 2012, the Board of Commissioners of Rockland County Sewer District No. 1 accepted the proposal of the Joint Venture and approved an amendment to the agreement in the amount of \$165,000, for a total contract sum not to exceed \$3,380,000; and

WHEREAS, The County Executive and the Legislature have been advised by the County of Rockland Sewer District No. 1 Executive Director that an amendment to the contract with the Western Ramapo Engineering Design and Procurement Team for the advanced wastewater treatment plant in the amount of \$165,000 is necessary because a request for proposal needs to be developed for the next operating term and the current term of the agreement expires August 31, 2015; and

WHEREAS, Sufficient funds for this amendment exist in Operating Budget, Line Item No. G-SWR-8131-E4090; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves a amendment to the agreement with Western Ramapo Engineering Design and Procurement Team, LLP, One Remington Park Drive, Cazenovia, New York 13035 for additional engineering and construction administration services for the design and construction of the Western Ramapo Advanced Wastewater Treatment Plant in an additional amount of \$165,000, total contract sum not to exceed \$3,380,000; and be it further

RESOLVED, Sufficient funds for this amendment exist in Operating Budget, Line Item No. G-SWR-8131-E4090; and

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 409 OF 2013
 APPROVING THE PURCHASES IN EXCESS OF \$100,000
 FROM MAIN POOL & CHEMICAL CO.
 TO FURNISH AND DELIVER 55 LB. PAILS OF GRANULATED
 CHLORINE TO THE ROCKLAND COUNTY SEWER DISTRICT #1
 ON AN AS NEEDED BASIS UNDER RFB-RC-2011-030
 IN AN AMOUNT NOT TO EXCEED \$63,072.00
 FOR THE SECOND YEAR OPTION TERM
 FROM MAY 30, 2013 THROUGH MAY 29, 2014
 AND FOR A TOTAL AMOUNT NOT TO EXCEED \$111,427.20
 FOR THE FULL PERIOD FROM MAY 30, 2011 THROUGH MAY 29, 2014
 WITH TWO (2) REMAINING ONE (1) YEAR OPTION TERMS
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$111,427.20)**

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

WHEREAS, The Director of Purchasing advertised for bids for chemicals – wastewater – chlorine gas, chemicals, degreaser, lubricants and cleaning solvents for the Rockland County Sewer District #1 under RFB-RC-2011-030 (the “RFB”); and

WHEREAS, Over two hundred seventy-five (275) vendors were notified of the RFB, twenty (20) vendors responded and five (5) of those vendors responded for line item #1 to furnish and deliver 55 lb. pails of granulated chlorine to the Rockland County Sewer District #1 on an as needed basis; and

WHEREAS, The Director of Purchasing determined that Main Pool & Chemical Co., 110 Commerce Road, Dupont, PA 18641, was the lowest responsive, responsible bidder for line item # 1 of the RFB; and

WHEREAS, Main Pool & Chemical Co. therefore was awarded line item # 1 of the RFB commencing on May 31, 2011 with four (4) one (1) year option terms; and

WHEREAS, The total expenditures under this contract totaled \$48,355.20 through May 16, 2013, and the Sewer District estimates that an additional 720 pails of granulated chlorine at \$87.60 per pail or \$63,072.00 will be required during the second year option term; and

WHEREAS, The Director of Purchasing therefore recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases from Main Pool & Chemical Co. to furnish and deliver 55 lb. pails of granulated chlorine to the Rockland County Sewer District #1 on an as needed basis under the RFB in the amount of \$63,072.00 for the second year option term from May 30, 2013 through May 29, 2014, and for a total amount not to exceed \$111,427.20 for the full period from May 30, 2011 through May 29, 2014, with two (2) remaining one (1) year option terms; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2013 Budget of the Rockland County Sewer District #1 and is contingent upon 2014 budget appropriations; and

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

WHEREAS, The Planning & 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 Main Pool & Chemical Co., 110 Commerce Road, Dupont, PA 18641, to furnish and deliver 55 lb. pails of granulated chlorine to the Rockland County Sewer District #1 on an as needed basis under RFB-RC-2011-030 in the additional amount of \$63,072.00 for the second year option term from May 30, 2013 through May 29, 2014, and for a total amount not to exceed \$111,427.20 for the full period from May 30, 2011 through May 29, 2014, and authorizes all purchase to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2013 Budget of the Rockland County Sewer District #1 and is contingent upon 2014 budget appropriations.

Introduced by:

Referral No. 1319

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

**RESOLUTION NO. 410 OF 2013
APPROVING AGREEMENT IN EXCESS OF \$100,000
WITH KS ENGINEERS, P.C. IN THE AMOUNT OF \$794,000
FOR ENGINEERING INSPECTION SERVICES
FOR PASCACK BROOK CULVERT PROJECT
FROM JULY 1, 2013 THROUGH JULY 1, 2015
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[COUNTY OF ROCKLAND DRAINAGE AGENCY]
(DIVISION OF THE HIGHWAY DEPARTMENT)
(\$794,000)**

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

WHEREAS, The Rockland County Purchasing Division solicited proposals for an Engineering Consultant to provide construction inspection services for the Pascack Brook Bypass Culvert Construction Project; and

WHEREAS, Twelve (12) responsive proposals were received and three (3) consultants were interviewed by Rockland County Drainage Agency (RCDA) and Highway Department personnel, and KS Engineers P.C. has been selected for contract award; and

WHEREAS, The Superintendent of Highways recommends that the County Legislature approve the contract in excess of \$100,000 with KS Engineers, P.C., 65 Broadway, Suite 401 New York, New York 10006 in an amount not to exceed \$794,000 for the term July 1, 2013 through July 1, 2015; and

WHEREAS, Sufficient funding for this project exists in Capital Project Account 7113; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 with, KS Engineers, P.C., 65 Broadway, Suite 401 New York, New York 10006 in an amount not to exceed \$794,000 for the term July 1, 2013 through July 1, 2015 and authorizing its execution by the County Executive, subject to the approval of the County Attorney, and be it further,

RESOLVED, That the funding necessary for this agreement is in Capital Project Account No. 7113.

Introduced by:

Referral No. 1319

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

**RESOLUTION NO. 411 OF 2013
 ACCEPTING THE BID OF THE LOWEST RESPONSIBLE BIDDER
 AND APPROVING A CONTRACT IN EXCESS OF \$100,000 WITH
 METRA INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$8,900,000.00
 FOR THE PASCACK BROOK BYPASS CULVERT,
 VILLAGE OF SPRING VALLEY, TOWN OF RAMAPO,
 AND AUTHORIZING EXECUTION OF THE CONTRACT BY
 THE COUNTY EXECUTIVE
 (DRAINAGE AGENCY)
 [DIVISION OF THE HIGHWAY DEPARTMENT]
 (\$8,900,000.00)**

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

WHEREAS, By Resolution No. 216 of 2013, the Legislature of Rockland County authorized its Clerk to advertise for bids for the Pascack Brook Bypass Culvert Project in the Village of Spring Valley, Capital Project No. 7113 pursuant to plans and specifications prepared by Bergmann Associates; and

WHEREAS, A public bid was advertised and performed and seven bids were received and opened and a bid analysis was performed by the Highway Department that determined that there were no unfair bidding practices and that the contract should be awarded to the low bidder; and

WHEREAS, Metra Industries, 50 Mueller Place, Little Falls, New Jersey 07424, was the lowest bidder, who submitted a bid for the Pascack Brook Bypass Culvert Project, in the amount of \$8,716,239.62, and

WHEREAS, The Highway Department has verified, and is satisfied that Metra Industries is a responsible firm and recommends that the Rockland County Legislature accept its bid and approve a contract with said firm, in the amount of \$8,900,000, which includes a contingency amount of five (5%) percent should unforeseen field conditions arise; and

WHEREAS, General Municipal Law Section 103 requires that contracts for public work involving an expenditure of more than \$20,000 be awarded to the lowest responsible bidder; 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, All construction inspection services will be performed by Highway Department personnel; and

WHEREAS, Sufficient funding for this contract exists in the 2013 Adopted Capital Budget, Capital Project No. 7113; 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 accepts the bid of \$8,716,239.62 from Metra Industries, the lowest responsible bidder, and approves the contract in excess of \$100,000 with Metra Industries, 50 Mueller Place, Little Falls, New Jersey 07424, in an amount not to exceed \$8,900,000.00 for the Pascack Brook Bypass Culvert Project located in the Village of Spring Valley, Capital Project No. 7113 pursuant to plans and specifications prepared by Bergmann Associates, and authorizes the execution of the contract by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this contract exists in the 2013 Adopted Capital Budget, Capital Project No. 7113.

Debate:**Mr. Schoenberger**

I want to thank the Legislators for their support on this item. The years that I have sat here I have also supported drainage improvements, certainly in each of the five towns, and sometimes multiple ones in certain other towns. I am glad to see that this one, which is affecting the Town of Ramapo and the Village of Spring Valley is finally going forward. This has been some twelve years that I know of to get to this point. There are other drainage issues that affect other residents in other towns that should likewise be addressed. To go forward on this one is not in my mind an intention to neglect others. We have serious flooding in West Nyack that must be addressed. We have serious flooding in Suffern on the Mahwah River that must be addressed.

I think one of the things that has happened over this last decade or so in County government is that these serious flooding issues have not been addressed as well as they could have been. I remember some years ago that the County Executive proposed in his State of the County Address at one time that the County takeover the responsibility for drainage improvements for all the sewers in Rockland County. Unfortunately after a period of time nothing happened and nothing went forward. Some questioned the wisdom of doing that, because the cost was tremendous. I firmly believe that what County government must address going forward in the future is the repair and the remediation of our infrastructure, including roads, draining and County owned buildings. I believe that they have been neglected too long. I view this as a first step, but certainly not the last step.

I will support a flood remediation project at Squires Gate on the Mahwah River in Suffern, on Lake Road and West Nyack, Orangetown, Stony Point and Haverstraw. I know there is a serious problem in Haverstraw on the Minisceongo Creek near Samsondale, which is another problem that must be addressed in a serious way soon, because there is a danger of collapse there. I firmly believe that people should not have to live with constant flooding in their homes and the diminution of the value of their property while we as responsible elected governmental officials don't address the problem. I think that requires a level of leadership, which has not existed in this County for long enough. I just want to assured residents all over the County that my firm belief is that this must be seriously addressed by County government.

Mr. Wieder

I too would like to thank my colleagues in approving or supporting this resolution, which has affected my district and Legislator Earl's district. This has been a problem for years and years and years. Finally we got to the point where the DEC and the Army Corps of Engineers have given their stamp of approval. I would like also to thank the Director of the Drainage Agency in his leadership role and Legislator Grant in his support in moving this along. It has been just too long and hopefully as my colleague Legislator Schoenberger has said that this is the first, but certainly not the last of these types of projects going forward. This has been a capital improvement project for years and we were just able to finally able to move it off the plan and get it into action. I too want to be added as a sponsor on this resolution.

Mr. Earl

I too would like to thank my colleagues for their support. I remember back a few months Legislator Wieder and I had a neighbor meeting and the people just couldn't believe that this would ever get off the ground. I am happy to see that we are moving forward. Thank you.

Mr. Jobson

Make no mistake; I will fully support any resolutions for the Squires Gate community. This is something that has been pending for a long time. I have been here over fourteen years and right after I got here I think we tried to address problems with those areas. Don't think you have been forgotten, because you haven't.

Mr. Day

I am distressed listening to, and speaking to this resolution clearly we are approving and authorizing work to be done dealing with mitigating flooding. I think we are all aware of two facts, 1) We do work together to ensure that we have a balanced approach to the entirety of this County. 2) We understand painfully so that the funding of a capital project is outside of our domain. I would like to know if there is any reason why we cannot either now or during the budget process at least establish a capital projects line to address the issues that have been brought to us on numerous occasions in reference to Squires Gate. Is it something we could do during a committee meeting or during the budget process?

Mr. Wolfe

The Legislature unanimously added a capital project a year or two ago, which was for the local piece of the Army Corps of Engineers, DEC and New Jersey DEP revaluation of the prior flood mitigation study. That is a project that is kind of on the shelf, because the ship sailed. It goes to the point of all of us really supporting each other and our own individual communities. I think that is really important.

Mr. Schoenberger

I remember when Legislator Jaffee sat here. She was elected in 1997, assumed office in 1998. She attempted to address the issues at Squires Gate and I supported her very strongly when that happened. At that time the Legislature added funding for Squires Gate into the capital budget. We wished to go forward with the project at that time. Legislator Jaffee was a leader in that when she was here.

The problem was that once we appropriate the money or we add to a capital projects budget in order for it to go forward we need the Executive and the administration to carry it forward and it wasn't carried forward. This project that we are voting on tonight I believe was added to the capital projects budget in 2001 and was never carried forward. The Pascack, Nauraushaun Cedar Pond Brook, Minisceongo Creek and the Mahwah River were first added into the capital projects budget in 1972 and nothing went forward from there. It just sat in the capital projects budget for years until eventually the administration took it out.

I am very willing to support adding this to the capital projects budget for next year knowing full well that there will be a new administration. Whoever that person is we all have to make sure that they are on board in working with this Legislature to go forward on Squires Gate, Mahwah River and all the issues we face with our roads and infrastructures and County buildings. Our County facilities need to have infrastructure improvements. Maybe I shouldn't be saying this publicly, but I think it is public knowledge, one of the reasons that parts of Building "A" are being included in the LDC sale is because this Legislature has been told about the millions of dollars it would cost us in capital improvements to bring that building up to where it should be. I think that is going to affect the value when we try to sell it.

Capital improvements such as stream work, roadwork and structure work, are an economic incentive as well. It puts people to work who then earn money who then could spend the money, pay their taxes and live in this County. On top of that, with that infrastructure work you get improvements that will last for generations to come. We have to seriously look at this as we go forward in the future and hopefully under new leadership next year. Thank you.

Mr. Soskin

I thank all the Legislators for supporting this. While I walk to synagogue I meet a number residents who live in this area who are always crying that they can't send their children down to their basements any time it rains, because they are afraid they will be electrocuted from the outlets down there. It has been a very serious matter that goes back more than twelve years. I was told it goes back over forty years. I urge everyone to support it and I think everybody who has been involved.

Introduced by:

Referral No. 9209

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

**RESOLUTION NO. 412 OF 2013
APPROVING AN AMENDMENT OF A CONTRACT IN EXCESS
OF \$100,000 WITH COTT SYSTEMS, INC. FOR PURCHASE
OF ECOMMERCE SOFTWARE TO ENABLE
BULK PRINTING, SAVING AND/OR DOWNLOADING
FOR AN ADDITIONAL AMOUNT OF \$11,900
FOR A TOTAL CONTRACT AMOUNT OF \$200,720 FOR THE PERIOD
FROM JUNE 15, 2013 THROUGH DECEMBER 15, 2013
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY CLERK]
(\$200,720)**

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

WHEREAS, Cott Systems, Inc., 2800 Corporate Exchange Drive, Suite 300, Columbus, OH 43231 licenses software programs and related support through various contracts with the County for the Office of the Rockland County Clerk for use by its staff to provide services to the public; and

WHEREAS, By Resolution No. 228 of 2013, the County Executive and the Rockland County Legislature approved a contract with Cott Systems, Inc. for Software Assurance a contract in the amount of \$188,820 for the period from January 1, 2013 through December 31, 2015; and

WHEREAS, The Rockland County Clerk is requesting that the County Executive and the Legislature of Rockland County approve an amendment to the contract with Cott Systems, Inc., 2800 Corporate Exchange Drive, Suite 300, Columbus, OH 43231 in the additional amount of \$11,900 for a total contract \$200,720 for the purchase of Ecommerce Software to enable bulk printing, saving and/or downloading for the period from January 1, 2013 through December 31, 2015; and

WHEREAS, Sufficient funding for the contract is provided for in the 2013 Adopted Budget of the Office of the County Clerk; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to a contract in excess of \$100,000 with Cott Systems, Inc., 2800 Corporate Exchange Drive, Suite 300, Columbus, OH 43231 in the additional amount of \$11,900 for a total contract of \$200,720 with for the purchase of Ecommerce Software to enable bulk printing, saving and/or downloading for the period from January 1, 2013 through December 31, 2015 and authorizing its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the contract is provided for in the 2013 Adopted Budget of the Office of the County Clerk.

Introduced by:

Referral No. 1519

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

**RESOLUTION NO. 413 OF 2013
 AMENDING 2013 CAPITAL BUDGET TO CREATE A CAPITAL PROJECT
 THE AMOUNT OF \$100,000 TO INCLUDE CAPITAL PROJECT NO. 7117
 FOR MUDDY CREEK, TOWN OF ORANGETOWN
 (HIGHWAY DEPARTMENT/DRAINAGE AGENCY)
 (\$100,000)**

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

WHEREAS, The Muddy Creek, a County regulated stream in the Town of Orangetown, is subject to frequent flooding in the vicinity of Route 304; and

WHEREAS, A potential mitigation alternative has been identified that could reduce the flooding in the area; and

WHEREAS, The Superintendent of Highways has requested that the Legislature amend the 2013 Capital Budget to create a project in the amount of \$100,000 for repairs on the Muddy Creek flooding; and

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to the 2013 Capital Budget to create a capital project in the amount of \$100,000 to include Capital Project No. 7117, for repairs to Muddy Creek, Town of Orangetown flooding, and be it further

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

CAPITAL PROJECTS FUND

Increase Approp. Acct.:
H7117

Muddy Creek, Flood Mitigation Study	\$100,000
Town of Orangetown	

Increase Est. Rev. Acct.:
H5710

Proceeds from Bonds	\$100,000
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Debate:**Mr. Wolfe**

I had some pretty strong comments at last weeks committee meeting. I just want to repeat for the record tonight my thoughts. We do support each other's communities so I have no intention of holding up this project. When Mr. Altieri was at the committee meeting I basically asked him, "Why Muddy Creek and not the Mahwah River." "Why Orangetown and not Suffern." He really did not give me a good answer. It just highlights to me how frustrating it is when this Legislature takes a unanimous position in response to a legitimate concern from people in the community. They sat here and talked about the problems with the flooding. It is a system from Lake Road all the way down to Squires Gate; it is all interconnected there. I live right around the corner and I use to live right in the area and experienced the flooding myself. However, as much initiative as this Legislature can take we can only add a project to the capital projects budget, but we cannot do the work. The work has to come from the administration. It is very clear to me that flood remediation in Western Ramapo is not a priority of this County Executive. It is unfortunate, because it is something that has been going on for decades.

We do have an existing capital project and it just seems like just a dam shame that the administration could find \$100,000 for this study yet when we were looking for less than \$200,000 a few years ago to fund the local component, 12 ½%, of a much larger multimillion dollar project, which involved the Army Corps of Engineers, NYS DEC, NJ DEP, Town of Mahwah and we couldn't cup up with a lousy \$200,000. It is very frustrating to me. Thank you.

Mr. Moroney

I thank you for your comments, but we all have areas with problems. For years we couldn't get the right-of-way for the Spring Valley project. I was on that committee and for the most part that was the reasons the project was held up for years. They could not get the right-of-way from the people who lived there.

I appreciate Mr. Wolfe's comments to protect your own district, but the people that we are talking about on the Muddy Creek have been suffering for years and years. It has cost local business people millions over the years with flooding. So \$100,000 is not a lot of money and I am sure the Squires Gate project would cost a lot more money. When Squires Gate project come up I will be glad to support, but your comments make it tough to support other projects. I have always worked with this Legislature. The facts here are that they could not get the right-of-way for the Spring Valley project and that is what held it up for years. By the way, this is not my district in Orangetown. The people have suffered tremendously over the years with loss of business and personal items. To remedy this problem for \$100,000 is a good example of working together.

I would like to continue to move forward so we could solve all the problems.

Mr. Wolfe

I am questioning the priorities of the County Executive who found it in his wisdom the proper thing to do to suggest to us that we create a brand new capital project today when there are other projects out there. I certainly will support flood remediation in Muddy Creek in the Town of Orangetown. I will support the Town of Haverstraw, the Town of Ramapo, the Town of Clarkstown and the Town of Stony Point, because that is what I think is important. I am sensitive to the needs of the residents of this area and my comments were not directed at them or their suffering. I feel their pain, I certainly do. I am just questioning the thought process behind the prioritization behind these types of projects by the administration.

RESOLUTION NO. 414 OF 2013**BOND RESOLUTION DATED AUGUST 6, 2013**

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, HYDROLOGIC MODELING AND ESTIMATES NECESSARY FOR PLANNING A FLOOD MITIGATION STUDY OF THE MUDDY CREEK IN THE TOWN OF ORANGETOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$100,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Adopted) August 6, 2013

Mr. Grant offered the following bond resolution, which was seconded by Mrs. Low-Hogan and by roll call vote was unanimously adopted:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to undertake capital project No. 7117 for the Rockland County Drainage Agency, Division of Highway, consisting of preparation of surveys, preliminary and detailed plans, hydrologic modeling and estimates necessary for planning a flood mitigation study of the Muddy Creek in the Town of Orangetown, including the area along Route 304, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$100,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$100,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2nd) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Nancy Low-Hogan and duly put to a vote on roll call, which resulted as follows:

AYES:	16	(Legislators Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	01	(Legislator Carey)

The resolution was declared adopted.

Roll Call:

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by:

Referral No. 1519

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

**RESOLUTION NO. 415 OF 2013
AUTHORIZING THE CLERK TO THE LEGISLATURE
TO ADVERTISE FOR BIDS FOR THE
EMBANKMENT STABILIZATION PROJECT
FOR NAURAUSHAUN BROOK LOCATED ON
SICKLETOWN ROAD, IN THE TOWN OF ORANGETOWN
CAPITAL PROJECT 7110
[HIGHWAY DEPARTMENT]**

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

WHEREAS, The Superintendent of Highways has recommended that the Clerk to the Legislature be authorized and directed to advertise for Embankment Stabilization Project, for Nauraushaun Brook located on Sickletown Road, in the Town of Orangetown, and

WHEREAS, Although the exact cost of the project will not be known until a bid award is made, sufficient funding for this project exists in Capital Account 7110; and

WHEREAS, This project includes the stabilization of embankments for approximately 165 linear feet of the Nauraushaun Brook in Orangetown adjacent to Sickletown Road. The work includes the construction of a concrete retaining wall on both sides of the Nauraushaun Brook and water management measures to protect the Nauraushaun Brook during construction; 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 Clerk to the Legislature is hereby authorized and directed to advertise for the Embankment Stabilization Project, for Nauraushaun Brook located on Sickletown Road, in the Town of Orangetown under Capital Project 7110, subject to the approval of the County Attorney; and be it further

RESOLVED, This project includes the stabilization of embankments for approximately 165 linear feet of the Nauraushaun Brook in Orangetown adjacent to Sickletown Road. The work includes the construction of a concrete retaining wall on both sides of the Nauraushaun Brook and water management measures to protect the Nauraushaun Brook during construction; and be it further

RESOLVED, Although the exact cost of the project will not be known until a bid award is made, that sufficient funding for this project exists within Capital Account 7110.

Introduced by:

Referral No. 6394

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

**RESOLUTION NO. 416 OF 2013
 AMENDING 2013 CAPITAL BUDGET TO CREATE A CAPITAL PROJECT
 IN THE AMOUNT OF \$50,000 TO INCLUDE CAPITAL PROJECT NO. 7118
 FOR SPARKILL CREEK AT OAK TREE ROAD, TOWN OF ORANGETOWN
 (HIGHWAY DEPARTMENT/DRAINAGE AGENCY)
 (\$50,000)**

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

WHEREAS, The Town of Orangetown is administering a project to replace the Oak Tree Road Bridge in Tappan which spans the Sparkill Creek, a County related stream; and

WHEREAS, A The Town has proposed including stream embankment restoration and other improvements in the project to be performed by the contractor replacing the bridge, allowing the work to be completed more efficiently; and

WHEREAS, The Superintendent of Highways has requested that the Legislature amend the 2013 Capital Budget to create a project in the amount of \$50,000 for repairs on the Oak Tree Road Bridge; and

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to the 2013 Capital Budget to create a capital project in the amount of \$50,000 to include Capital Project No. 7118, for repairs to Oak Tree Road Bridge, and be it further

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

CAPITAL PROJECTS FUND

Increase Approp. Acct.:

H7118	Sparkill Creek at Oak Tree Embankment Town of Orangetown	\$50,000
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Increase Est. Rev. Acct.:

H5710	Proceeds from Bonds	\$50,000
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RESOLUTION NO. 417 OF 2013**BOND RESOLUTION DATED AUGUST 6, 2013**

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF EMBANKMENT RESTORATION AND STREAM IMPROVEMENTS FOR THE SPARKILL CREEK AT OAK TREE ROAD, RELATED TO REPLACEMENT OF THE OAK TREE ROAD BRIDGE, IN THE TOWN OF ORANGETOWN (HAMLET OF TAPPAN), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$50,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$50,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Adopted) August 6, 2013

Mr. Grant offered the following bond resolution, which was seconded by Mrs. Low-Hogan and by roll call vote was unanimously adopted: r

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to undertake capital project No. 7118 for the Rockland County Drainage Agency, Division of Highway, in accordance with an Intermunicipal Agreement between the County and the Town of Orangetown, consisting of embankment restoration and stream improvements for the Sparkill Creek related to replacement of the Oak Tree Road Bridge in the Town of Orangetown (hamlet of Tappan), all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$50,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$50,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$50,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Nancy Low-Hogan and duly put to a vote on roll call, which resulted as follows:

AYES:	16	(Legislators Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	01	(Legislator Carey)

Roll Call:

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

RESOLUTION NO. 418 OF 2013**BOND RESOLUTION DATED AUGUST 6, 2013**

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR SUBMITTING AN APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION SEEKING THE RECLASSIFICATION OF THE GARNERVILLE DAM IN THE TOWN OF HAVERSTRAW, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE APPLICATION OF \$120,000 CURRENT FUNDS AVAILABLE THEREFOR TO FINANCE A PORTION OF SAID APPROPRIATION AND ISSUANCE OF \$180,000 BONDS HEREIN AUTHORIZED TO FINANCE THE BALANCE OF SAID APPROPRIATION.

(Adopted) August 6, 2013

Mr. Grant offered the following bond resolution, which was seconded by Mr. Hood, Jr. and by roll call vote was unanimously adopted:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing capital project No. 7039 for the Rockland County Drainage Agency, Division of Highway, consisting of the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for submitting an application to the Department of Environmental Conservation seeking the reclassification of the Garnerville Dam in the Town of Haverstraw, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the application of \$120,000 current funds available therefor to finance a portion of said appropriation, the issuance of \$180,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$180,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 62(2ND) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Jay Hood, Jr. and duly put to a vote on roll call, which resulted as follows:

AYES:	16	(Legislators Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	01	(Legislator Carey)

The resolution was declared adopted.

Roll Call:

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

RESOLUTION NO. 419 OF 2013**BOND RESOLUTION DATED AUGUST 6, 2013**

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR DESIGN AND IMPLEMENTATION OF THE HOSPITAL BASED INTEGRATED PATIENT INFORMATION SYSTEM TO BE USED BY THE DEPARTMENTS OF HOSPITALS, HEALTH AND MENTAL HEALTH, STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$2,750,000, APPROPRIATING \$150,000 THEREFOR, IN ADDITION TO THE \$2,600,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

(Adopted) August 6, 2013

Mr. Grant offered the following bond resolution, which was seconded by Mrs. Paul and Mr. Soskin and by roll call vote was unanimously adopted:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 4443 for the Department of General Services, Facilities Management, consisting of the design and implementation of a hospital based integrated patient information system to be used by the Departments of Hospitals, Health and Mental Health, including preliminary costs and costs incidental thereto, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,750,000, and \$150,000 is hereby appropriated therefor, in addition to the \$2,250,000 previously appropriated pursuant to Resolution No. 143 of 2004 and \$350,000 previously appropriated pursuant to Resolution No. 211 of 2012 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$150,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$150,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 35 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislators Aney Paul and Philip Soskin and duly put to a vote on roll call, which resulted as follows:

AYES:	16	(Legislators Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	01	(Legislator Carey)

Roll Call:

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 420 OF 2013
APPROVING AN AMENDMENT TO THE LICENSE AGREEMENT IN
EXCESS OF \$100,000 WITH SPRINT SPECTRUM REALTY COMPANY, L.P.
FOR AN ADDITIONAL AMOUNT OF \$69,545.40 FOR A TOTAL CONTRACT SUM
IN THE AMOUNT OF \$944,567.44 FOR THE INSTALLATION OF SIX (6) REMOTE
RADIO HEADS ON THE COMMUNICATIONS TOWER LOCATED AT
35 FIREMENS MEMORIAL DRIVE, POMONA, NEW YORK
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[OFFICE OF FIRE AND EMERGENCY SERVICES]
(\$944,567.74)**

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

WHEREAS, By Resolution No. 150 of 1997, the Legislature of Rockland County approved a license agreement in excess of \$100,000 with Sprint Spectrum Realty Company, L.P., 1 International Boulevard, Suite 800, Mahwah, New Jersey 07495 for the installation and maintenance of wireless communications equipment at the Rockland County Fire Training Center for a total contract sum of \$875,022.34 for a term of twenty-five (25) years; and

WHEREAS, Sprint Spectrum Realty Company, L.P. as successor in interest to Sprint Spectrum L.P. has requested permission to install six (6) additional remote radio heads at the 184' Foot level on the County owned communications tower located at 35 Firemens Memorial Drive, Pomona, New York which will increase the monthly with a corresponding adjustment to the annual percentage increase for the balance of the term of the license agreement; and

WHEREAS, The Director of the Office of Fire & Emergency Services requests that the County Executive and the Legislature of Rockland County approve an amendment to the license agreement to permit Sprint Spectrum Realty Company, L.P. to install six (6) additional remote radio heads at the 184 foot level on the County owned communications tower located at 35 Firemens Memorial Drive, Pomona, New York and extend and amend the license agreement from June 1, 2013 through September 1, 2022 for an additional sum of \$69,545.40, which includes a corresponding adjustment to the annual increase for the balance of the term of the license agreement, for a total contract in the amount of \$944,567.74; 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 an amendment to the license agreement with Sprint Spectrum Realty Company, L.P., 1 International Boulevard, Suite 800, Mahwah, New Jersey 07495 to permit the installation of six (6) remote radio heads at the 184 feet level on the communications tower located at 35 Firemens Memorial Drive, Pomona, New York and to amend the license for an additional sum of \$69,545.40, which includes a corresponding adjustment to the annual increase for the balance of the term of the license agreement, for a total contract sum not to exceed \$944,567.74; and be it further

RESOLVED, That the Legislature of Rockland County approves its execution by the County Executive of all necessary documents and instruments necessary to effectuate the purpose and intent of this resolution, subject to the approval of the County Attorney.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 421 OF 2013
 APPROVING A FIRST AMENDMENT TO A LICENSE AGREEMENT IN EXCESS
 OF \$100,000 WITH NEW CINGULAR WIRELESS PCS, LLC
 TO INCREASE THE CONTRACT SUM IN THE ADDITIONAL AMOUNT OF \$183,049.32 FOR A
 TOTAL CONTRACT SUM OF \$1,328,499.70 RELATING TO THE INSTALLATION AND
 MAINTENANCE OF WIRELESS COMMUNICATIONS EQUIPMENT AT "THE MITCH MILLER"
 PROPERTY COMMUNICATIONS TOWER LOCATED AT 94 LIME KILN ROAD IN THE
 VILLAGE OF WESLEY HILLS FOR THE PERIOD
 FROM JUNE 1, 2013 THROUGH OCTOBER 31, 2029
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [OFFICE OF FIRE AND EMERGENCY SERVICES]
 (\$1,328,499.70)**

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

WHEREAS, By Resolution No. 401 of 2005, the Legislature of Rockland County approved a license agreement in excess of \$100,000 with New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, with a principal office located at 6100 Atlantic Boulevard, Norcross, GA 30071 relating to the installation and maintenance of wireless communications equipment at "The Mitch Miller" property communications tower located at 94 Lime Kiln Road in the Village of Wesley Hills in a total contract sum of \$1,145,450.37 for a term of twenty-five (25) years from June 1, 2013 through October 31, 2029; and

WHEREAS, New Cingular Wireless PCS, LLC desires to add an additional three (3) antennas at the 130' Foot Level and to pay an increase per month to the County of Rockland for the installation of the additional wireless communications equipment; and

WHEREAS, The Director of the Office of Fire & Emergency Services requests that the County Executive and the Legislature of Rockland County approve a first amendment to the license agreement to increase the contract sum in the additional amount of \$183,049.32 for a total contract sum of \$1,328,499.70; 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 and Public Works and Budget and Finance Committees of this Legislature has met, considered and unanimously approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County approves a first amendment to a license agreement in excess of \$100,000 with New Cingular Wireless PCS, LLC, 12555, Cingular Way, Suite 1300 Alpharetta, GA 30004 to install three (3) additional dish antennas on the communications tower located at "The Mitch Miller" property communications tower located at 94 Lime Kiln Road in the Village of Wesley Hills and to increase the contract sum in the amount of \$183,049.32 for a total contract sum of \$1,328,499.70 for a term of twenty-five (25) years for the period from June 1, 2013 through October 31, 2029; and be it further

RESOLVED, that the Legislature of Rockland County hereby approves this resolution to incorporate a revenue sharing clause – 50 percent to the County of Rockland and 50 percent to the town, where the tower is located and when the tower is in a village, the town and village will share the non county portion 50/50; and be it further

RESOLVED, this revenue sharing clause will only be incorporated into the resolution with towns and villages that agree in writing by Intermunicipal agreement, to share revenue with county on new towers, pursuant to Resolution No. 233 of 2008; and be it further

RESOLVED, That the Legislature of Rockland County approves its execution by the County Executive of all necessary documents and instruments necessary to effectuate the purpose and intent of this resolution, subject to the approval of the County Attorney.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 422 OF 2013
APPROVING A FOURTH AMENDMENT OF AGREEMENT IN EXCESS OF \$100,000
WITH AVSTAR CORPORATION FOR CONSULTING SERVICES
IN CONNECTION WITH THE DEVELOPMENT, DESIGN,
IMPLEMENTATION AND CONSTRUCTION OF THE
COUNTY'S PUBLIC SAFETY COMMUNICATION SYSTEM
IN THE ADDITIONAL AMOUNT OF \$35,000 FOR
A TOTAL CONTRACT SUM NOT TO EXCEED \$200,000
UNDER RFP-RC-07-012
FOR THE PERIOD FROM SEPTEMBER 10, 2007
THROUGH MARCH 10, 2014 AND AUTHORIZING
ITS EXECUTION BY THE COUNTY EXECUTIVE
[DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]
(\$200,000)**

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

WHEREAS, The County entered into an agreement with Avstar Corporation, 341 Deer Track Lane, Valley Cottage, New York 10989, for consulting services for the development, design, implementation and construction of the County's Public Safety Communication System under RFP-RC-07-012, in the amount of \$75,000, for the period from September 10, 2007 to December 10, 2009; and

WHEREAS, By Resolution No. 483 of 2009, the Legislature of Rockland County approved an amendment and extension of the agreement in the amount of \$75,000 for a total contract sum not to exceed \$150,000 for the period from December 10, 2009 through December 10, 2011; and

WHEREAS, The County entered into a second amendment to extend the term from December 10, 2011 through June 10, 2013; and

WHEREAS, By Resolution No. 142 of 2013, the Legislature of Rockland County approved a third amendment and extension of the agreement in the amount of \$15,000 for a total contract sum not to exceed \$165,000 for the period from September 10, 2007 through March 10, 2014; and

WHEREAS, The Director of Facilities Management recommends that the County Executive and Rockland County Legislature approve a fourth amendment of the agreement with Avstar Corporation for said services under RFP-RC-07-012, in the additional sum of \$35,000, for a total contract sum not to exceed \$200,000 for the period from September 10, 2007 through March 10, 2014; and

WHEREAS, Sufficient funding for this amendment and extension exists in Capital Project 1860; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the fourth amendment to the agreement in excess of \$100,000, with Avstar Corporation, 341 Deer Track Lane, Valley Cottage, New York 10989, for consulting services for the development, design, implementation and construction of the County's Public Safety Communication System under RFP-RC-07-012, in the additional amount of \$35,000, for a total contract sum not to exceed \$200,000, for the period from September 10, 2007 through March 10, 2014, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this amendment and extension exists in Capital Project 1860.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 423 OF 2013
ACCEPTANCE OF GRANT FUNDS HAZMAT MATERIALS GRANT
IN THE AMOUNT OF \$71,000 (NCTD)
FROM THE NEW YORK STATE DIVISION OF
HOMELAND SECURITY AND EMERGENCY SERVICES
FOR THE MAINTENANCE AND CALIBRATION OF EQUIPMENT AND
ENHANCING THE CAPABILITIES OF THE REGIONAL HAZMAT TEAM
(ROCKLAND, ORANGE, ULSTER AND SULLIVAN COUNTIES)
FOR THE PERIOD OCTOBER 24, 2012 THROUGH AUGUST 31, 2014
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF FIRE AND EMERGENCY SERVICES]
(\$71,000)**

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

WHEREAS, The Rockland County Office of Fire and Emergency Services has been notified that they have been awarded a Hazardous Materials Grant in the amount of \$71,000 by the New York State Division of Homeland Security and Emergency Services for the period October 24, 2012 through August 31, 2014; and

WHEREAS, These grant funds will be utilized for the maintenance and calibration of equipment and enhancing the capabilities of the Regional HazMat Team (Rockland, Orange, Ulster and Sullivan counties); and

WHEREAS, The Rockland County Office of Fire and Emergency Services will manage this grant on behalf of said team; and

WHEREAS, This grant is federally funded but administered by New York State; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a Hazardous Materials Grant in the amount of \$71,000 from the New York State Division of Homeland Security and Emergency Services for the period October 24, 2012 through August 31, 2014, of which said funds will be utilized for the maintenance and calibration of equipment and enhancing the capabilities of the Regional HazMat Team (Rockland, Orange, Ulster and Sullivan counties), 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 the Rockland County Office of Fire and Emergency Services will manage this grant on behalf of said team; and be it further

RESOLVED, This grant is federally funded but administered by New York State; and be it further

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

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

GENERAL FUND - 2013

<u>Increase Approp. Acct. (Credit):</u> A-EME-3410-GE01-E5060	Program Costs	71,000
<u>Increase Est. Rev. Acct. (Debit):</u> A-EME-3410-GE01-R3380	Public Safety Grant(s)	71,000

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 424 OF 2013
 APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND AND THE NEW YORK STATE DEPARTMENT OF
 TRANSPORTATION TO PROVIDE THE COUNTY WITH PERMISSION
 TO INSTALL EMERGENCY GENERATORS
 [NO COUNTY FUNDS] FOR THE PERIOD FROM
 JUNE 1, 2013 THROUGH DECEMBER 31, 2018
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [OFFICE OF FIRE AND EMERGENCY]**

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

WHEREAS, The County from time to time receives permits from the New York State Department of Transportation and otherwise conducts activities and operations upon highways and/or with right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, The Director of Rockland County Office of Fire and Emergency Services recommends that the County enter into a contract with the New York State Department of Transportation to provide the county with permission to install emergency generators at key intersections throughout the county; and

WHEREAS, The generators would power traffic control devices in the event electrical power was lost; and

WHEREAS, The County of Rockland ("County") and the New York State Department of Transportation are municipal corporations as defined by Section 119-n of Article 5-G of the General Municipal Law of the State of New York; and

WHEREAS, Section 119-o of Article 5-G of the General Municipal Law of the State of New York authorizes municipal corporations to contract to perform together that which each is authorized to perform individually, provided that any such agreement to do so "be approved by each participating municipal corporation" "by a majority vote of the voting strength of its governing body;" and

WHEREAS, The adoption of this resolution does not involved the expenditure of any County funds; 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, pursuant to Article 5-G of the General Municipal Law, the agreement between the County of Rockland and the New York State Department of Transportation to provide the county with permission to install emergency generators at key intersections throughout the county, from June 1, 2013, through December 31, 2018; and be it further

RESOLVED, That the Legislature hereby authorizes execution of that agreement by the County Executive on behalf of the County, subject to the approval of the County Attorney; and be it further

RESOLVED, The adoption of this resolution does not involve the expenditure of any County funds.



Introduced by:

Referral No. 2867/9481

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

**RESOLUTION NO. 425 OF 2013
 AMENDING 2013 ADOPTED CAPITAL BUDGET IN THE AMOUNT OF \$1,000,000
 FOR A NEW CAPITAL PROJECT
 FOR HAVERSTRAW BAY PARK INFRASTRUCTURE IMPROVEMENTS PROJECT
 [DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]
 (\$1,000,000)**

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

WHEREAS, The Director of Facilities Management is requesting that the County Executive and the Rockland County Legislature approve a new Capital Project; for Haverstraw Bay Park Infrastructure Improvements Project, to be immediately added to the 2013 Adopted Capital Budget; and

WHEREAS, The Department of General Services - Facilities Management has determined that this project is essential for the Haverstraw Bay Park Infrastructure Improvements Project; and

WHEREAS, The Director of Facilities Management has requested that the Legislature amend the 2013 Adopted Capital Budget to increase funding in the amount of \$1,000,000 to allow for this project; 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 an amendment to the 2013 Adopted Capital Budget for Haverstraw Bay Park Infrastructure Improvements Project, to increase funding in the amount of \$1,000,000 to allow for this project; and be it further

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

CAPITAL PROJECT FUND

Increase Approp. Acct.:

H19790	Haverstraw Bay Park Infrastructure Improvements Project	\$1,000,000
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Increase Est. Rev. Acct.:

H5710	Proceeds from Bonds	\$1,000,000
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RESOLUTION NO. 426 OF 2013**BOND RESOLUTION DATED AUGUST 6, 2013**

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF HAVERSTRAW BAY PARK INFRASTRUCTURE RESTORATION RELATING TO HURRICANE SANDY BY THE ROCKLAND COUNTY DEPARTMENT OF GENERAL SERVICES/FACILITIES MANAGEMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000, APPROPRIATING SAID AMOUNT THEREFOR, STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,000,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING ANY FUNDS TO BE RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted) August 6, 2013

Mr. Grant offered the following bond resolution, which was seconded by Mr. Hood, Jr. and by roll call vote was unanimously adopted:

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to undertake new capital project No. 1979 for the Rockland County Department of General Services/Facilities Management, consisting of Haverstraw Bay Park infrastructure restoration relating to Hurricane Sandy, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$1,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and authorizing any funds to be received from the United States of America to be expended towards the cost of said specific object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. Bonds of the County in the principal amount of \$1,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the class of objects or purposes for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 19 (c) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the class of objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Jay Hood, Jr. and duly put to a vote on roll call, which resulted as follows:

AYES: 16 (Legislators Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)

NOES: 0

ABSENT: 01 (Legislator Carey)

The resolution was declared adopted.

Roll Call:

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by:

Referral No. 2867

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

**RESOLUTION NO. 427 OF 2013
 APPROVING AGREEMENT IN EXCESS OF \$100,000 WITH
 SOLID WASTE MANAGEMENT AUTHORITY
 TO REIMBURSE THE COUNTY FOR THE DEPARTMENT
 OF HEALTH'S FLOW CONTROL ENFORCEMENT PROGRAM
 IN THE AMOUNT OF \$377,418.00
 FOR THE PERIOD FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
 [DEPARTMENT OF HEALTH]
 (\$377,418.00)**

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

WHEREAS, The Rockland County Department of Health maintains a Household Hazardous Waste Program for residents of the County; and

WHEREAS, The Commissioner of the Department of Health is recommending to the County Executive and the Rockland County Legislature that the County enter into an agreement with the Solid Waste Management Authority, 420 Torne Valley Road, Hillburn, New York 10931 (the "Authority"), to reimburse the County for its Flow Control Enforcement Program in the amount of \$377,418.00 for the period from January 1, 2013 through December 31, 2013; and

WHEREAS, Said reimbursement to the County is for services rendered to the Authority by County employees of the Department of Health; and

WHEREAS, This is a revenue contract and will not require the use of any County funds; and

WHEREAS, The revenue related to this agreement has been included in the 2013 Budget (Dept. 4015, line R1241) and does not require any further action; and

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

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

RESOLVED, That the Legislature of Rockland County approves the agreement in excess of \$100,000 with the Solid Waste Management Authority, 420 Torne Valley Road, Hillburn, New York 10931 for reimbursement to the County for Flow Control Enforcement Program, in the amount of \$377,418.00 for the period from January 1, 2013 through December 31, 2013, and authorizes its execution by the County Executive subject to the approval of the County Attorney; and be it further

RESOLVED, The revenue related to this agreement has been included in the 2013 Budget (Dept. 4015, line R1241) and does not require any further action; and



Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 428 OF 2013
 APPROVING ACCEPTANCE OF A
 NEW YORK STATE DEPARTMENT OF HEALTH/HEALTH RESEARCH, INC. -
 PUBLIC HEALTH EMERGENCY PREPAREDNESS
 PROGRAM CONTINUATION GRANT
 IN THE AMOUNT OF \$876,512 (NCTD)
 FOR NECESSARY FUNCTIONS RELATED TO EMERGENCY EVENTS,
 WHICH INCLUDES PLANNING, SURVEILLANCE,
 COMMUNICATION, EDUCATION AND TRAINING
 FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2017
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 (DEPARTMENT OF HEALTH)
 (\$876,512)**

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

WHEREAS, The Rockland County Department of Health has been awarded a New York State Department of Health/Health Research Inc. - Public Health Emergency Preparedness Program continuation grant in the amount of \$876,512 for necessary functions related to emergency events, which include planning, surveillance, communication, education and training for the period July 1, 2013 through June 30, 2017, and

WHEREAS, This grant is federally funded but administered by New York State; and

WHEREAS, No County tax dollars (NCTD) are required to accept said grant since the department is reimbursed for the cost of the employee health insurance estimated to be \$6,280; and

WHEREAS, \$6,280 of estimated employee health insurance reimbursement needs to be appropriated in connection with this program; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a New York State Department of Health/Health Research Inc. - Public Health Emergency Preparedness Program continuation grant in the amount of \$876,512 for necessary functions related to emergency events, which include planning, surveillance, communication, education and training for the period July 1, 2013 through June 30, 2017, 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 is federally funded but administered by New York State; and be it further

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

RESOLVED, That \$6,280 of estimated employee health insurance reimbursement needs to be appropriated in connection with this program; and be it further

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DOH-4051	-E1100	Salaries, Employees	464,192
	-E1910	Health	44,000
	-E1911	Dental	3,000
	-E1912	Vision	1,200
	-E1920	Retirement	93,000
	-E1930	Social Security	35,000
	-E1940	Unemployment Insurance	2,000
	-E1950	Workers' Compensation	1,300
	-E1980	MTA Mobility Tax	1,580
	-E4040	Travel	6,000
	-E4098	Services from Other County Depts	201,720
	-E4140	Conferences & Seminars	8,000
	-E4600	Telephone	21,800

Increase Est. Rev. Acct. (Debit):

A-DOH-4051	-R1211	Allocation-Employee Health Ins. Reimb.	6,280
A-DOH-4051	-R4480	Health Grant(s)	876,512

UNEMPLOYMENT FUND - 2013

Increase Approp. Acct. (Credit):

Q-PER-9050	-E8010	Employee Benefits	2,000
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Increase Est. Rev. Acct. (Debit):

Q-PER-9050	-R2809	Interfund Revenues	2,000
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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. 9361

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

**RESOLUTION NO. 429 OF 2013
ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$84,000
(NCTD) FROM THE NEW YORK STATE DIVISION OF
HOMELAND SECURITY AND EMERGENCY SERVICES
(GRANT #WM12839812)
TO UPGRADE ROBOT EQUIPMENT WITHIN
THE SHERIFF'S BOMB DISPOSAL UNIT
AND TO PURCHASE A CHEMICAL DETECTOR FOR SAID UNIT
FOR THE PERIOD MAY 14, 2013 THROUGH AUGUST 31, 2014
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE SHERIFF]
(\$84,000)**

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

WHEREAS, The Office of the Sheriff has informed the County Executive and the Legislature of Rockland County that they have been awarded a grant (#WM12839812) in the amount of \$84,000 from the New York State Division of Homeland Security and Emergency Services for the period May 14, 2013 through August 31, 2014; and

WHEREAS, These grant funds will be used to upgrade robot equipment within the Sheriff's Bomb Disposal Unit and to purchase a chemical detector for said unit; and

WHEREAS, This grant is federally funded but administered by New York State; 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 account; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant (#WM12839812) in the amount of \$84,000 from the New York State Division of Homeland Security and Emergency Services for the period May 14, 2013 through August 31, 2014, and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That these grant funds will be used to upgrade robot equipment within the Sheriff's Bomb Disposal Unit and to purchase a chemical detector for said unit; and be it further

RESOLVED, That this grant is federally funded but administered by New York State; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Accts (Credit):

A -SHF -3107 -GS37	-E2050 Equipment	63,000
	-E5060 Program Costs	
21,000		

Increase Est. Rev. Acct. (Debit):

A -SHF -3107 -GS37	-R4380 Public Safety Grant(s)	84,000
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Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 430 OF 2013
 APPROPRIATION OF FUNDS
 RECEIVED FROM GRAN FONDO NEW YORK
 IN ORDER TO REIMBURSE THE SHERIFF'S DEPARTMENT
 FOR OPERATIONAL OVERTIME EXPENDITURES INCURRED IN
 CONNECTION WITH THE MAY 2013 GRAN FONDO BIKE RACE
 [OFFICE OF THE SHERIFF]
 (\$1,103.52)**

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

WHEREAS, The Sheriff has advised the County Executive and the Legislature that his office has received funds from Gran Fondo New York in the amount of \$1,103.52 in order to reimburse the Sheriff's Department for operational overtime expenditures incurred in connection with the May 2013 Gran Fondo Bike Race; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the appropriation of funds received from Gran Fondo New York in the amount of \$1,103.52 in order to reimburse the Sheriff's Department for operational overtime expenditures incurred in connection with the May 2013 Gran Fondo Bike Race; and be it further

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

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

GENERAL FUND - 2013

<u>Increase Approp. Acct. (Credit):</u>		
A-SHF-3111-E1110	Overtime	1,104
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-SHF-3111-R2770	Unclassified Revenue	1,104

Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 431 OF 2013
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND & THE VILLAGE OF SPRING VALLEY
TO REIMBURSE SAID VILLAGE FOR \$1,933.96 OF COSTS RELATED
TO THE ATTENDANCE OF FOUR SPRING VALLEY OFFICERS AT A
NEW YORK TACTICAL OFFICERS TRAINING CONFERENCE IN APRIL 2013
USING GRANT FUNDS APPROPRIATED TO THE SHERIFF'S DEPARTMENT
THAT GRANTING AUTHORITY APPROVED FOR THIS PURPOSE
AND AUTHORIZING THE EXECUTION OF SAID
AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$1,933.96)**

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

WHEREAS, The Sheriff has requested that the County enter into an intermunicipal cooperation agreement with the Village of Spring Valley to reimburse said village for \$1,933.96 of costs related to the attendance of four Spring Valley officers at a New York Tactical Officers Training Conference in April 2013 using grant funds appropriated to Sheriff Dept. GS26 (Law Enforcement Terrorism Prevention Program Grant), line E4090 that granting authority approved for this purpose; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement between the County of Rockland and the Village of Spring Valley to reimburse said village for \$1,933.96 of costs related to the attendance of four Spring Valley officers at a New York Tactical Officers Training Conference in April 2013 using grant funds appropriated to Sheriff Dept. GS26 (Law Enforcement Terrorism Prevention Program Grant), line E4090 that granting authority approved for this purpose, and authorizing the execution of said agreement by the County Executive, subject to the approval of the County Attorney.

Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 432 OF 2013
 APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF CLARKSTOWN
 IN AN AMOUNT NOT TO EXCEED \$50,000 AS PARTIAL REIMBURSEMENT
 TO SAID TOWN FOR OVERTIME COSTS RELATED TO M.A.C.T.A.C.
 TRAINING COURSES TAUGHT BY CLARKSTOWN
 OFFICERS AT THE R.C. POLICE ACADEMY DURING THE YEAR 2011
 WITH SAID AMOUNT BEING COVERED BY A
 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT
 AND AUTHORIZING THE EXECUTION OF THIS
 AGREEMENT BY THE COUNTY EXECUTIVE
 [OFFICE OF THE SHERIFF]
 (\$50,000)**

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

WHEREAS, By Resolution No. 499 of 2011, the Legislature of Rockland County approved the acceptance of a \$1,073,420 Homeland Security Grant through the New York State Homeland Security Program (SHSP) to the Rockland County Office of the Sheriff (and appropriated to Dept. GS27) in order to provide funds for use in connection with the County's counter-terrorism teams for the period August 1, 2010 through July 31, 2013; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal cooperation agreement with the Town of Clarkstown in an amount not to exceed \$50,000 as partial reimbursement to said town for overtime costs related to MACTAC (Multi-Assault Counter-Terrorism Action Capability) training courses taught by Clarkstown officers at the RC Police Academy during the year 2011; and

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, Sufficient funding for said intermunicipal cooperation agreement exists within Sheriff grant department GS27, line E4090; 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 an intermunicipal cooperation agreement between the County of Rockland and the Town of Clarkstown in an amount not to exceed \$50,000 as partial reimbursement to said town for overtime costs related to MACTAC (Multi-Assault Counter-Terrorism Action Capability) training courses taught by Clarkstown officers at the RC Police Academy during the year 2011, and authorizing the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for said intermunicipal cooperation agreement exists within Sheriff grant department GS27, line E4090.



Introduced by:

Referral No. 8862

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

**RESOLUTION NO. 433 OF 2013
 APPROVING ACCEPTANCE OF CONTINUATION GRANT IN THE AMOUNT OF \$469,860
 WHICH SAID GRANT IS FEDERALLY FUNDED BUT ADMINISTERED BY
 THE COUNTY OF WESTCHESTER TO HELP FUND ROCKLAND COUNTY'S
 RYAN WHITE PART A PROGRAM, AND COST OF LIVING
 ADJUSTMENT (COLA) OF NO MORE THAN 10% OR \$46,986
 AND HIV CLINIC REVENUE OF \$78,212
 FOR A TOTAL GRANT & CLINIC REVENUE AMOUNT NOT TO EXCEED \$595,058
 [NO COUNTY TAX DOLLARS]
 FOR THE PERIOD MARCH 1, 2013 THROUGH FEBRUARY 28, 2014
 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF HEALTH]
 (\$595,058)**

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

WHEREAS, The Rockland County Department of Health has been awarded a \$469,860 Ryan White Part A Program continuation grant to help provide HIV/AIDS ambulatory and outpatient medical care, early intervention services and housing services, for the period March 1, 2013 through February 28, 2014; and

WHEREAS, This grant may be followed by a Cost of Living Adjustment (COLA) of no more than 10% or \$46,986, making total grant \$516,846; and

WHEREAS, This grant is federally funded but administered by the County of Westchester; and

WHEREAS, An additional \$78,212 of anticipated HIV Clinic revenue for said period of time needs to be appropriated to cover program costs not funded by this grant, for a total grant and clinic revenue amount not to exceed \$595,058; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a \$469,860 Ryan White Part A Program continuation grant to help provide HIV/AIDS ambulatory and outpatient medical care, early intervention services and housing services, for the period March 1, 2013 through February 28, 2014, which may be followed by a Cost of Living Adjustment (COLA) of no more than 10% or \$46,986, making total grant \$516,846; and be it further

RESOLVED, That this grant is federally funded but administered by the County of Westchester; and be it further

RESOLVED, That an additional \$78,212 of anticipated HIV Clinic revenue for said period of time needs to be appropriated to cover program costs not funded by this grant, for a total grant and clinic revenue amount not to exceed \$595,058; and be further

RESOLVED, That the Legislature of Rockland County authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DOH -4040	-E1100	Salaries, Employees	143,590
	-E1910	Health	35,000
	-E1911	Dental	3,000
	-E1912	Vision	600
	-E1920	Retirement	24,000
	-E1930	Social Security	10,985
	-E1940	Unemployment Insurance	450
	-E1950	Workers' Compensation	142
	-E1980	MTA Mobility Tax	490
	-E4098	Services from Other County Depts	
	207,638		
	-E5060	Program Costs	<u>169,163</u>
			595,058

Increase Est. Rev. Acct. (Debit):

A-DOH -4040	-R1601	Patient/Service Fees	78,212
	-R4489	Federal Aid - Health	<u>516,846</u>
			595,058

UNEMPLOYMENT FUND - 2013

Increase Approp. Acct. (Credit):

Q-PER-9050-E8010	Employee Benefits	450
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Increase Est. Rev. Acct. (Debit):

Q-PER-9050-R2809	Interfund Revenues	450
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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. 8183

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

**RESOLUTION NO. 434 OF 2013
AUTHORIZING THE DONATION OF SURPLUS COMPUTERS
BY THE COUNTY OF ROCKLAND
UNDER RFI-RC-2013-001
TO HACSO, CREATIVE RESPONSE TO CONFLICT,
WEST STREET CHILDCARE LEARNING CENTER,
VISIONS AND ROCKLAND PC USERS GROUP (PC RENEW PROJECT)
PURSUANT TO NEW YORK GENERAL MUNICIPAL LAW § 104-C
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]**

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

WHEREAS, New York General Municipal Law § 104-c(2) provides that “[t]he governing board of a political subdivision may by resolution ... authorize[e] the disposal of computers, computer software and computer equipment no longer needed for the purposes of the political subdivision through donation to public schools, public libraries, and other public and private institutions for secular educational use, and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low-income individuals, upon proof of need by such institution and subordinate to the requirements of the public schools and libraries of the state”; and

WHEREAS, § 104-c(2) also states that “[s]uch donation shall be based on a public notification process and competitive proposals from schools, libraries, and other public and private educational programs for secular education use, and not-for-profit institutions serving persons with disabilities, senior citizens, or low-income individuals, which shall demonstrate need and specific plans for the use of such equipment”; and

WHEREAS, § 104-c(3) further provides that “[e]very resolution enacted pursuant to this section shall provide that no computer software of a political subdivision shall be transferred if such transfer would cause a breach of a computer software license agreement or an infringement of a copyright”; and

WHEREAS, The Director of Purchasing seeks to donate the County of Rockland’s surplus computers that are no longer needed to qualified public schools, public libraries, other public and private institutions and not-for-profit organizations; and

WHEREAS, The Director of Purchasing issued a Public Notice and Request for Expressions of Interest under RFI-RC-2013-001 (the “RFI”) for surplus computers; and

WHEREAS, The RFI was distributed with the assistance of United Way of Rockland County; and

WHEREAS, Six (6) competitive proposals for surplus computers were received; and

WHEREAS, The following five (5) agencies submitted requests that met all of the requirements of § 104-c and the RFI including the requirement that they demonstrate the need and specific plans for the use of such equipment: (1) HACSO; (2) Creative Response to Conflict; (3) West Street Childcare Learning Center; (4) Visions; and (5) Rockland PC Users Group (PC Renew Project), which will distribute the computers to low-income individuals or other not-for-profit organizations in Rockland County; and

WHEREAS, The Purchasing Department is not recommending a donation to the sixth agency because the local organization is registered as a for-profit limited liability company; and

WHEREAS, The Director of Purchasing requests that the County Executive and the Legislature of Rockland County authorize the following donation of surplus computers by the County of Rockland to the five (5) agencies that met all of the requirements of § 104-c and the RFI:

- (1) HACSO -- 15 Dell Optiplex GX520 computers with monitors, keyboards, mice and cables, 3 NEC72VA 17" monitors and 1 Dell 1702FP monitor;
- (2) Creative Response to Conflict -- 10 Dell Optiplex GX520 computers with monitors, keyboards, mice and cables;
- (3) West Street Childcare Learning Center -- 2 IBM 8811-6CU processors (no monitors) and 2 Lenovo 6135-ABI 19" monitors;
- (4) Visions -- 1 IBM 8811-6CU processor (no monitor), 1 Lenovo 6135-ABI 19" monitor and 3 NEC72VA 17" monitors; and
- (5) Rockland PC Users Group (PC Renew Project) -- 13 IBM 8113-DIU computers (no monitors); 1 IBM 8143-34U computer (no monitor); 17 IBM 8143-34U computers (no monitors); 22 computers from a lot consisting of an assortment of the following three (3) types of computers, which were all working when removed from service: (1) IBM ThinkCentre 8189-46U, (2) IBM ThinkCentre 8189-D1U and (3) IBM NetVista 8307-25U; and 11 computers from Lot #10 consisting of an assortment of the following three (3) types of computers, which were all working when removed from service: (1) IBM ThinkCentre 8189-46U, (2) IBM ThinkCentre 8189-D1U and (3) IBM NetVista 8307-25U; and

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

RESOLVED, That the Legislature of Rockland County hereby authorizes the County of Rockland to donate, pursuant to New York General Municipal Law § 104-c, the following surplus computers that are no longer needed to the following five (5) agencies, which met all of the requirements of § 104-c and RFI-RC-2013-001 including the requirement that they demonstrate the need and specific plans for the use of such equipment:

- (1) HACSO -- 15 Dell Optiplex GX520 computers with monitors, keyboards, mice and cables, 3 NEC72VA 17" monitors and 1 Dell 1702FP monitor;
 - (2) Creative Response to Conflict -- 10 Dell Optiplex GX520 computers with monitors, keyboards, mice and cables;
 - (3) West Street Childcare Learning Center -- 2 IBM 8811-6CU processors (no monitors) and 2 Lenovo 6135-ABI 19" monitors;
 - (4) Visions -- 1 IBM 8811-6CU processor (no monitor), 1 Lenovo 6135-ABI 19" monitor and 3 NEC72VA 17" monitors; and
 - (5) Rockland PC Users Group (PC Renew Project), which will distribute the computers to low-income individuals or other not-for-profit organizations in Rockland County -- 13 IBM 8113-DIU computers (no monitors); 1 IBM 8143-34U computer (no monitor); 17 IBM 8143-34U computers (no monitors); 22 computers from a lot consisting of an assortment of the following three (3) types of computers, which were all working when removed from service: (1) IBM ThinkCentre 8189-46U, (2) IBM ThinkCentre 8189-D1U and (3) IBM NetVista 8307-25U; and 11 computers from Lot #10 consisting of an assortment of the following three (3) types of computers, which were all working when removed from service: (1) IBM ThinkCentre 8189-46U, (2) IBM ThinkCentre 8189-D1U and (3) IBM NetVista 8307-25U.
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Introduced by:

Referral No. 9044

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

**RESOLUTION NO. 435 OF 2013
APPROVING ACCEPTANCE OF A CONTINUATION GRANT
IN THE AMOUNT OF \$744,110 (NCTD)
WITH A POTENTIAL COST OF LIVING ADJUSTMENT (COLA)
OF NO MORE THAN \$74,410 (NCTD)
FOR A TOTAL AMOUNT NOT TO EXCEED \$818,520 (NCTD)
FROM THE NEW YORK STATE DEPARTMENT OF HEALTH
FOR THE CHILDHOOD IMMUNIZATION PROGRAM
FOR THE PERIOD APRIL 1, 2013 THROUGH MARCH 31, 2018
AND AUTHORIZING EXECUTION OF ALL NECESSARY
DOCUMENTS BY THE COUNTY EXECUTIVE
[DEPARTMENT OF HEALTH]
(\$818,520)**

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

WHEREAS, The Department of Health has advised the County Executive and the Legislature of Rockland County that they have been awarded a continuation grant in the amount of \$744,110 from the New York State Department of Health to continue the Childhood Immunization Program, of which said amount needs to be appropriated for the period April 1, 2013 through March 31, 2018; and

WHEREAS, A potential cost of living adjustment (COLA) award of no more than \$74,410 also needs to be appropriated, for a total award not to exceed \$818,520 for said program period; and

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

WHEREAS, Said funds will be used to provide childhood immunization activities, which include compliance, monitoring of providers, outreach and education for residents of Rockland County; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance and appropriation of a continuation grant award in the amount of \$744,110 from the New York State Department of Health to continue the Childhood Immunization Program for the period April 1, 2013 through March 31, 2018, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That a potential cost of living adjustment (COLA) award of no more than \$74,410 also needs to be appropriated, for a total award not to exceed \$818,520 for said program period; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DOH -4052	-E1100	Salaries, Employees	415,000
	-E1910	Health	105,000
	-E1911	Dental	7,750
	-E1912	Vision	1,625
	-E1920	Retirement	55,000
	-E1930	Social Security	31,750
	-E1940	Unemployment Insurance	875
	-E1950	Workers' Compensation	700
	-E1980	MTA Mobility Tax	1,410
	-E4098	Services from Other County Depts	125,000
	-E5060	Program Costs	74,410

Increase Est. Rev. Acct. (Debit):

A-DOH -4052	-R3480	Health Grant(s) - State	598,726
	-R4480	Health Grant(s) - Federal	219,794

UNEMPLOYMENT FUND - 2013

Increase Approp. Acct. (Credit):

Q-PER -9050	-E8010	Employee Benefits	875
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Increase Est. Rev. Acct. (Debit):

Q-PER -9050	-R2809	Interfund Revenues	875
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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. 7529

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

**RESOLUTION NO. 436 OF 2013
APPROVING ACCEPTANCE OF CONTINUATION GRANT
IN THE AMOUNT OF \$84,300 (NCTD) FROM THE
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
FOR OPERATION I.M.P.A.C.T.
(INTEGRATED MUNICIPAL POLICE ANTI CRIME TEAM) X
(DCJS #0113-1052-D00)
TO REDUCE AGGRAVATED ASSAULT AND ROBBERY
FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$84,300)**

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

WHEREAS, The County Executive has been advised by the District Attorney's Office that they have been approved to receive a continuation grant in the amount of \$84,300 for Operation IMPACT (Integrated Municipal Police Anti-Crime Team) X from the New York State Division of Criminal Justice Services, to enable the County to reduce the incidence of aggravated assault and robbery for the period July 1, 2013 through June 30, 2014; and

WHEREAS, Through the use of expense line E4098 (Services from Other County Departments), a total of \$38,300 of said grant will be set aside to reimburse the Sheriff Department and the Probation Department for various expenses connected with the implementation of this team operation; and

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

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

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

RESOLVED, That the Legislature of the County of Rockland hereby approves the acceptance of a continuation grant in the amount of \$84,300 for Operation IMPACT (Integrated Municipal Police Anti-Crime Team) X from the New York State Division of Criminal Justice Services, to enable the County to reduce the incidence of aggravated assault and robbery for the period July 1, 2013 through June 30, 2014, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That through the use of expense line E4098 (Services from Other County Departments), a total of \$38,300 of said grant will be set aside to reimburse the Sheriff Department and the Probation Department for various expenses connected with the implementation of this team operation; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A -DA -3190 -GA23	-E1110	Overtime	10,000
	-E4098	Services from Other County Depts	38,300
	-E4140	Conferences & Seminars	1,000
	-E4380	Maintenance Agreements	<u>35,000</u>
			84,300

Increase Est. Rev. Acct. (Debit):

A -DA -3190 -GA23	-R3380	Public Safety Grant(s)	84,300
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Increase Approp. Acct. (Credit):

A-PRO -3140	-E1110	Overtime	10,000
	-E4140	Conferences & Seminars	500
A-SHF -3112	-E1110	Overtime	10,000
A-SHF -3117	-E5060	Program Costs	<u>17,800</u>
			38,300

Increase Est. Rev. Acct. (Debit):

A-PRO-3140	-R2806	Reimbursement from Other Depts/Sources	10,500
A-SHF -3112	-R2806	Reimbursement from Other Depts/Sources	10,000
A-SHF -3117	-R2806	Reimbursement from Other Depts/Sources	<u>17,800</u>
			38,300

Introduced by:

Referral No. 4249

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

**RESOLUTION NO. 437 OF 2013
 APPROVING ACCEPTANCE OF GRANT
 IN THE AMOUNT OF \$144,800
 FROM THE NEW YORK STATE DIVISION OF CRIMINAL
 JUSTICE SERVICES (DCJS # VW12543346) FOR THE
 STOP VIOLENCE AGAINST WOMEN PROGRAM (DEPT. 1164)
 FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
 WITH A LOCAL SHARE OF \$76,445
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$144,800)**

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

WHEREAS, The District Attorney has advised the County Executive and the County Legislature that his office has been awarded a grant from the New York State Division of Criminal Justice Services in the amount of \$144,800 for the Stop Violence Against Women Program (Dept. 1164) for the period January 1, 2013 through December 31, 2013; and

WHEREAS, This grant is federally funded but administered by New York State; and

WHEREAS, These funds will be used to reduce the severity and number of incidents of domestic violence against women in Rockland County by promoting effective coordination between medical, law enforcement, prosecutors and victim services agencies; enhancing the availability of services to sexual assault victims, including the improvement of the collection of forensic evidence; and encouraging victim’s participation in the judicial process; and

WHEREAS, \$144,800 awarded grant as well as a \$76,445 required local share (for a total of \$221,245) that is needed to cover program costs for said period is already appropriated in the 2013 Budget of Dept. 1164 and, therefore, this resolution requires no funding clause; 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 Public Safety and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a continuation grant from the New York State Division of Criminal Justice Services in the amount of \$144,800 for the Stop Violence Against Women Program (Dept. 1164) for the period January 1, 2013 through December 31, 2013, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That this grant is federally funded but administered by New York State; and be it further

RESOLVED, That \$144,800 awarded grant as well as a \$76,445 required local share (for a total of \$221,245) that is needed to cover program costs for said period is already appropriated in the 2013 Budget of Dept. 1164 and, therefore, this resolution requires no funding clause; 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. 9473

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

**RESOLUTION NO. 438 OF 2013
 YEAR-END ADJUSTMENTS TO THE 2012 BUDGETS
 TO CORRECT NEGATIVE DEPARTMENTS
 [DEPARTMENT OF BUDGET & FINANCE]**

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

WHEREAS, The Commissioner of Finance/Budget Director has requested that the Legislature approve various required year-end adjustments to the 2012 Budget to correct negative departments; and

WHEREAS, Now that the County audit for the period ending December 31, 2012 is completed and adjusting journal entries from this audit recorded, the attached Schedule "A" increases and decreases are necessary in order to correct negative departments resulting from expenses exceeding budget; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and by a vote of 7 aye(s) and 1 nay(s) approved this resolution; now therefore be it

RESOLVED, That the Commissioner of Finance is hereby authorized to increase and decrease the accounts as listed on the attached Schedule "A" in the amounts indicated.

The vote resulted as follows:

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

Debate:

Mr. Wolfe

I am voting against this, because I think that the concept of reconciling countywide as opposed to maintaining operational integrity within the departments creates a disincentive to run the department in a strong fiscally conservative way. I am not willing to give my blessing to poor management in certain departments during fiscal 2012.

COUNTY OF ROCKLAND
FY 2012
GENERAL (A) FUND

Increase Approp. Acct. (Credit):

A	ACP	1172	Assigned Counsel Plan	E4800	ACP - Family Court	22,100
A	CA	7515	Haverstraw Brick Museum	E5010	Contract Agency	190
A	CA	7540	Antrim Players	E5010	Contract Agency	5
A	CA	7550	Rockland Camerata	E5010	Contract Agency	5
A	CA	7584	American Legion Moscarella Post 199	E5010	Contract Agency	1,500
A	CLK	1410	County Clerk	E1100	Salaries, Employees	275,000
A	CLK	1410	County Clerk	E7250	General Services Allocation	25,000
A	DA	1165	District Attorney	E1100	Salaries, Employees	575,000
A	DA	1165	District Attorney	E1130	Temporary	75,000
A	DA	1165	District Attorney	E1910	Health Insurance	10,000
A	DA	1165	District Attorney	E1920	Retirement	10,000
A	DA	1165	District Attorney	E3110	Motor Fuel Allocation	25,000
A	DA	1165	District Attorney	E7100	Central Services Allocation	25,000
A	DA	1165	District Attorney	E7250	General Services Allocation	50,000
A	DOH	1185	Medical Examiner	E1100	Salaries, Employees	55,000
A	DOH	1185	Medical Examiner	E1130	Temporary	38,000
A	DOH	1185	Medical Examiner	E7280	Hospital Services Allocation	13,000
A	DOH	2960	Education, Children, Pre-K 3-5	E6820	Tuition	325,000
A	DOH	4010	Health Department	E1100	Salaries, Employees	75,000
A	DOH	4046	Physically Handicapped Children	E4090	Fees for Services, Non-Employee	11,100
A	DOH	4053	Mosquito Control Prg	E1100	Salaries, Employees	60,000
A	DSS	6010	Social Services	E1100	Salaries, Employees	3,355,000
A	DSS	6010	Social Services	E1910	Health Insurance	230,000
A	DSS	6010	Social Services	E5080	Program Costs	30,000
A	DSS	6102	MMIS - Medicaid	E5390	Local Share Match (for IGT)	2,600,000
A	EDU	2485	Contrib Community College	E9270	RSVP	47,000
A	EME	3020	E-911	E7100	Central Services Allocation	23,000
A	EME	3410	Fire & Emergency Svcs.	E1100	Salaries, Employees	55,000
A	EME	3410	Fire & Emergency Svcs.	E7250	General Services Allocation	185,000
A	EXE	1230	County Executive	E7100	Central Services Allocation	71,000
A	EXE	1230	County Executive	E7250	General Services Allocation	11,000
A	EXE	1340	Budget & Management	E1100	Salaries, Employees	45,000
A	EXE	1340	Budget & Management	E7100	Central Services Allocation	21,000
A	EXE	1340	Budget & Management	E7250	General Services Allocation	50,000
A	EXE	7510	County Historian	E1920	Retirement	1,000
A	FB	9060	Hospital & Medical (RCC)	E8010	Employee Benefits	340,000
A	FIN	1325	Finance	E1100	Salaries, Employees	125,000
A	FIN	1325	Finance	E1910	Health Insurance	10,000
A	FIN	1325	Finance	E7250	General Services Allocation	205,000
A	FIN	1961	Refunds of Tax Judgements	E5030	Tax Related Cost	1,165,000
A	FIN	9790	State Loans (NYPA Loan)	E8010	Interest	4,400
A	INS	1910	Insurance Department	E7250	General Services Allocation	1,700
A	PDF	1170	Public Defender	E1100	Salaries, Employees	210,000
A	PDF	1170	Public Defender	E7260	General Services Allocation	90,000
A	PRO	3140	Probation	E1100	Salaries, Employees	125,000
A	PRO	3140	Probation	E1910	Health Insurance	14,000
A	SHF	3108	Sheriff - Admin	E6600	Appropriation Reserve	475,000
A	SHF	3112	Sheriff - Patrol	E1100	Salaries, Employees	970,000
A	SHF	3150	Jail	E1100	Salaries, Employees	2,370,000
A	SHF	3150	Jail	E1110	Overtime	3,030,000
A	SHF	3150	Jail	E1910	Health Insurance	10,000
A	SHF	3150	Jail	E1920	Retirement	795,000
A	SHF	3150	Jail	E7250	General Services Allocation	175,000
A	TRF	9522	Contribution to County Road Fund	E9010	Interfund Transfers	230,000
A	TRF	9525	Contribution to Hospital Fund	E9010	Interfund Transfers	620,000
A	UNC	1032	Surviving Dependents	E1910	Health Insurance	50,000
A	WM	6610	Weights & Measures	E7100	Central Services Allocation	40,000
Total						\$ 19,450,000

COUNTY OF ROCKLAND
 FY 2012
 GENERAL (A) FUND - Cont'd

Increase Est. Rev. Acct. (Debit):

A	FB	9060	Employee Health Insurance - RCC	R1210	COBRA & Surviving Dependent Reimb	260,000
A	FB	9060	Employee Health Insurance - RCC	R2805	Fringe Benefit Chargeback-RCC	80,000
Total						\$ 340,000

Increase Approp. Acct. (Debit):

A	DMH	4300	Dept of Mental Health	E5060	Program Costs	205,000
A	DOH	2861	Education, Children, EIP 0-2 ✓	E5520	Tuition	4,400,000
A	DOT	5630	Public Transportation	E1110	Overtime	40,000
A	DOT	5630	Public Transportation	E3111	Motor Fuel - External	50,000
A	DOT	5630	Public Transportation	E4090	Fees for Services, Non-Employee	150,000
A	DOT	5630	Public Transportation	E4211	Repairs To Vehicles - External	30,000
A	DOT	5630	Public Transportation	E4380	Maintenance Agreements	25,000
A	DOT	5630	Public Transportation	E5060	Program Costs	30,000
A	DOT	5630	Public Transportation	E5790	Mass Trans Oper Asst Prog	250,000
A	DOT	5630	Public Transportation	E5801	FTA Purchase Pool Expense	25,000
A	DSS	6055	Purchase Svcs/Day Care Pg ✓	E5080	Program Costs	915,000
A	DSS	6070	Services for Recipients	E5080	Program Costs	360,000
A	DSS	6101	Medical Assistance	E5060	Program Costs	220,000
A	DSS	6109	Family Assistance	E5060	Program Costs	3,550,000
A	DSS	6119	Childrens' Services	E5060	Program Costs	915,000
A	DSS	6123	Juvenile Delinquent Care	E5060	Program Costs	735,000
A	DSS	6140	DSS-Safety Net	E5060	Program Costs	600,000
A	DSS	6141	Home Energy Asst Prg	E5060	Program Costs	110,000
A	DSS	6142	Emergency Aid for Adults	E5060	Program Costs	85,000
A	FIN	9710	Serial Bonds (A Fund)	E9010	Interfund Transfers-Principal	440,000
A	LAW	1420	Department of Law	E4090	Fees for Services, Non-Employee	90,000
A	TRF	9525	Contribution to EH Fund ✓	E9010	Interfund Transfers	3,785,000
A	UNC	1990	Contingency	E5050	Contingency	2,100,000
Total						\$ 19,110,000

**COUNTY OF ROCKLAND
FY 2012
COUNTY ROAD (D) FUND**

increase Approp. Acct. (Credit):

D	CRF	5010	Highway - Administration	E7100	Central Services Allocation	75,000
D	CRF	5010	Highway - Administration	E7450	General Liability Insurance Allocation	5,000
D	CRF	5020	Highway - Engineering	E1100	Salaries, Employees	145,000
D	CRF	5020	Highway - Engineering	E1910	Health Insurance	10,000
D	CRF	5020	Highway - Engineering	E1930	Social Security	15,000
D	CRF	5120	Highway - Drainage	E6800	Appropriation Reserve	180,000
Total						\$ 430,000

increase Approp. Acct. (Debit):

D	CRF	5015	Highway - Traffic & Safety	E1100	Salaries, Employees	38,800
D	CRF	5015	Highway - Traffic & Safety	E1910	Health Insurance	4,300
D	CRF	5015	Highway - Traffic & Safety	E1920	Retirement	8,900
D	CRF	5015	Highway - Traffic & Safety	E1930	Social Security	3,100
D	CRF	5015	Highway - Traffic & Safety	E3280	Operational Supplies	1,800
D	CRF	5110	Highway - Maint. of Roads & Bridges	E3810	Bituminous	28,900
D	CRF	5110	Highway - Maint. of Roads & Bridges	E3860	Salt, Calcium Chloride	8,400
D	CRF	5110	Highway - Maint. of Roads & Bridges	E4080	Fees for Services, Non-Employee	1,000
D	CRF	5110	Highway - Maint. of Roads & Bridges	E4460	CHIPS - Contract Maintenance	12,800
D	CRF	9000	Highway - Fringe Benefits - Retirees	E1910	Health Insurance	92,000
D	CRF	9000	Highway - Fringe Benefits - Retirees	E1911	Dental Insurance	2,000
Total						\$ 200,000

increase Est. Rev. Acct. (Debit):

D	CRF	9553	Highway - Contrib. from General (A) Fund	R2810	Contribution from General (A) Fund	230,000
Total						\$ 230,000

**COUNTY OF ROCKLAND
FY 2012
HOSPITAL (EH) FUND**

increase Approp. Acct. (Credit):

EH	DMH	M999	DMH - Administration & Overhead	E7250	General Services Allocation	165,000
EH	HSP	4080	Hospital - Correctional Health	E1800	Relief Positions	200,000
EH	HSP	4080	Hospital - Correctional Health	E4100	Allocation - Lab	15,000
EH	HSP	4080	Hospital - Correctional Health	E4820	Allocation - Drugs	60,000
EH	HSP	E928	Hospital - Nursing SNF (Nursing Home)	E1800	Relief Positions	345,000
Total						\$ 785,000

increase Approp. Acct. (Debit):

EH	DMH	9711	DMH - Serial Bonds	E6000	Principal	165,000
Total						\$ 165,000

increase Est. Rev. Acct. (Debit):

EH	UNC	4982	UNC-Contrib. from General (A) Fund	R2810	Contribution from General (A) Fund	620,000
Total						\$ 620,000

**COUNTY OF ROCKLAND
FY 2012
INTERNAL SERVICES (M) FUND**

Increase Approp. Acct. (Credit):

M	DGS	2100	DGS - Administration	E8600	Appropriation Reserve	450,000
M	DGS	2100	DGS - Administration	E7280	Hospital Services Allocation	50,000
M	DGS	2300	DGS - MIS	E1100	Salaries, Employees	230,000
M	DGS	1241	DGS - Facilities - Administration	E5070	Depreciation Expense	1,520,000
Total						\$ 2,250,000

Decrease Approp. Acct. (Debit):

M	DGS	1222	DGS - Purchasing	E1100	Salaries, Employees	16,900
M	DGS	1222	DGS - Purchasing	E1910	Health Insurance	13,800
M	DGS	1222	DGS - Purchasing	E1920	Retirement	32,500
M	DGS	1222	DGS - Purchasing	E3760	Clearing Acct - Copiers	48,900
M	DGS	1222	DGS - Purchasing	E3761	Copy Machine - Misc.	4,000
M	DGS	1222	DGS - Purchasing	E4111	Postage Allocation	6,000
M	DGS	1222	DGS - Purchasing	E4220	Licenses	2,800
M	DGS	1222	DGS - Purchasing	E4608	Telephone Allocation	1,300
M	DGS	1252	DGS - Mail	E1910	Health Insurance	15,100
M	DGS	1252	DGS - Mail	E1920	Retirement	10,500
M	DGS	1252	DGS - Mail	E3190	Procurement Card	1,100
M	DGS	1252	DGS - Mail	E3774	Clearing Acct - Postage	117,000
M	DGS	1252	DGS - Mail	E4111	Postage Allocation	7,400
M	DGS	1253	DGS - Telephone	E3771	Clearing Acct - Cell Phones	10,300
M	DGS	1253	DGS - Telephone	E3772	Clearing Acct - Nextel Phones	22,700
M	DGS	1253	DGS - Telephone	E3773	Clearing Acct - Telephone	69,500
M	DGS	1253	DGS - Telephone	E4608	Telephone Allocation	47,200
M	DGS	1254	DGS - Reproduction	E1910	Health Insurance	5,600
M	DGS	1254	DGS - Reproduction	E3130	Office Supplies	13,500
M	DGS	1254	DGS - Reproduction	E4020	Rental of Equipment	2,900
M	DGS	9003	DGS - Fringe Benefits	E1910	Health Insurance	111,000
M	DGS	9716	DGS - Serial Bonds	E6000	Principal	440,000
Total						\$ 1,000,000

Increase Est. Rev. Acct. (Debit):

M	DGS	2600	DGS-Unallocable Revenue Dept	R2809	Interfund Revenues	1,250,000
Total						\$ 1,250,000

**COUNTY OF ROCKLAND
FY 2012
PUBLIC LIABILITY (MS) FUND**

Increase Approp. Acct. (Credit):

MS	INS	1930	Judgements & Claims	E5150	Self-Insurance Reserve	205,000
Total						\$ 205,000

Increase Est. Rev. Acct. (Debit):

MS	INS	1930	Judgements & Claims	R2809	Interfund Revenues	205,000
Total						\$ 205,000

**COUNTY OF ROCKLAND
FY 2012
WORKERS COMPENSATION (S) FUND**

Increase Approp. Acct. (Credit):

S	WCC	1710	Workers Compensation Consortium	E4221	W.C.I. Assessments	445,000
S	WCC	1710	Workers Compensation Consortium	E5951	Workers Comp. Payments	1,805,000
Total						\$ 2,050,000

Increase Est. Rev. Acct. (Debit):

S	WCC	1710	Workers Compensation Consortium	R2221	Workers Comp Consortium - County	1,565,000
S	WCC	1710	Workers Compensation Consortium	R2222	Workers Comp Consortium - Others	410,000
S	WCC	1710	Workers Compensation Consortium	R2224	Workers Comp Consortium - RCC	75,000
Total						\$ 2,050,000

**COUNTY OF ROCKLAND
FY 2012
DEBT SERVICE (V) FUND**

Increase Approp. Acct. (Credit):

V	DSV	9718	Serial Bonds	E8000	Principal	18,000
V	DSV	9718	Serial Bonds	E8010	Interest	27,000
V	DSV	9991	Payment Escrow-Advanced Refunding Bonds	E4092	Payment Escrow-Advanced Refunding Bonds	9,718,000
Total						\$ 9,763,000

Increase Est. Rev. Acct. (Debit):

V	DSV	9950	Unallocated Debt Service	R2770	Unclassified Revenue	45,000
V	DSV	9991	Payment Escrow-Advanced Refunding Bonds	R2770	Unclassified Revenue	189,000
V	DSV	9991	Payment Escrow-Advanced Refunding Bonds	R5791	Advanced Refunding Bonds	9,529,000
Total						\$ 9,763,000

Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 439 OF 2013
 APPROVING THE PURCHASES IN EXCESS OF \$100,000
 FROM COMNETIX, INC. FOR DIGITAL FINGERPRINTING SYSTEMS
 IN AN AMOUNT NOT TO EXCEED \$161,767
 UNDER NEW YORK STATE OFFICE OF GENERAL SERVICES
 CONTRACT NO. PT63109
 TO UPGRADE/REPLACE THE CURRENT EQUIPMENT LOCATED AT THE ROCKLAND
 COUNTY SHERIFF’S OFFICE AND THE CLARKSTOWN,
 RAMAPO, SPRING VALLEY AND SUFFERN POLICE STATIONS
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
 (\$161,767)**

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

WHEREAS, By Resolution No. 164 of 2013, the Legislature of Rockland County approved the appropriation of \$220,000 in federal forfeiture funds to purchase Comnetix, Inc. fingerprinting hardware upgrades for various police agencies within Rockland County; and

WHEREAS, By this resolution, the Director of Purchasing recommends to the County Executive and the Legislature that the County approve the purchases in excess of \$100,000 from Comnetix, Inc., 296 Concord Road, Third Floor, Billerica, MA 01821, of Digital Fingerprinting Systems in a total amount not to exceed \$161,767 under New York State Office of General Services (NYS OGS) Contract No. PT63109 and any successor contract to upgrade/replace the current equipment located at the Rockland County Sheriff’s Office (\$65,373) and the Clarkstown (\$21,851), Ramapo (\$20,491), Spring Valley (\$27,361) and Suffern (\$26,691) police stations; and

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

WHEREAS, NYS OGS Contract No. PT63109 has ninety-eight (98) firms listed, but Comnetix, Inc. specializes in Digital Fingerprint Security Systems technology required by the Sheriff’s Office and the local police departments; and

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

WHEREAS, Sufficient funding for these purchases exists in the 2013 Budget of the Rockland County Sheriff’s Office in Account No. A-SHF-FS01-E2500; 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 Public Safety and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 from Comnetix, Inc., 296 Concord Road, Third Floor, Billerica, MA 01821, of Digital Fingerprinting Systems in a total amount not to exceed \$161,767 under New York State Office of General Services Contract No. PT63109 and any successor contract to upgrade/replace the current equipment located at the Rockland County Sheriff’s Office (\$65,373) and the Clarkstown (\$21,851), Ramapo (\$20,491), Spring Valley (\$27,361) and Suffern (\$26,691) police stations, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases exists in the 2013 Budget of the Rockland County Sheriff’s Office in Account No. A-SHF-FS01-E2500.



Introduced by:

Referral No. 5327/7666

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

**RESOLUTION NO. 440 OF 2013
APPROPRIATION OF FEDERAL FORFEITURE FUNDS
REQUESTED BY THE SHERIFF IN THE AMOUNT OF \$170,000
TO COVER PURCHASE AND INSTALLATION OF A
NEW TAIL BOOM FOR THE COUNTY HELICOPTER
AND APPROVING AMENDMENT TO CONTRACT
IN EXCESS OF \$100,000 WITH STERLING HELICOPTER
IN THE ADDITIONAL AMOUNT OF 170,000
(PREVIOUS CONTRACT AMOUNT BEING \$150,000)
IN ORDER FOR STERLING HELICOPTER TO PURCHASE AND
INSTALL A NEW TAIL BOOM FOR THE COUNTY HELICOPTER
FOR A TOTAL CONTRACT SUM WITH STERLING HELICOPTER
NOT TO EXCEED \$320,000 UNDER RFP-RC-2011-012
FOR THE PERIOD MARCH 1, 2012 THROUGH DECEMBER 31, 2013
AND AUTHORIZING EXECUTION OF SAID
CONTRACT AMENDMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE SHERIFF]
(\$320,000)**

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

WHEREAS, The Office of the Sheriff has requested that \$170,000 of federal forfeiture funds in balance sheet account A-8880 (Designated for Law Enforcement - Federal Proceeds) be appropriated to his 2013 Budget in order for Sterling Helicopter to purchase and install a new Tail Boom for the County Helicopter; and

WHEREAS, This request was approved by Rockland's Law Enforcement Oversight Committee; and

WHEREAS, There is no expiration date required for use of these funds; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$170,000 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purpose is permitted under federal guidelines; and

WHEREAS, The Office of the Sheriff also recommends to the County Executive and the Legislature of Rockland County that the County approve a contract in excess of \$100,000 to Sterling Helicopter, 1226 River Road, Croydon, PA. 19021 in an additional amount of \$170,000 (previous contract amount being \$150,000), with a total not to exceed amount of \$320,000 under RFP-RC-2011-012 for the period from March 1, 2012 through December 31, 2013, so that Sterling Helicopter can purchase and install a new Tail Boom for the County Helicopter; and

WHEREAS, By Resolution No. 98 of 2012, the Legislature of Rockland County approved a contract in excess of \$100,000 with Sterling Helicopter, 1226 River Road, Croydon, PA. 19021 for Engine and Structural Upgrades to County Helicopter, in the amount of \$150,000, for the period from March 1, 2012 through August 30, 2012; 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 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 approves the appropriation of \$170,000 of federal forfeiture funds from balance sheet account A-8880 (Designated for Law Enforcement - Federal Proceeds) to the Sheriff's 2013 Budget in order for Sterling Helicopter to purchase and install a new Tail Boom for the County Helicopter; and be it further

RESOLVED, That the Legislature of Rockland County hereby approves a contract in excess of \$100,000 to Sterling Helicopter, 1226 River Road, Croydon, PA. 19021 in an additional amount of \$170,000 (previous contract amount being \$150,000), with a total not to exceed amount of \$320,000 under RFP-RC-2011-012 for the period from March 1, 2012 through December 31, 2013, so that Sterling Helicopter can purchase and install a new Tail Boom for the County Helicopter, and authorizes execution of said contract amendment by the County Executive, subject to the approval of the County Attorney; and be it further

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-SHF-3108-FS01-E2500 Forfeiture Funds - Equipment 170,000

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990 (Designated for Law Enforcement - Federal Proceeds) 170,000



Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 441 OF 2013
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
 TO PURCHASE A MOTOR VEHICLE,
 TECHNOLOGY/INVESTIGATIVE EQUIPMENT,
 AND INVESTIGATIVE SOFTWARE/SUPPLIES FOR THE
 REGIONAL INVESTIGATIVE RESOURCE CENTER AS APPROVED BY
 ROCKLAND'S LAW ENFORCEMENT OVERSIGHT COMMITTEE
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$237,815)**

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

WHEREAS, The Office of the District Attorney has requested that \$237,815 of federal forfeiture funds in balance sheet account A-8880 (Designated for Law Enforcement - Federal Proceeds) be appropriated to the District Attorney's 2013 Budget to be used to purchase a motor vehicle, technology/investigative equipment, and investigative software/supplies for the Regional Investigative Resource Center as approved by Rockland's Law Enforcement Oversight Committee; and

WHEREAS, There is no expiration date required for use of these funds; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$237,815 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purpose is permitted under federal guidelines; 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 Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DA-1165- FA01-E2500	Forfeiture Funds - Equipment	218,615
-E3500	Forfeiture Funds - Supplies	19,200

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Designated for Law Enforcement - Federal Proceeds)	237,815
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Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 442 OF 2013
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
 TO PURCHASE HELMETS FOR
 LOCAL LAW ENFORCEMENT AS APPROVED BY
 ROCKLAND'S LAW ENFORCEMENT OVERSIGHT COMMITTEE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$213,204)**

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

WHEREAS, The Office of the District Attorney has requested that \$213,204 of federal forfeiture funds in balance sheet account A-8880 (Designated for Law Enforcement - Federal Proceeds) be appropriated to the District Attorney's 2013 Budget to be used to purchase helmets for local law enforcement as approved by Rockland's Law Enforcement Oversight Committee; and

WHEREAS, There is no expiration date required for use of these funds; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$213,204 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purpose is permitted under federal guidelines; 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 Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DA-1165-FA01-E3500	Forfeiture Funds - Supplies	213,204
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Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Designated for Law Enforcement - Federal Proceeds)	213,204
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Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 443 OF 2013
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
IN AN AMOUNT NOT TO EXCEED \$15,000
BETWEEN THE COUNTY OF ROCKLAND
AND THE VILLAGE OF HAVERSTRAW
IN ORDER FOR SAID VILLAGE TO PROVIDE
DRUG MARKET INTERVENTION CASE MANAGEMENT SERVICES
FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
AND AUTHORIZING EXECUTION OF THE
AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$15,000)**

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

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

WHEREAS, The County of Rockland, through its Office of the District Attorney, and the Village of Haverstraw desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$15,000 in order for said village to provide Drug Market Intervention Case Management services for the period January 1, 2013 through December 31, 2013; and

WHEREAS, Sufficient funding for this contract is already appropriated in the 2013 Budget of the Office of the District Attorney (Dept. 1165, line E4090); and

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement between the County of Rockland, through its Office of the District Attorney, and the Village of Haverstraw in an amount not to exceed \$15,000 in order for said village to provide Drug Market Intervention Case Management services for the period January 1, 2013 through December 31, 2013; and be it further

RESOLVED, That sufficient funding for this contract is already appropriated in the 2013 Budget of the Office of the District Attorney (Dept. 1165, line E4090).

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 444 OF 2013
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
IN AN AMOUNT NOT TO EXCEED \$21,840 (NCTD)
BETWEEN THE COUNTY OF ROCKLAND
(THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY)
AND THE TOWN OF CLARKSTOWN
IN ORDER TO REIMBURSE SAID TOWN FOR THE PURCHASE OF RIFLES
WITHIN THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
USING FEDERAL FORFEITURE FUNDS PREVIOUSLY
APPROPRIATED VIA RESOLUTION NO. 550 OF 2012
AND AUTHORIZING EXECUTION OF THE
AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$21,840)**

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

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

WHEREAS, The County of Rockland (through its Office of the District Attorney) and the Town of Clarkstown desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$21,840, in order to reimburse said town for the purchase of rifles within the period January 1, 2013 through December 31, 2013 using federal forfeiture funds previously appropriated via Resolution No. 550 of 2012; and

WHEREAS, Sufficient funding for this agreement exists within Dept. FA01, line E4500 of the 2013 Budget of the District Attorney and, therefore, no County tax dollars (NCTD) are required; 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 Public Safety and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement between the County of Rockland (through its Office of the District Attorney) and the Town of Clarkstown in an amount not to exceed \$21,840, in order to reimburse said town for the purchase of rifles within the period January 1, 2013 through December 31, 2013 using federal forfeiture funds previously appropriated via Resolution No. 550 of 2012, and authorizes execution of the agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within Dept. FA01, line E4500 of the 2013 Budget of the District Attorney and, therefore, no County tax dollars (NCTD) are required.

Introduced by:

Referral No. 7000

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

**RESOLUTION NO. 445 OF 2013
AMENDING AND RESTATING THE MODEL PLAN
FOR THE DEFERRED COMPENSATION PLAN
FOR THE EMPLOYEES OF THE COUNTY OF ROCKLAND**

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

WHEREAS, The New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the County of Rockland (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, The County of Rockland, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Rockland; and

WHEREAS, Effective February 22, 2013 the Board amended the Model Plan to adopt provisions

- Including provisions related to the American Taxpayer Relief Act of 2012, expanding the ability of participants to convert all or a portion of their plan assets from a pre-tax account to an in-plan Roth account any time including while in employment.

WHEREAS, The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, Upon due deliberation, the Legislature of the County of Rockland has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Rockland by adopting the amended Model Plan; and

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

RESOLVED, That the Legislature of the County of Rockland hereby amends the Deferred Compensation Plan for Employees of the County of Rockland by adopting the amended Model Plan effective February 22, 2013, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

Plan Document

for the

**DEFERRED COMPENSATION PLAN
FOR EMPLOYEES OF
COUNTY OF ROCKLAND**

(Amended and Restated as of _____, 2013)

**Deferred Compensation Plan
for Employees of
County of Rockland
Plan Document**

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**Deferred Compensation Plan
for Employees of
County of Rockland
Plan Document**

PURPOSE

The purpose of the Plan is to encourage Employees to make and continue careers with the Employer by providing Employees with a convenient way to save on a regular and long-term basis and thereby provide for their retirement as set forth herein. The Employer adopted this Plan by complying with the procedures set forth in the Regulations.

A Participant's benefit under the Plan is limited to the Plan Benefit, and the value of the Plan Benefit will depend upon the investment results achieved by the Investment Options in which the Participant chooses to invest. Each Participant shall be 100 percent vested at all times in his or her Plan Benefit in accordance with the terms of the Plan.

In accordance with Section 457 of the Code, all amounts of Compensation deferred or contributed under the Plan, all property and rights purchased with such amounts and all income attributable to such amounts, and all other property and rights are held in trust for the exclusive benefit of Participants and their Beneficiaries and Alternate Payees pursuant to the Trust Agreement.

The Plan and the Trust Agreement are intended to satisfy the requirements for an eligible deferred compensation plan under Section 457 of the Code applicable to governmental employers described in Section 457(e)(1)(B) of the Code, and shall be construed and administered accordingly. To the extent that any term of the Plan is inconsistent with the provisions of Section 457 of the Code applicable to governmental employers, the inconsistent term shall, to the fullest extent possible, be treated for all purposes of the Plan as amended or reformed to conform to the applicable provisions of Section 457 of the Code.

Except as otherwise provided herein, this amendment and restatement of the Plan is effective as of the Effective Date.

**SECTION 1
DEFINITIONS**

When used herein, the following terms shall have the following meanings:

- 1.1 "Account" means each separate account established and maintained for an Account Participant under the Plan, including, as applicable, each Before-Tax Deferral Account, Roth Account (if applicable), Rollover Account, Alternate Payee Account and Beneficiary Account.
- 1.2 "Account Participant" means each Participant, Beneficiary, Surviving Spouse, Alternate Payee or other individual with an Account.
- 1.3 "Administrative Service Agency" means an Administrative Service Agency as defined in the Regulations selected by the Committee to provide services in respect of the Plan.
- 1.4 "Alternate Payee" means any spouse, former spouse, child or other dependent of a Participant who is recognized by a Qualified Domestic Relations Order as having a right to receive all, or a portion of, the Plan Benefit with respect to such Participant.
- 1.5 "Alternate Payee Account" means the Account established for an Alternate Payee pursuant to a Qualified Domestic Relations Order.
- 1.6 "Amounts Deferred or Contributed" means the aggregate of Compensation deferred or contributed by a Participant pursuant to Sections 3.1 and 3.2, including Before-Tax Deferrals and Roth Contributions (if applicable).
- 1.7 "Before-Tax Deferral Account" means the Account or Accounts established under the Plan to record a Participant's Before-Tax Deferrals, and the income, gains and losses credited thereto. A Beneficiary Account or Alternate Payee Account corresponding to the deceased or relevant Participant's Before-Tax Deferrals may also be referred to as a Before-Tax Deferral Account.
- 1.8 "Before-Tax Deferrals" means that part of a Participant's Compensation which is deferred into the Plan and is not includable in the Participant's taxable income which, in the absence of a Participant's election to defer such Compensation under Section 3.1, would have been paid to the Participant and would have been includable in the Participant's taxable income.
- 1.9 "Beneficiary" means the beneficiary or beneficiaries designated by a Participant or Surviving Spouse of a Participant pursuant to Section 9 to receive the amount, if any, payable under the Plan upon the death of such Participant or Surviving Spouse.
- 1.10 "Beneficiary Account" means the Account established for a Beneficiary in accordance with Section 6.2.

1.11 "Business Day" means, subject to Section 4.4(b), any day (measured in accordance with State time) on which the New York Stock Exchange is open for the trading of securities.

1.12 "Code" means the Internal Revenue Code of 1986, as now in effect or as hereafter amended, and the applicable Treasury Regulations and rulings thereunder. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.13 "Committee" means the Deferred Compensation Committee appointed by the Employer in accordance with the Regulations to act on behalf of Employer to administer the Plan.

1.14 "Compensation" means:

(a) all compensation for services to the Employer, including salary, wages, fees, commissions and overtime pay that is includible in the Employee's gross income for each Plan Year under the Code;

(b) any differential wage payments defined in Code Section 3401(h)(2) pursuant to the HEART Act; and

(c) any accumulated sick pay, accumulated vacation pay and back pay paid to a Participant by his or her Employer, provided that such accumulated sick pay, accumulated vacation pay and back pay is received by the Plan in accordance with the timing requirements of the Treasury Regulations promulgated under Section 457 of the Code.

1.15 "Distributee" means (a) an Employee or former Employee, (b) the Surviving Spouse of an Employee or former Employee and (c) the spouse or former spouse of an Employee or former Employee, but only to the extent such spouse or former spouse is an Alternate Payee under a Qualified Domestic Relations Order and only with regard to the interest of such spouse or former spouse.

1.16 "Distribution Waiting Period" means 45 days following a Participant's Severance from Employment, or, to the extent that the Committee has designated a different Distribution Waiting Period under Section 8.1(e) of Schedule A, the Distribution Waiting Period as set forth in Section 8.1(e) of Schedule A.

1.17 "Earliest Retirement Date" means the earlier of (a) the date on which the Participant Severs from Employment or (b) the date the Participant attains age 50.

1.18 "Effective Date" means _____.

1.19 "Eligible Retirement Plan" means:

(a) an individual retirement account described in Section 408(a) of the Code;

² Insert the date upon which the Employer adopted this amended and restated Plan. The Employer should delete this footnote from the adopted Plan document.

- (b) an individual retirement annuity described in Section 408(b) of the Code;
- (c) a qualified trust under Section 401(a) or 401(k) of the Code;
- (d) an annuity contract or custodial account described in Section 403(b) of the Code;
- (e) an eligible deferred compensation plan described in Section 457 of the Code that is maintained by a state, political subdivision of a state, any agency or instrumentality of a state or political subdivision of a state; and
- (f) a Roth IRA.

1.20 "Eligible Rollover Distribution" means all or any portion of the balance of the Plan to the credit of a Distributee or a Beneficiary of a Participant, except that an Eligible Rollover Distribution shall not include (a) any distribution that is (i) one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's Beneficiary or (ii) for a specified period of ten years or more, (b) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code, or (c) any distribution due to an Unforeseeable Emergency.

1.21 "Employee" means any individual who receives Compensation for services from the Employer, including any elected or appointed officer or employee of the Employer, and any employee who is included in a unit of employees covered by a negotiated collective bargaining agreement that specifically provides for participation in the Plan. An Employee shall not include an independent contractor, a consultant or any other individual classified by the Employer as not eligible to participate in the Plan.

1.22 "Employer" means the County of Rockland.

1.23 "Enrollment Date" means, with respect to an Employee who is eligible to enroll or be enrolled in the Plan, any payroll date on which such Employee receives Compensation, or such other date or dates as the Administrative Service Agency may establish either in lieu of, or in addition to, such dates.

1.24 "Financial Organization" means a Financial Organization as defined in the Regulations selected by the Committee to provide services in respect of the Plan.

1.25 "HEART Act" means the Heroes Earnings Assistance and Relief Tax Act of 2008.

1.26 "Includible Compensation" means "includible compensation" as defined in Section 457(e)(5) of the Code.

³ Insert the name of the Public Employer adopting this amended and restated Plan. The Employer should delete this footnote from the adopted Plan document.

1.27 "Investment Fund" means each of the investment funds made available by the Committee through the Plan in accordance with Section 6.5(b).

1.28 "Investment Option" means each of the Investment Funds and each other investment option made available by the Committee through the Plan in accordance with Section 6.5(b).

1.29 "Loan Grace Period" means 90 days following the due date of a Participant's scheduled repayment of his or her Plan loan, or, to the extent that the Committee has designated a shorter Loan Grace Period under Section 7.3(f) of Schedule A, the Loan Grace Period as set forth in Section 7.3(f) of Schedule A.

1.30 "Maximum Annual Number of Partial Distributions" means twelve partial lump sum payments per Plan Year, or, to the extent that the Committee has designated a different Maximum Annual Number of Partial Distributions under Section 8.1(c)(i) and (iii) of Schedule A, the Maximum Annual Number of Partial Distributions as set forth in Section 8.1(c)(i) and (iii) of Schedule A.

1.31 "Minimum Installment Amount" means \$100, or, to the extent that the Committee has designated a different Minimum Installment Amount under Section 8.1(c) of Schedule A, the Minimum Installment Amount as set forth in Section 8.1(c) of Schedule A.

1.32 "Minimum Lump Sum Amount" means \$100, or, to the extent that the Committee has designated a different Minimum Lump Sum Amount under Section 8.1(c)(i) and (iii) of Schedule A, the Minimum Lump Sum Amount as set forth in Section 8.1(c)(i) and (iii) of Schedule A.

1.33 "Normal Retirement Age" means any age designated by a Participant within the following parameters: (i) beginning (A) no earlier than the earliest age at which the Participant has the right to retire under the basic pension plan, if any, in which the Participant participates in connection with his or her service to the Employer and to receive immediate retirement benefits without actuarial or similar reduction because of retirement before some later age specified in such basic pension plan or, (B) in the case of a Participant who does not participate in such basic pension plan, no earlier than age 65, and (ii) ending no later than age 70½. Notwithstanding the previous sentence, a Participant who is a qualified police officer or firefighter (as defined under Section 415(b)(2)(H)(ii)(I) of the Code) may designate a Normal Retirement Age that is earlier than the earliest Normal Retirement Age described above, but in no event may such Normal Retirement Age be earlier than age 40. Notwithstanding anything in the Plan to the contrary, a Participant's designation of a Normal Retirement Age shall not control the date that payment of such Participant's benefits shall commence pursuant to Section 8.

1.34 "Participant" means an Employee or former Employee who is not deceased and who has an Account or Rollover Account under the Plan.

1.35 "Participation Agreement" means an agreement in writing or in such other form approved by the Committee, pursuant to which the Employee elects to reduce his or her Compensation for future Enrollment Dates and to have amounts deferred or contributed into the Plan on his or her behalf in accordance with the terms of the Plan.

1.36 "Plan" means the Deferred Compensation Plan for Employees of the Employer, as the same may be amended from time to time.

1.37 "Plan Benefit" has the meaning set forth in Section 6.5.

1.38 "Plan Year" means the calendar year.

1.39 "Qualified Domestic Relations Order" means any judgment, decree or order, including approval of a property settlement agreement, that has been determined by the Administrative Service Agency to meet the requirements of a qualified domestic relations order within the meaning of Section 414(p) of the Code.

1.40 "Qualified Roth Contribution Program" means a qualified Roth contribution program as defined in Section 402A of the Code.

1.41 "Regulations" means the rules and regulations promulgated by the Deferred Compensation Board of the State of New York pursuant to Section 5 of the State Finance Law, as the same may be amended from time to time.

1.42 "Required Beginning Date" means April 1 of the calendar year following the later of the calendar year in which the Participant: (a) attains age 70½, or (b) Severs from Employment.

1.43 "Review Committee" means the committee designated to review claims to rights or benefits under the Plan in accordance with Section 11.8 and requests for Unforeseeable Emergency withdrawals under Section 7.

1.44 "Rollover Account" means the Account or Accounts established and maintained in respect of a Participant or a Beneficiary who is a Participant's Surviving Spouse or, if applicable, by a spousal Alternate Payee pursuant to Section 5.2(c).

1.45 "Rollover Contribution" means the amount contributed by a Participant or a Beneficiary to a Rollover Account or, if applicable, by an Alternate Payee to an Alternate Payee Account, in accordance with Section 5.2 that the Administrative Service Agency has determined would qualify as an Eligible Rollover Distribution, other than a distribution consisting of contributions to a Roth IRA, and which the Administrative Service Agency has determined may be contributed.

1.46 "Roth Account" means the Account or Accounts established under the Plan to record a Participant's Roth Contributions, and the income, gains and losses credited thereto. A Beneficiary Account or Alternate Payee Account corresponding to the deceased or relevant Participant's Roth Contributions may also be referred to as a Roth Account.

1.47 "Roth Contributions" means amounts contributed pursuant to Section 3.1 by a Participant to the extent that the Committee has resolved to implement a Roth Program to Section 3.1(e) of Schedule A, which amounts are:

(a) designated irrevocably by the Participant at the time of the contribution election as Roth Contributions that are being made from Compensation pursuant to Section 3.1(c); and

(b) treated by the Employer as includible in the Participant's income at the time the Participant would have received that amount in Compensation.

1.48 "Roth IRA" has the meaning set forth in Section 408A of the Code.

1.49 "Roth Program" means a Qualified Roth Contribution Program within the Plan.

1.50 "Section 457 Transfer" means a transfer made into an Account pursuant to Section 5.1.

1.51 "Severance from Employment" or "Severs from Employment" means a severance from employment with the Employer within the meaning of Section 457 of the Code.

1.52 "State" means the State of New York.

1.53 "Surviving Spouse" means the survivor of a deceased Participant to whom such Participant was legally married on the date of the Participant's death.

1.54 "Treasury Regulations" means the regulations promulgated by the Treasury Department under the Code, as now in effect or as hereafter amended. All citations to sections of the Treasury Regulations are to such sections as they may from time to time be amended or renumbered.

1.55 "Trust Agreement" means an agreement entered into in respect of the Plan between the Committee and one or more Trustees pursuant to which all cash and other rights and properties and all income attributable to such cash and rights and properties are held in trust as such agreement may be amended from time to time.

1.56 "Trust Fund" means the assets of the Plan, including cash and other rights and properties arising from Amounts Deferred or Contributed, Section 457 Transfers and Rollover Contributions which are held and administered by the Trustee pursuant to the Trust Agreement.

1.57 "Trustee" means the trustee or trustees acting as such under the Trust Agreement, and any successors thereto.

1.58 "Unforeseeable Emergency" means a (i) severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or Beneficiary, the Participant's or Beneficiary's spouse, or the Participant's or Beneficiary's dependent, (ii) loss of the Participant's or Beneficiary's property because of casualty, or (iii) other similar extraordinary or unforeseeable circumstances arising as a result of events beyond the control of the Participant or Beneficiary.

1.59 "Unit" means a unit measuring the value of an Account Participant's proportionate interest in an Investment Fund.

1.60 "USERRA" means the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 contained in chapter 43 of title 38 of the United States Code.

1.61 "Valuation Date" means each Business Day unless otherwise provided in the Plan or in an agreement between the Committee and a Financial Organization.

**SECTION 2
PARTICIPATION**

2.1 Enrollment.

(a) Eligibility and Enrollment. Each Employee shall be eligible to participate in the Plan as of any Enrollment Date following the date he or she becomes an Employee, and shall commence such participation in the Plan by duly filing a Participation Agreement and any enrollment forms or other pertinent information concerning the Employee and his or her Beneficiary with the Administrative Service Agency in a manner as prescribed by the Committee. With the exception of Participation Agreements filed on or before an Employee's first day of service, no Participation Agreement shall be effective before the first Enrollment Date in the calendar month following the month in which the Participation Agreement is filed with the Administrative Service Agency.

(b) Initial Enrollment and Subsequent Changes. Each Employee enrolling in the Plan shall provide to the Administrative Service Agency, in a complete and timely manner, at the time of initial enrollment and thereafter if there are any changes, with such information that the Administrative Service Agency determines is necessary or advisable for the administration of the Plan or to comply with applicable law. With the exception of Participation Agreements filed on or before an Employee's first day of service, no Participation Agreement or amendment or modification thereto shall be effective before the first Enrollment Date in the calendar month following the month in which the Participation Agreement or such amendment or modification is filed with the Administrative Service Agency.

2.2 Voluntary Participation. Participation in the Plan by Employees shall be voluntary.

2.3 Cessation of Participation. The participation of an Account Participant shall cease upon payment to the Account Participant of the entire value of his or her Plan Benefit or upon the Account Participant's death prior to such payment.

2.4 Corrective Action. If an individual is erroneously included or excluded from participation, corrective action will be taken as soon as administratively practicable to correct such erroneous inclusion or exclusion.

SECTION 3
AMOUNTS DEFERRED OR CONTRIBUTED

3.1 Participant Deferral and Contribution Authorization.

(a) **Initial Authorization.** A Participant may elect to defer or contribute Compensation under the Plan by authorizing, on his or her Participation Agreement, regular payroll deductions that do not individually or in the aggregate exceed the limitations of Section 3.2. Unless otherwise designated under Section 3.1(c), any Amounts Deferred or Contributed under this Section 3.1(a) shall be treated as Before-Tax Deferrals. Any initial deferral election shall be effective as soon as administratively practicable, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b).

(b) **Modifications.** A Participant may increase or decrease the rate of deferral or contribution of his or her Compensation, and may make separate elections with respect to the increase or decrease of the rate of his or her Before-Tax Deferrals and Roth Contributions (to the extent applicable), within the limitations set forth in Section 3.2, as of any Enrollment Date by duly filing a new or modified Participation Agreement, or such other form authorized for such purpose by the Committee, with the Administrative Service Agency, which shall be effective as soon as administratively practicable, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b).

(c) **Roth Contributions.** To the extent that the Committee has resolved on or after January 1, 2011 to implement a Roth Program pursuant to Section 3.1(c) of Schedule A, a Participant shall be permitted to make Roth Contributions from his or her Compensation by designating a percentage of his or her initial authorization or modified authorization described in Sections 3.1(a) and 3.1(b) as Roth Contributions, which designation shall be effective as soon as administratively practicable for all future payroll periods until modified or suspended, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b). For the avoidance of doubt, to the extent that the Committee has *not* resolved to implement a Roth Program pursuant to Section 3.1(c) of Schedule A, Participants shall not be permitted to make Roth Contributions and any provisions of the Plan as they relate to Roth Contributions, Roth Accounts, Rollover Contributions from Qualified Roth Contribution Programs and in-Plan rollovers into Roth Accounts shall not apply.

(d) **Discontinuance or Suspension.** A Participant may discontinue or temporarily suspend his or her deferrals or contributions, and may make separate elections with respect to the discontinuance or suspension of his or her Before-Tax Deferrals and Roth Contributions (to the extent applicable), as of any specified Enrollment Date by giving notice thereof to the Administrative Service Agency. The Administrative Service Agency shall discontinue or suspend the deferral or contribution of Compensation as soon as administratively practicable, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b).

(e) Deferrals and Contributions After a HEART Act Distribution or Unforeseeable Emergency Withdrawal. A participant's deferrals and contributions will be suspended for a period of six months following a distribution pursuant to the Section 414(u)(12)(B)(i) of the Code and, to the extent that the Committee has resolved to implement a suspension of deferrals after an Unforeseeable Emergency withdrawal pursuant to Section 3.1(e) of Schedule A, after a distribution due to an Unforeseeable Emergency withdrawal.

3.2 General Deferral and Contribution Limitations and Catch-Up Limitations.

(a) In General. The aggregate amount of Before-Tax Deferrals and Roth Contributions (to the extent applicable) that may be deferred or contributed by a Participant for any pay period shall be a minimum of \$10 and shall not exceed the lesser of:

- (i) An amount as may be permitted pursuant to Section 457(e)(15) of the Code, and
- (ii) 100% of the Participant's Includible Compensation for the Plan Year;

provided, however, the maximum amount that a Participant may defer or contribute for any Plan Year may be calculated after accounting for mandatory and permissive payroll deductions, as reasonably determined by the Employer.

(b) 457 Catch-Up. Notwithstanding the limitation in Section 3.2(a), a Participant may file an election in the manner required by the Administrative Service Agency to have the catch-up limitation as set forth in Section 3.2(b) apply to the determination of the maximum amount that may be deferred or contributed during one or more of the last three Plan Years ending before attainment of the Participant's Normal Retirement Age. If the catch-up limitation is elected, the maximum aggregate amount of Before-Tax Deferrals and Roth Contributions (to the extent applicable) that may be deferred or contributed for each of the Plan Years covered by the election shall not exceed the lesser of:

- (i) twice the dollar amount set forth in Section 3.2(a); and
- (ii) the sum of the limitations provided for in Section 3.2(a) for each of the Plan Years the Participant was eligible to participate in the Plan, minus the aggregate amount actually deferred or contributed for such Plan Years (disregarding any amounts deferred or contributed pursuant to Section 3.2(c)).

A Participant may not elect to have Section 3.2(b) apply more than once, whether or not the Participant rejoins the Plan after a Severance from Employment.

(c) Age 50 Catch-Up. All Participants who have attained age 50 before the close of a Plan Year and who are not permitted to defer or contribute additional Compensation pursuant to Section 3.2(b) for such Plan Year, due to the application of any limitation imposed by the Code or the Plan, shall be eligible to make additional catch-up contributions in the form of Before-Tax Deferrals, Roth Contributions or a combination thereof in accordance with, and subject to, the limitations of Section 3.2(c) of the Plan and Section 414(v) of the Code. Age 50 catch-up contributions pursuant to Section 3.2(c) shall not exceed the lesser of:

- (i) the excess of 100% of Participant's Includible Compensation for the Plan Year over the sum of any other Amounts Deferred or Contributed by the Participant for such Plan Year; and
 - (ii) an amount as may be permitted by Section 414(v)(2)(B) of the Code.
- (d) Dual Eligibility. Notwithstanding anything in Sections 3.2(b) and (c) to the contrary, if a Participant who is eligible to make an additional catch-up contribution under Section 3.2(c) for a Plan Year in which the Participant has elected to make a catch-up contribution under Section 3.2(b), such Participant is entitled to the greater of:
- (i) the 457 catch-up contribution amount under Section 3.2(b); and
 - (ii) the age 50 catch-up contribution amount under Section 3.2(c).
- (e) USERRA. Notwithstanding the limitation provided for in Section 3.2(a), any Participant who is entitled to reemployment rights pursuant to USERRA and who is so reemployed in accordance with the provisions of such law may elect to make such additional deferrals or contributions as are permitted or required by USERRA.
- (f) Excess Deferrals and Contributions. In the event that any Amounts Deferred or Contributed under the Plan for any Plan Year exceed the limitations provided for in Section 3.2, any such excess deferrals or contributions shall be distributed to the Participant, with allocable net income, in the following order (unless otherwise directed by the Participant): first, from Before-Tax Deferrals and second, from Roth Contributions (to the extent applicable), as determined in accordance with methods and procedures established by the Administrative Service Agency as soon as practicable after the Administrative Service Agency determines that the amount was an excess deferral or contribution. Distributions under Section 3.2(f) will be reportable as taxable income to the extent required by applicable law.

SECTION 4
INVESTMENT OF AMOUNTS DEFERRED OR CONTRIBUTED AND ROLLOVER CONTRIBUTIONS

4.1 Remittance of Deferrals and Contributions. All Amounts Deferred or Contributed in accordance with Section 3 shall be paid by the applicable Employer as promptly as possible, but in no event later than two Business Days from the applicable payroll date, to the Trust Fund. Thereafter, Amounts Deferred or Contributed shall be invested by the Trustee in accordance with the investment instructions received by the Trustee from the Administrative Service Agency, within two Business Days following receipt by the Trust Fund of such Amounts Deferred or Contributed (or, if later, on the first Business Day coincident with or immediately following receipt by the Trustee of the investment instructions from the Administrative Service Agency related to such Amounts Deferred or Contributed). All such Amounts Deferred or Contributed shall be invested by the Trustee (in accordance with the investment instructions received from the Administrative Service Agency) in the Investment Options provided by one or more Financial Organizations appointed by the Committee in accordance with the Regulations, and shall be held, managed, invested and reinvested in accordance with the applicable agreement entered into by the Committee or the Trustee with each such Financial Organization.

4.2 Allocation of Deferrals and Contributions. A Participant who has enrolled in the Plan pursuant to Section 2 shall, by filing a direction with the Administrative Service Agency in writing or in such other manner as the Committee may authorize, specify the percentage (in multiples of one percent) of his or her Amounts Deferred or Contributed, that shall be allocated to each Investment Option made available by the Committee. A Participant's investment allocation elections shall be applied in the same manner to both Before-Tax Deferrals and Roth Contributions (to the extent applicable).

4.3 Continuation of Deferral and Contribution Allocation. Any deferral and contribution allocation direction given by a Participant shall be deemed to be a continuing direction until changed by the Participant. A Participant may change his or her deferral and contribution allocation direction with respect to future Amounts Deferred or Contributed, as of any Enrollment Date, by giving notice in writing or in such other manner as the Committee may authorize to the Administrative Service Agency prior to any Enrollment Date. Any change to a Participant's deferral and contribution allocation direction shall be applied in the same manner to both Before-Tax Deferrals and Roth Contributions (to the extent applicable). All such future deferrals and contributions shall be invested by the Trustee in the Investment Options in accordance with such changed direction.

4.4 Transfer of Assets Among Investment Options.

(a) Transfer of Assets. As of any Valuation Date an Account Participant may direct the Administrative Service Agency, by giving notice in writing or in such other manner as the Committee may authorize, to liquidate his or her interest in any of the Investment Options and transfer the proceeds thereof to one or more other Investment Options in the proportions directed by such Participant. Account Participants may make separate transfer directions for their Before-Tax Deferral Accounts and Accounts relating to Rollover Contributions involving before-tax deferrals and their Roth Accounts and Accounts relating to Rollover Contributions involving

Roth contributions (to the extent applicable). Such direction must be made in accordance with the requirements and procedures established by the Committee and in effect at the time and in a multiple of one percent or one dollar increments of the Account Participant's interest in the applicable Investment Option.

(b) Committee's Right to Reduce or Deny Transfer Request. If the Trustee or any Financial Organization appointed by the Committee advises the Committee, or the Committee otherwise determines, that it is not reasonably able to prudently liquidate the necessary amount and transfer it from one of the Investment Options to another, the amount to be transferred with respect to each Account Participant who duly requested such a transfer may be reduced in proportion to the ratio which the aggregate amount that the Trustee or the Financial Organization has advised the Committee may not prudently be so transferred bears to the aggregate amount that all Account Participants have duly requested be so transferred. Regardless of any Account Participant's investment direction, no transfer between Investment Options may be made in violation of any restriction imposed by the terms of the agreement between the Committee or the Trustee and a Financial Organization providing any Investment Option or of any applicable law. Notwithstanding anything in this Section 4.4(b) or the Plan to the contrary, the Committee, the Trustee or the Financial Organization shall have the right, without prior notice to any Account Participant, to suspend, for a limited period of time, daily transfers between and among Investment Options for one or more days if the Committee, the Trustee or the Financial Organization determines that such action is necessary or advisable (i) in light of unusual market conditions, (ii) in response to technical or mechanical problems with the Plan's or the Administrative Service Agency's record keeping systems, (iii) in connection with any suspension of normal trading activity on the New York Stock Exchange or other major securities exchange, (iv) as a result of strikes, work stoppages, acts of war or terrorism, insurrection, revolution, nuclear or natural catastrophes or other similar events, losses or interruptions of power, other utility outages or malfunctions, or malfunctions in communications or computer services, in each case, that make it necessary or advisable to suspend trading activity, or (v) in accordance with Section 4.10.

4.5 Administrative Actions with Regard to Investment Directions. The Administrative Service Agency shall have the right to decline to implement any investment direction upon its determination that: (i) the person giving the direction is legally incompetent to do so; (ii) implementation of the investment direction would be contrary to the Plan or applicable law or governmental ruling or regulation including, Treasury Regulations; (iii) implementation of the investment direction would be contrary to a court order, including, a Qualified Domestic Relations Order; (iv) implementation of the investment direction would be contrary to the rules, regulations or prospectuses of the Investment Funds; or (v) implementation of the investment direction would be contrary to the investment guidelines or terms of any agreements applicable to the Stable Value Fund or any similar Investment Fund then available under the Plan.

4.6 Account Participant Responsibility for Deferrals, Contributions and Investment Allocations. Each Participant is solely responsible for the allocation of his or her Amounts Deferred or Contributed, and each Account Participant is solely responsible for the investment allocation of his or her Account, in each case, in and among the Investment Options. Each Account Participant shall assume all risk in connection with the allocation of amounts in and among the Investment Options and for any losses incurred or deemed to be incurred as a result of

the Account Participant's allocation or failure to allocate any amount to an Investment Option or any decrease in the value of any Investment Option. Neither the Committee, any Trustee, any Employer nor the Administrative Service Agency is empowered to advise a Participant as to the manner in which the Account Participant's Account shall be allocated among the Investment Options. The fact that a particular Investment Option is available to Participants for investment under the Plan shall not be construed by any Account Participant as a recommendation for investment in such Investment Option. If the Committee elects to make available investment guidance services or investment advice services to Account Participants, such services shall be utilized only at the voluntary election of the Account Participant and shall not limit the Account Participant's responsibility under Section 4.6 for the allocation of his or her Accounts in and among the Investment Options.

4.7 Investment Allocation of Alternate Payee Accounts. Notwithstanding any other provision of the Plan, during any period when an Alternate Payee Account is created and segregated on behalf of an Alternate Payee pursuant to a Qualified Domestic Relations Order from the Accounts of the related Participant, the Alternate Payee shall be entitled to direct the allocation of investments of such Alternate Payee Account in accordance with Sections 4.2 and 4.4, as applicable, and shall be subject to the provisions of Sections 4.5 and 4.6, but only to the extent provided in such order. In the event that an Alternate Payee fails to specify an investment direction on the date of creation of the Alternate Payee Account pursuant to Section 4.9, such Alternate Payee's Alternate Payee Account shall be invested in the same manner as the relevant Participant's corresponding Before-Tax Deferral Account, Roth Account (to the extent applicable) and Rollover Accounts on such date and, except as otherwise provided by the Qualified Domestic Relations Order, shall remain invested in accordance with such initial allocation until the Alternate Payee directs otherwise or until such time as the Alternate Payee ceases to have an Alternate Payee Account under the Plan by reason of distribution or otherwise.

4.8 Investment Allocation of Beneficiary Accounts. Notwithstanding any other provision of the Plan, during any period following the death of a Participant and prior to distribution of the entire Plan Benefit of such Participant, such Participant's Beneficiary shall be entitled to direct the allocation of investments of such Plan Benefit in accordance with Section 4.4 or, as applicable, his or her proportional interest in such Plan Benefit, in accordance with Section 4.4 and shall be subject to the provisions of Sections 4.5 and 4.6. In the event that a Beneficiary fails to specify an investment direction on the date of creation of the Beneficiary Account pursuant to Section 4.4, such Beneficiary's Beneficiary Account shall be invested in the same manner as the relevant Participant's corresponding Before-Tax Deferral Account, Roth Account (to the extent applicable) and Rollover Accounts on such date.

4.9 Initial and Ongoing Investment Allocation with respect to Rollover Contributions and Section 457 Transfers. Unless otherwise directed by the Account Participant, the same deferral and contribution allocation direction applicable to an Account Participant pursuant to Section 4.2 or 4.3, as applicable, shall apply to all Section 457 Transfers and Rollover Contributions. Notwithstanding the foregoing, in accordance with procedures established by the Administrative Service Agency, an Account Participant may make an alternative initial allocation election in accordance with the procedures set forth in Section 4.4 for any applicable Section 457 Transfer or Rollover Contribution. Thereafter, such Account Participant may direct the Administrative Service Agency to liquidate his or her interest in any of the Investment Options and transfer the

proceeds thereof to one or more other Investment Options in accordance with Section 4.4 (in each case subject to the limitations set forth in Sections 4.5 and 4.6). All Rollover Contributions shall be invested by the Trustee in the Investment Options in accordance with such directions as soon as administratively practicable.

4.10 Fund Mapping or Similar Activity. Notwithstanding anything in Section 4 to the contrary, if the Committee eliminates one or more of the Investment Funds or Investment Options or undertakes similar activity on behalf of the Plan, the Committee shall be authorized to liquidate without an Account Participant's consent and without the need for prior notice to the Account Participant the portion of each Account invested in such eliminated Investment Fund or Investment Option and direct the proceeds of such liquidation in one or more remaining or replacement Investment Funds or Investment Options in accordance with such liquidation and transfer procedures as the Committee may determine to be necessary or advisable in connection with such elimination.

**SECTION 5
ROLLOVERS**

5.1 Transfer from Another Governmental 457 Plan. Compensation previously deferred or contributed by (or contributed on behalf of) a Participant, a Beneficiary or a spousal Alternate Payee pursuant to another eligible deferred compensation plan under Section 457 of the Code maintained by another employer described in Section 457(e)(1)(B) of the Code shall be accepted for a plan-to-plan transfer to the Plan by the Trustee in the form and in the manner prescribed by the Committee. All such Section 457 Transfers shall be credited to the applicable Account Participant's corresponding Before-Tax Deferral Account or Roth Account (to the extent applicable), or a combination thereof and shall be invested in accordance with Section 4.9.

5.2 Acceptance of Assets from an Eligible Retirement Plan.

(a) Rollover Contributions in General. Amounts previously deferred or contributed by (or contributed on behalf of) a Participant, a Beneficiary or a spousal Alternate Payee under another Eligible Retirement Plan (other than a Roth IRA) that (i) are distributed to the Participant, the Beneficiary or the spousal Alternate Payee or (ii) are directly rolled over to the Plan as an eligible rollover distribution from such Eligible Retirement Plan, may be accepted as a Rollover Contribution by the Trustee in the form and in the manner specified by the Administrative Service Agency; *provided*, that Rollover Contributions of amounts from a Qualified Roth Contribution Program may be contributed only to the extent that the Committee has resolved to implement a Roth Program pursuant to Section 3.1(c) of Schedule A and any such contributions must be directly rolled over to the Plan. Notwithstanding the foregoing, other than Rollover Contributions from a Qualified Roth Contribution Program as described in the preceding sentence, the Administrative Service Agency shall not accept any Rollover Contribution, or any portion thereof, that represents deferrals or contributions under another Eligible Retirement Plan that were made from compensation that was included in the Participant, Beneficiary or spousal Alternate Payee's gross income in the year the amounts were deferred or contributed. The Administrative Service Agency may require such documentation from the distributing Eligible Retirement Plan as it deems necessary to effectuate the rollover in accordance with section 402 of the Code and to confirm that such plan is an Eligible Retirement Plan.

(b) Written Request: Acceptance of Assets. The Administrative Service Agency, in accordance with the Code and procedures established by the Committee, shall, as soon as practicable following its receipt of the written request of a Participant, a Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee, determine whether the Rollover Contribution shall be accepted by the Plan. Any written request filed by a Participant, a Beneficiary who is a Participant's Surviving Spouse or a spousal Alternate Payee pursuant to Section 5.2(a) shall set forth the fair market value of such Rollover Contribution and a statement in a form satisfactory to the Administrative Service Agency that the amount to be transferred constitutes a Rollover Contribution. In the event the Administrative Service Agency permits the transfer of the Rollover Contribution, the Trustee shall accept such Rollover Contribution and the transfer of such Rollover Contribution shall be deemed to have been made on the Valuation Date next following the date on which it was paid to the Trust Fund.

(c) Rollover Account. The Rollover Contribution shall be maintained in a separate, fully vested Rollover Account for the benefit of the contributing Participant or the Beneficiary and, in the case of a spousal Alternate Payee, the Alternate Payee Account, and shall be invested in accordance with the investment direction of the applicable Account Participant pursuant to Section 4.9. All amounts so transferred shall be credited to the Account Participant's Rollover Account or Alternate Payee Account and shall be available for distribution at any time during the Plan Year. No other contributions shall be allocated to the Rollover Account. Any Rollover Contributions of amounts from a Qualified Roth Contribution Program shall be segregated and held in a separately designated and maintained Rollover Account from those amounts not from a Qualified Roth Contribution Program. At the election of the Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee, any Rollover Contributions or 457 Transfers from an eligible deferred compensation plan under Section 457(b) of the Code may be held in separately designated and maintained Rollover Accounts for 457(b) Rollover Contributions; *provided* that any such amounts from a Qualified Roth Contribution Program and any such amounts not from a Qualified Roth Contribution Program shall be segregated and held in separately designated and maintained 457(b) Rollover Accounts.

5.3 Form of 457 Transfer or Rollover Contribution. Each 457 Transfer and Rollover Contribution shall consist only of (i) cash and (ii) to the extent that the Employer has resolved to adopt a loan program pursuant to Section 7.3 of Schedule A, solely with respect to 457 Transfers and Rollover Contributions from another eligible deferred compensation plan under Section 457 of the Code maintained by a Public Employer or the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions, any outstanding loan to the applicable Account Participant under the transferring or distributing 457 plan, *provided* that (A) such outstanding loan will be subject to the same terms and conditions as in place under the transferring or distributing 457 plan, (B) an Account Participant may not make a Rollover Contribution that includes an outstanding loan unless the entire amount of such Account Participant's plan benefit under the transferring or distributing 457 plan is contributed into the Plan, (C) the source of the outstanding loan disbursement under the transferring or distributing 457 plan must have been from before-tax deferrals, and (D) the Account Participant does not have a loan outstanding, or a defaulted loan that has not yet been repaid, under the Plan at the time of the 457 Transfer or Rollover Contribution.

5.4 Rollover of Assets to Purchase Retirement Service Credit. With respect to trustee-to-trustee transfers, a Participant or Beneficiary may elect, in accordance with procedures established by the Committee, to have all or any portion of the value of his or her Account transferred to the trustee of a defined benefit governmental plan as described in Section 414(d) of the Code; *provided, however*, that such transfer is for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under such plan or a repayment of contributions and earnings with respect to a forfeiture of service under such plan.

SECTION 6
ACCOUNTS AND RECORDS OF THE PLAN

6.1 Participant Accounts.

(a) **In General.** The Administrative Service Agency shall establish and maintain one or more Accounts for each Participant, including a Before-Tax Deferral Account, a Roth Account (to the extent applicable) and, as necessary, one or more Rollover Accounts (including a segregated Rollover Account relating to contributions from a Qualified Roth Contribution Program, to the extent applicable) with respect to each Participant. Each Account shall record the value of the portion of the Participant's Plan Benefit allocable to that Account, the value of the portion of his or her Plan Benefit, if any, that is invested in each Investment Option (both in the aggregate and by Account) and other relevant data pertaining thereto. With respect to each Participant, all Amounts Deferred or Contributed, all Section 457 Transfers and all Rollover Contributions shall be credited to his or her Before-Tax Deferral Account, Roth Account or Rollover Account, as applicable.

(b) **Written Statement.** Each Account Participant shall be furnished with a written statement of his or her Accounts (including the value of the interest he or she has, if any, in each Investment Option and the amount of and explanation for each allocation to or deduction from his or her Accounts) at least quarterly, which statement shall be delivered in a manner prescribed by the Committee.

6.2 Beneficiary Accounts. The Administrative Service Agency shall establish and maintain one or more Beneficiary Accounts, including, as applicable, separate Before-Tax Deferral Accounts, Roth Accounts (to the extent applicable), and Rollover Accounts with respect to each Beneficiary of a deceased Participant. Each such Account shall record the value of the portion of the deceased Participant's Plan Benefit allocable to each of the Beneficiary's Accounts, the value of the portion of the Plan Benefit, if any, that is invested in each Investment Option (both in the aggregate and by Account) and other relevant data pertaining thereto. Each Beneficiary shall be furnished with a written statement of his or her Accounts in the same manner set forth in Section 6.1(b).

6.3 Alternate Payee Accounts. The Administrative Service Agency shall establish and maintain one or more Alternate Payee Accounts, including, as applicable, separate Before-Tax Deferral Accounts, Roth Accounts (to the extent applicable), and Rollover Accounts with respect to each Alternate Payee. The Alternate Payee Account shall separately account for all amounts received (i) from the Participant's Rollover Account and (ii) from all amounts rolled into the Plan by a spousal Alternate Payee, pursuant to Section 5.1 or 5.2. Each such Account shall record the value of the portion of the Participant's Plan Benefit allocable to the Alternate Payee's Account, the value of the portion of the Plan Benefit, if any, that is invested in each Investment Option (both in the aggregate and by Account) and other relevant data pertaining thereto. Each Alternate Payee shall be furnished with a written statement of his or her Alternate Payee Accounts in the same manner set forth in Section 6.1(b).

6.4 Allocations and Credits. The establishment and maintenance of, or allocations and credits to, the Account of any Account Participant shall not vest in such Account Participant or

Beneficiary of a Participant any right, title or interest in and to any Trust Fund assets or Plan benefits except at the time or times and upon the terms and conditions and to the extent expressly set forth in the Plan and the Trust Agreement and, in the case of an Alternate Payee Account, the express terms of the Qualified Domestic Relations Order.

6.5 Plan Benefit and Trust Fund.

(a) Plan Benefit Defined. As of the close of each Valuation Date, the Plan Benefit of an Account Participant shall equal the aggregate value of his or her Accounts as of such Valuation Date. As of any date that is not a Valuation Date, a Participant's Plan Benefit shall be calculated in accordance with the previous sentence as of such date, but based upon the value of the Account Participant's Accounts as of the close of the most recent Valuation Date. The value of an Account as of a Valuation Date shall be calculated as of each Valuation Date in accordance with a methodology established by the Committee and reasonably and consistently applied to all similarly situated Account Participants and shall be based upon an Account Participant's aggregate deferrals and contributions to the Trust Fund and distributions and withdrawals from the Trust Fund, the investment performance of the Investment Options in which each Account has been allocated, and any fees, credits or debits allocable to each Account. As of each Valuation Date, each Account shall be adjusted to reflect all Units or dollars credited and Units or dollars distributed, withdrawn or deducted therefrom in accordance with the terms of the Plan and the Trust Agreement. The aggregate Plan Benefit of all Account Participants shall in no event exceed the value of the assets of the Trust Fund and may be less than such value to the extent of any unallocated expense, reserve or similar account maintained as part of the Trust Fund.

(b) Investment Options and Investment Funds. The Trust Fund shall be invested at the direction of Account Participants, in accordance with Section 4, in and among the Investment Options made available through the Plan from time to time by the Committee. Investment Options may include (i) one or more Investment Funds, (ii) a brokerage account or similar investment window through which Account Participants may direct the investment of their Accounts into Mutual Funds (as defined below) or other available investment products that the Committee designates as available for investment through such window, (iii) an individual participant loan fund to record the value of an outstanding loan made to a Participant in accordance with Section 7.3, and (iv) any other investment alternative that the Committee may make available through the Plan. Investment Funds may consist of open-end investment companies registered under the Investment Company Act of 1940, as amended ("Mutual Funds"), separately managed accounts, unregistered commingled funds, group or commingled trusts, or any combination thereof as approved from time to time by the Committee for the investment of the assets of the Trust Fund.

SECTION 7
WITHDRAWALS FOR UNFORESEEABLE EMERGENCIES; WITHDRAWALS
OF SMALL AMOUNTS; LOANS

7.1 Distribution for an Unforeseeable Emergency.

(a) Amount of Distribution for an Unforeseeable Emergency. Upon a showing by a Participant of an Unforeseeable Emergency, the Administrative Service Agency may, permit a payment to be made to the Participant in an amount which does not exceed the lesser of (i) the amount reasonably needed to meet the financial need created by such Unforeseeable Emergency, including estimated income taxes and (ii) an amount which, together with any prior distribution or withdrawal, does not exceed the value of the Participant's Plan Benefit determined as of the most recent Valuation Date. Any such payment shall be made from the Trust Fund by the Trustee upon the direction of the Administrative Service Agency and shall be withdrawn by the Trustee pro rata from the Investment Funds in which the Participant has an interest, unless the Participant specifies in the request for such a payment the portion of the total amount to be withdrawn by the Trustee from each Investment Fund. The Participant shall designate the amount of the distribution that will come from his or her Before-Tax Deferral Account and from his or her Roth Account in accordance with procedures established by the Administrative Service Agency. All payments shall be made in one lump cash sum within sixty days after approval of the request.

(b) Evidence of Other Relief. A Participant must provide evidence that the amount requested for an Unforeseeable Emergency may not be fully relieved (i) through reimbursement or compensation by insurance or otherwise, (ii) by liquidation of a Participant's other non-Plan assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or (iii) by cessation of deferrals and contributions under the Plan.

7.2 Distribution from a Small Inactive Account.

(a) Elective Distribution. An Account Participant with a Plan Benefit, not including the amount in the Participant's Rollover Accounts, of \$5,000 or less (or such greater amount as may be permitted by Section 401(a)(11) of the Code) may elect at any time to receive a lump sum distribution, not to exceed \$5,000 of his or her Account and Rollover Account, which distribution will be made in accordance with procedures established by the Administrative Service Agency, *provided* that both of the following conditions have been met:

- (i) there has been no Amount Deferred or Contributed by such Participant during the two-year period ending on the date of distribution; and
- (ii) there has been no prior distribution made to such Participant pursuant to this Section 7.2.

(b) Automatic Distribution. With respect to a Participant or an Alternate Payee whose Plan Benefit, including any amounts attributable to an in-Plan Rollover Contribution to a Roth Account pursuant to Section ~~Error! Reference source not found.~~, but not including any amounts in the Participant or Alternate Payee's Rollover Accounts, does not exceed the amount set forth in Section 7.2(a), if and to the extent that the Committee has resolved to provide for

automatic distributions pursuant to Section 7.2(b) of Schedule A, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account as soon as practicable, to the extent provided in Section 7.2(b) of Schedule A: (i) following the Participant's Severance from Employment and (ii) upon an Account Participant's Plan Benefit falling below the value set forth in Section 7.2(b) of Schedule A, to the extent that the requirements of Section 7.2(a) are met; *provided, however*, that in the event any such distribution is greater than \$1,000, if the participant does not elect to have such distribution paid directly to an eligible retirement plan specified by the participant in a direct rollover or to receive the distribution directly in accordance with Section 8.1(b), then the Committee will pay the distribution in a direct rollover to an individual retirement plan designated by the Committee; and *provided further*, that such distribution shall be made in accordance with the requirements of Section 401(a)(31) of the Code.

7.3 Loans. To the extent the Committee has resolved to adopt a loan program pursuant to Section 7.3 of Schedule A, this Section 7.3 shall apply.

(a) Eligibility. Participants who are active Employees, and, if the Committee shall determine, Participants who are on an approved leave of absence from their Employer, shall be eligible to request a Plan loan. Each Participant shall have only one outstanding Plan loan at any time. Upon the request of a loan-eligible Participant, the Administrative Service Agency may, on such terms and conditions prescribed herein, direct the Trustee to make a Plan loan to such loan-eligible Participant.

(b) Loan Amount. The principal amount of any Plan loan shall be for an amount equal to at least \$1,000, or such other amount as the Committee shall determine, and shall not exceed the lesser of:

(i) 50% of the value of the sum of the Participant's Accounts (including his or her Before-Tax Deferral Account and Roth Account (to the extent applicable)); and

(ii) \$50,000 reduced by the highest value in the last twelve months of any loans by the Participant from the Plan and other Eligible Retirement Plans sponsored by the Employer or in which the Employer participates.

(c) Repayment Period. All Plan loans, other than those for the purpose of acquiring the dwelling unit which is, or within a reasonable time shall be, the principal residence of the Participant, shall be repaid over a non-renewable repayment period of five years. A Plan loan made for acquiring a principal residence shall be repaid over a non-renewable repayment period of up to 15 years, or such shorter term as the Committee shall determine. Any Plan loan shall be repaid in substantially equal installments of principal and accrued interest that shall be paid at least monthly or quarterly, as specified by the Committee, subject to the methods and procedures as shall be determined by the Administrative Service Agency.

(d) Rate of Interest. Each Plan loan granted shall bear a rate of interest equal to one percentage point above the prime interest rate as published in the Wall Street Journal on the last

Business Day of the month preceding the application for the loan, or such other reasonable rate of interest as the Committee shall determine.

(e) Source of Loans; Security. A Plan loan shall be made only from the Before-Tax Deferral Account or, if applicable, Rollover Accounts relating to Rollover Contributions of before-tax deferrals. All Plan loans shall be made from the Trust Fund and notes evidencing such obligations shall be considered assets of the Trust Fund and shall be treated as a separate loan investment fund for purposes of determining the value as of any Valuation Date of a Participant's Accounts. All Plan loans shall be secured, as of the date of the Plan loan, by the sum of (i) the Participant's Before-Tax Deferral Account and Roth Account (to the extent applicable) and (ii) the Participant's Rollover Accounts, if applicable, *provided, however*, that no more than 50% of the aggregate value of such Participant's Accounts shall be used as security for the Plan loan.

(f) Default. If a Participant fails to make any scheduled repayment of his or her Plan loan within the Loan Grace Period, such Participant shall be considered in default and the Administrative Service Agency shall declare a deemed distribution to have occurred with respect to such Plan loan, effective as of the date of the default and shall reduce the value of the Participant's Plan Benefit by the amount of the deemed distribution. Notwithstanding anything in Section 7.3 to the contrary, a Participant who has defaulted on a loan made under the Plan shall not be eligible to obtain another loan hereunder until the defaulted loan and accrued interest has been repaid, and the new loan shall be subject to any other limitations required under Section 1.72(p) of the Treasury Regulations.

(g) Outstanding Loans. An outstanding loan shall include (i) any loan that is being repaid in compliance with Section 7.3 until repaid in full and (ii) any loan that is considered in default until subsequently repaid in full.

(h) Administration and Fees. The Committee may establish or change from time to time the standards or requirements for making any Plan loan, including assessing an administrative fee against the Participant or the Participant's Account for such Plan loan.

7.4 Death Prior to Distribution of Proceeds. If a Participant dies prior to the payment of any withdrawal for an Unforeseeable Emergency, distribution of a small inactive account or disbursement of the proceeds of any Plan loan, the Participant's withdrawal, distribution or loan request shall be void as of the date of death and no withdrawal, distribution or disbursement shall be made by operation of Section 7 to the Participant's Beneficiary or estate.

SECTION 8
DISTRIBUTIONS FROM THE PLAN AND OTHER ELIGIBLE RETIREMENT PLANS

8.1 Distributions to Participants.

(a) Eligibility for Distribution. A Participant will become eligible to receive a distribution of his Plan Benefit upon the occurrence of any of the following events: (i) the Participant's Severance from Employment with the Employer; (ii) the Participant's attainment of age 70½; provided, however, that for purposes of this Section 8, a Participant will be deemed to have had a Severance from Employment during any period he or she is performing service in the uniformed services described in Section 3401(h)(2)(A) of the Code; . Except as otherwise provided in Section 7, a Participant may not receive distribution of his or her Plan Benefit at any time prior to the occurrence of one of the foregoing events.

(b) Distributions to Participants. Upon a Participant's eligibility for a distribution pursuant to Section 8.1(a), the Participant shall be entitled to receive his or her Plan Benefit, which shall be paid in cash by the Trustee from the Trust Fund in accordance with one of the methods described in Section 8.1(c) and as of the commencement date elected by the Participant in accordance with the procedures prescribed Section 8.1(e).

(c) Distribution Options. Subject to Section 8.6, any payment made under this section shall be made in one of the following methods, as the Participant (or, in the case of the death of a Participant, his or her Beneficiary) may elect any of the following:

(i) A total or partial lump sum payment. Any partial lump sum payment shall be an amount of at least the Minimum Lump Sum Amount, and the number of partial lump sum payments in any Plan Year may not exceed the Maximum Annual Number of Partial Distributions.

(ii) Periodic monthly, quarterly, semi-annual or annual installment payments; *provided, however,* that a Participant (or, in the case of the death of a Participant, his or her Beneficiary) may elect to receive (A) an initial installment payment in a specified amount and (B) the balance of his or her Account in periodic monthly, quarterly, semi-annual or annual installment payments. Any installment payment made pursuant to Section 8.1(c)(ii) shall be at least the Minimum Installment Amount. If the balance of the Participant's Account and Rollover Account is less than such amount, then the payment will equal the total amount of the Participant's Account and Rollover Account. Installment payments may consist of (A) fixed amounts paid on each payment date as designated by the Participant (or in the case of the death of a Participant, his or her Beneficiary), or (B) formulaic amounts determined by the Administrative Service Agency, based on a fixed period designated by the Participant (or in the case of the death of a Participant, his or her Beneficiary), calculated by dividing the Plan Benefit on the date of the payment by the number of payments remaining during the fixed period.

(iii) A Participant who elects to receive installment payments or who is currently receiving installment payments pursuant to Section 8.1(c)(ii) may elect, subject to any limitations set forth by the Committee and in accordance with procedures established by the Administrative Service Agency, to receive a portion of his or her Account distributed in a lump sum; *provided, however*, that no lump sum payment shall be less than the Minimum Lump Sum Amount; and *provided further*, that the number of such elections in any Plan Year may not exceed the Maximum Annual Number of Partial Distributions, as set forth in Section 8.1(c) of Schedule A. Such lump sum payments shall not result in a discontinuation of subsequent installment payments; *provided, however*, that such subsequent payments may be redetermined in accordance with methods and procedures established by the Administrative Service Agency.

(iv) A Participant who is an eligible retired public safety officer, as defined in Section 402(l) of the Code, may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have up to \$3,000 per year (or such greater amount as may be permitted under applicable guidance issued by the Internal Revenue Service) of amounts from his or her Before-Tax Deferral Account distributable under the Plan used to pay qualified health insurance premiums for an accident or health plan or long-term care insurance contract covering the Participant and his or her spouse and dependents. Such amounts are excludible from the Participant's gross income to the extent the qualified health insurance premiums are paid directly to the provider of the accident or health plan or long-term care insurance contract (determined in accordance with Section 402(l) of the Code) by deduction from a distribution to the Plan.

(v) For each distribution election under Section 8.1(c), a Participant shall designate the percentage of each distribution that will come from his or her Before-Tax Deferral Account and the percentage that will come from his or her Roth Account (to the extent applicable). For the avoidance of doubt, for purposes of the limitations and restrictions described in this Section 8.1(c), each distribution election made by a Participant and each payment made in accordance thereto shall be deemed to be one election and one payment, even if payment is made both from the Participant's Before-Tax Deferral Account and from his or her Roth Account (to the extent applicable).

Notwithstanding the foregoing, a Participant may not elect an installment period extending beyond the longest of (A) his or her life expectancy, (B) if his or her designated Beneficiary is his or her Spouse, the life expectancy of the Participant and his or her Spouse and (C) if his designated Beneficiary is not his or her Spouse, the life expectancy determined using the applicable table contained in the applicable Treasury Regulation.

(d) Calculation of Payments.

(i) If a Participant elects a total lump sum payment, pursuant to Section 8.1(c)(i), the Participant's Plan Benefit shall be determined as of the Valuation Date coincident with or last preceding the date on which the Plan Benefit is

withdrawn from the Investment Options and liquidated for distribution. Such liquidated amount (i) shall be held in the Trust Fund in a payment account maintained by the Trustee for this purpose and (ii) shall not be credited with interest or investment gains or losses following the date of liquidation.

(ii) If a Participant elects to receive a partial lump sum payment pursuant to Section 8.1(c)(i) or (iii), installment payments pursuant to Section 8.1(c)(i), or payment of qualified health insurance premiums for an accident or health plan or long-term care insurance contract covering the Participant and his or her spouse and dependents pursuant to paragraph Section 8.1(c)(iv), any remaining balance in such Participant's Accounts shall continue to participate in the investment performance of the Investment Options in which such amounts are invested and to bear its allocable share of administrative and investment expenses until the Valuation Date coincident with or last preceding the date on which such Plan Benefit amounts are withdrawn from the Investment Funds and liquidated for distribution; *provided, however*, that the amount of the installments need not be redetermined to reflect changes in the value of the Account more frequently than annually. All such redeterminations shall be made by the Administrative Service Agency in accordance with procedures of uniform application. Any amount liquidated for purposes of an installment payment (i) shall be held in the Trust Fund in a payment account maintained by the Trustee for this purpose and (ii) shall not be credited with interest or investment gains or losses following the date of liquidation.

(e) Distribution Election. In the case of the Participant's Severance from Employment with the Employer, a distribution election made by the Participant shall specify the form of payment as provided in Section 8.1(c) and the date on which payments shall commence; *provided, however*, that any such payments that would result in an account balance of less than \$500 may not commence earlier than at the end of the Distribution Waiting Period; *provided, further* that the timing of any distribution must be in compliance with Section 8.6. Subject to Section 8.6, a Participant who is receiving distributions under the Plan may change both the timing and the method of payment elected subject to any limitations set forth by the Committee and in accordance with procedures established by the Administrative Service Agency.

(f) Rollover Accounts. Notwithstanding any other provision of Section 8.1, a Participant who has one or more Rollover Accounts shall be permitted to withdraw all or any portion of such Rollover Accounts at any time during a Plan Year; *provided* that such withdrawal shall be paid pursuant to a method of payment elected by the Participant in accordance with Section 8.1(c) and the value of such Rollover Accounts shall be determined in accordance with Section 8.1(d).

8.2 Distributions to Beneficiaries. If a Participant dies before distribution of his or her Plan Benefit has commenced, a distribution election made by the Beneficiary shall specify the form of payment as provided in Section 8.1(c) and the date on which payments shall commence. If a Participant dies at any time before his or her entire Plan Benefit has been distributed, then the Participant's Beneficiary may make subsequent distribution elections as provided in Section 8.1(c). Notwithstanding the foregoing, any distribution to a Beneficiary shall be made in

accordance with the provisions of Section 401(a)(9) of the Code and subject to Sections 8.6(d) and (e).

8.3 Distributions to Alternate Payees. A distribution to an Alternate Payee may be paid in a single lump sum as soon as practicable following the qualification of the Qualified Domestic Relations Order and the close of all appeals to the Qualified Domestic Relations Order if the Alternate Payee consents to such lump sum distribution. In the event that the Alternate Payee does not consent to receive his or her distribution in a single lump sum as soon as practicable following the qualification of the Qualified Domestic Relations Order, the Alternate Payee may make an election to receive a distribution any time after the Earliest Retirement Date, subject to any requirements of Section 401(a)(9) of the Code and Section 8.1(c), by filing a distribution election specifying the form of payment as provided in Section 8.6 and the date on which payments shall commence.

8.4 Eligible Rollover Distributions.

(a) **Participant Rollover Distributions.** In connection with a Participant's Severance from Employment, the Distributee may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have all or any portion of the Participant's Accounts that qualifies as an Eligible Rollover Distribution paid directly to the trustee of an Eligible Retirement Plan; *provided* that such other plan provides for the acceptance of such amounts by the trustee. The Plan shall provide written information to Distributees regarding Eligible Rollover Distributions to the extent required by Section 402(f) of the Code.

(b) **Beneficiary Rollover Distributions.** Upon a Participant's death, a Beneficiary may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have all or any portion of the Participant's Accounts that qualifies as an Eligible Rollover Distribution paid directly to the trustee of an individual retirement arrangement (as defined in Section 7701(a)(37) of the Code) that is established for the purpose of receiving the distribution on behalf of such Beneficiary.

(c) **Roth IRA Rollover Distribution.** In connection with a Participant's Severance from Employment or upon a Participant's death, as the case may be, a Participant or a Beneficiary may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have all or any portion of the Participant's Accounts that qualifies as an Eligible Rollover Distribution rolled over to a Roth individual retirement arrangement (as defined in Section 7701(a)(37) of the Code, and designated as a Roth arrangement at the time of its establishment). Such amounts will be included in gross income as if the distribution had been made to such Participant or Beneficiary.

8.5 Withholding. The Trustee shall withhold or cause to be withheld from any amounts withdrawn or distributed all federal, state, city or other taxes as shall be required pursuant to any law or governmental ruling or regulation, including Treasury Regulations.

8.6 Required Minimum Distributions.

(a) In General. Notwithstanding any other provision of the Plan to the contrary (except Section 8.6(b)), all distributions under the Plan shall be in accordance with the minimum distribution and timing requirements of Section 401(a)(9) of the Code (including the incidental death benefit requirements of Section 401(a)(9)(G) of the Code) and the final Treasury regulations under Sections 1.401(a)(9)-2 through 1.401(a)(9)-9, which are incorporated herein by reference. Such provisions shall override any distribution options in the Plan that may be inconsistent with Section 401(a)(9) of the Code. Any distributions made pursuant to this Section 8.6 in order to comply with Section 401(a)(9) of the Code shall be charged against the Account or Accounts of the Account Participant in such manner as designated by the Account Participant in accordance with procedures established by the Administrative Service Agency; *provided, however,* that if no such designation is made, such distributions shall be charged first against the Before-Tax Deferral Account, second against the Roth Account (to the extent applicable), third against the Rollover Account or Rollover Accounts not relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program, and fourth against the Rollover Account or Rollover Accounts relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program

(b) 2009 Waiver. Notwithstanding anything to the contrary in Section 8.6, an Account Participant who would have been required to receive required minimum distributions for 2009 but for the enactment of Section 401(a)(9)(H) of the Code ("2009 RMDs"), and who would have satisfied that requirement by receiving distributions that are (i) equal to the 2009 RMDs or (ii) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's Beneficiary, or for a period of at least 10 years, will not receive those distributions for 2009 unless the Participant or Beneficiary chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence.

(c) Distributions During Participant's Life. The Plan Benefit of a Participant shall be distributed (or commence to be distributed) to such Participant as soon as practicable after the Required Beginning Date. If the Participant has not made an election pursuant to Section 8.1(c) prior to such Required Beginning Date, then the Plan Benefit shall be distributed in the form of installment payments commencing on the Required Beginning Date.

(d) Death of a Participant Before the Required Beginning Date.

(i) If a Participant dies before his Required Beginning Date, the remaining portion (if any) of such Participant's Plan Benefit shall be distributed to his or her Beneficiary (or if the Participant has no Beneficiary, his or her Surviving Spouse or estate, as determined under Section 9.2) no later than December 31 of the calendar year containing the fifth anniversary of the Participant's death (determined without regard to 2009), except as set forth in Sections 8.6(d)(i)(a) or (a) as follows:

(a) The Beneficiary may elect to receive a distribution of the Plan Benefit over a period not exceeding the life expectancy of the Beneficiary;

provided that the distribution commences no later than December 31 of the calendar year immediately following the calendar year in which the Participant dies; or

(b) If the sole Beneficiary is the Participant's Surviving Spouse, such Surviving Spouse may elect to receive a distribution of the Account over a period not exceeding the life expectancy of the Surviving Spouse (determined as of the date such payments commence); *provided* that the distribution commences on or before the later of December 31 of the calendar year immediately following the calendar year in which the Participant dies or December 31 of the calendar year in which the Participant would have attained age 70 ½; *provided, further*, that if the Surviving Spouse dies after the Participant but before distributions to the Surviving Spouse commence, Section 8.6(d) (with the exception of Section 8.6(d)(i)(a)) shall apply as if the Surviving Spouse were the Participant.

(ii) The Beneficiary may elect to receive payment of the Plan Benefit as a lump sum or in annual, monthly or quarterly installment payments.

(e) Death After Required Beginning Date and After Commencement of Distributions.

If a Participant dies on or after the Required Beginning Date, but before his or her entire Plan Benefit is distributed to him or her, the unpaid portion of his or her Plan Account shall be distributed as follows:

(i) If the Participant has a designated Beneficiary, the longer of the remaining life expectancy of the Participant's Beneficiary and the remaining life expectancy of the Participant determined in accordance with Section 1.409(a)(9)-5 of the Treasury Regulations; or

(ii) If the Participant does not have a designated Beneficiary, the remaining life expectancy of the Participant determined in accordance with Section 1.409(a)(9)-5 of the Treasury Regulations;

provided, however, that if a Beneficiary so elects, the Participant's remaining Plan Benefit may be paid to the Beneficiary at any time in a lump sum so long as the entire Plan Benefit is paid at least as rapidly as it would be paid under Section 8.6(e)(i).

(f) Alternate Payee Accounts. In the case of any Alternate Payee Account, payments to the Alternate Payee must be made in accordance with the Plan and Section 401(a)(9) of the Code.

8.7 Special Proceeds. If the Plan receives Special Proceeds (as defined below) that are allocable to an Account Participant who has received a final distribution of his or her entire Plan Benefit, then the Plan shall distribute such Special Proceeds to the former Participant, Beneficiary, or Alternate Payee (or in accordance with Section 9.2, if the Participant is deceased and no Beneficiary designation was in effect at the time of the Participant's death, or to the estate of Beneficiary or Alternate Payee, as applicable, if such person is deceased) in a lump sum as

soon as practicable after the Plan receives such Special Proceeds unless, at the time of such mandatory distribution, the value of such distribution would exceed \$1,000. For purposes of Section 8.7, "Special Proceeds" means amounts attributable to a settlement of any dispute or controversy related to any of the assets previously attributable to any Account of the former Participant, Beneficiary, or Alternate Payee or any other amounts allocable under the Plan to a former Participant, Beneficiary, or Alternate Payee relating to an adjustment to the amount or value of any such Account.

8.8 In-Plan Rollover to Roth Account.

- (a) A Participant who has not severed employment or a spousal Alternate Payee would be permitted to have all or any portion of the Participant's Plan Benefit not otherwise distributable under the Plan, and not attributable to Roth Contributions or outstanding loans, directly rolled over into a separately maintained Account within his or her Roth Account. Any such amounts will be included in gross income as if the distribution had been made to such Participant or spousal Alternate Payee. After a Participant or spousal Alternate Payee has made an in-Plan rollover into a Roth Account, such Participant or spousal Alternate Payee may elect to take distributions from such Account in accordance with Sections 8.1 or 8.3.
- (b) Upon any distribution event pursuant to which a Participant, a Beneficiary who is a Participant's Surviving Spouse or a spousal Alternate Payee would be permitted to have all or any portion of the Participant's Plan Benefit that qualifies as an Eligible Rollover Distribution rolled over into another Eligible Retirement Plan, such Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee may elect to have the portion of such Eligible Rollover Distribution that is not attributable to Roth Contributions or outstanding loans directly rolled over into a separately maintained Account within his or her Roth Account. Any such amounts will be included in gross income as if the distribution had been made to such Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee. After a Participant, Beneficiary who is a Participant's Surviving Spouse or spouse Alternate Payee has made an in-Plan rollover into a Roth Account, such Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee may elect to take distributions from such Account in accordance with any of the distribution options set forth in Section 8.1(c).
- (c) The provisions in Section 8.8 shall be administered in accordance with procedures established by the Administrative Service Agency and shall be interpreted and administered in accordance with and subject to Section 402A(c)(4) of the Code and any rules, regulations or other guidance issued by the Internal Revenue Service in relation thereto.

SECTION 9
DESIGNATION OF BENEFICIARIES

9.1 Written Designation of Beneficiaries. Each Participant shall file with the Administrative Service Agency a written designation of one or more persons as the Beneficiary who shall be entitled to receive the Plan Benefit, if any, payable under the Plan upon his or her death. A Participant may from time to time revoke or change his or her Beneficiary designation without the consent of any prior Beneficiary by filing a new written designation with the Administrative Service Agency. The last such designation received by the Administrative Service Agency "in good order" shall be controlling; *provided, however*, that no designation or change or revocation thereof shall be effective unless received by the Administrative Service Agency in good order prior to the Participant's death, and in no event shall it be effective as of a date prior to such receipt. For purposes of Section 9, a Beneficiary designation shall be deemed to be received in good order only if the Administrative Service Agency can reasonably identify the Beneficiary or Beneficiaries named in the designation.

9.2 No Beneficiaries Designated. (a) If no such Beneficiary designation is in effect at the time of a Participant's death, or if no designated Beneficiary survives the Participant, or if no designated Beneficiary can be located with reasonable diligence by the Administrative Service Agency, the payment of the Plan Benefit, if any, payable under the Plan upon the Participant's death shall be made by the Trustee from the Trust Fund to the Participant's Surviving Spouse, if any, or if the Participant has no Surviving Spouse, or the Surviving Spouse cannot be located with reasonable diligence by the Administrative Service Agency, then to the deceased Participant's estate. If the Administrative Service Agency is in doubt as to the right or entitlement of any person to receive such amount, the Administrative Service Agency shall inform the Committee and the Trustee, and the Trustee may retain such amount, without liability for any interest thereon, until the rights thereto are determined, or the Trustee may pay such amount into any court of appropriate jurisdiction or to any other person pursuant to applicable law and such payment shall be a complete discharge of the liability of the Trustee, Plan, Committee, Employer, Administrative Service Agency and Financial Organizations.

(b) If the Beneficiary so designated by the Participant dies after the death of the Participant but prior to receiving a complete distribution of the amount that would have been paid to such Beneficiary had such Beneficiary's death not then occurred, then, for purposes of the Plan, the distribution that would otherwise have been received by such Beneficiary shall be paid to the Beneficiary's estate.

9.3 Surviving Spouse. Notwithstanding Section 9.2, a Beneficiary who is a Surviving Spouse of the Participant may designate a subsequent Beneficiary, subject to the same filing requirements of Section 9.1, to the extent permitted under Section 401(a)(9) of the Code. To the extent such Surviving Spouse is not permitted or does not elect to designate a subsequent Beneficiary pursuant to the preceding sentence, and the Surviving Spouse dies prior to receiving a complete distribution of the amount that would have been paid to such Surviving Spouse had such Surviving Spouse's death not then occurred, then, for purposes of the Plan, the distribution that would otherwise have been received by such Surviving Spouse shall be paid to the Surviving Spouse's estate.

SECTION 10
QUALIFIED DOMESTIC RELATIONS ORDERS

10.1 Qualified Domestic Relations Order. Payments with respect to a Participant's Plan Benefit may be made by the Trustee from the Trust Fund to one or more Alternate Payees pursuant to the terms of a Qualified Domestic Relations Order. Upon segregation of the assets payable to an Alternate Payee in an Alternate Payee Account or the payment of such benefits to the Alternate Payee, any such amounts paid or segregated shall no longer constitute part of the Participant's Plan Benefit. No liability whatsoever shall be incurred by the Committee, the Trustee, the Employer, the Administrative Service Agency, the Review Committee or any Financial Organization solely by reason of any act or omission undertaken in accordance with this section to comply with the terms of a Qualified Domestic Relations Order.

10.2 Suspension of Distributions During Claim Period. Subject to the discretion of the Administrative Service Agency or the Committee, no distribution of any Plan Benefit shall be permitted in any period during which a purported Qualified Domestic Relations Order claim, against all or part of such Plan Benefit, is being reviewed in accordance with the provisions of Section 11.8. If the Administrative Service Agency reasonably believes that a purported Qualified Domestic Relations Order against all or part of any Plan Benefit is likely to be asserted, the Committee may refuse to permit any distribution of all or part of such Plan Benefit pending determination of such claim.

**SECTION 11
ADMINISTRATION**

11.1 **Plan Administration.** Except as otherwise provided herein, the operation and administration of the Plan shall be the responsibility of the Committee and the Committee shall have all of the broad, general authority necessary or advisable to operate and administer the Plan. The Committee shall have the power and the duty to take all action and to make all decisions necessary or proper to carry out its responsibilities under the Plan. All determinations of the Committee as to any question involving its responsibilities under the Plan, including, interpretation of the Plan or as to any discretionary actions to be taken under the Plan, shall be solely in the Committee's discretion and shall be final, conclusive and binding on all parties.

11.2 **Committee Powers and Duties.** Without limiting the generality of the foregoing, the Committee shall have the following powers and duties:

- (a) to require any person to furnish such information as it may request for the purpose of the proper administration of the Plan as a condition to receiving any benefit under the Plan;
- (b) to make and enforce such rules and regulations and prescribe the use of such forms as it shall deem necessary for the efficient administration of the Plan;
- (c) to interpret the Plan and to resolve ambiguities, inconsistencies and omissions in the terms of the Plan or any document related to the Plan;
- (d) to decide all questions concerning the Plan and the eligibility of any Employee or other individual to participate in the Plan;
- (e) to determine the amount of benefits which shall be payable to any person in accordance with the provisions of the Plan;
- (f) to enlarge or diminish any applicable time period set forth in the Plan, subject to applicable law; and
- (g) to determine the methods and procedures for the implementation and use of any automated telephone, computer, internet, intranet or other electronic or automated system adopted by the Committee for purposes of Plan administration, including, for receiving and processing enrollments and instructions with respect to the investment of assets allocated to an Account Participant's Accounts and for such other purposes as may be designated from time to time.

11.3 **Limitation of Liability.** Except as may be prohibited by applicable law, neither the Committee nor any member thereof shall be liable for (a) anything done or omitted to be done by it or by them unless the act or omission claimed to be the basis for liability amounted to a failure to act in good faith or was due to gross negligence or willful misconduct; (b) the payment of any amount under the Plan; or (c) any judgment or reasonable mistake of fact made by it or on its behalf by a member of the Committee. No member of the Committee shall be personally liable under any contract, agreement, bond or other instrument made or executed by him or her or on his or her behalf in connection with the Plan or Trust Fund.

11.4 Trustee. The Trustee shall have responsibility for the custody and safekeeping of the assets of the Plan and the Trust Fund and the valuation of such assets in accordance with the terms of the Trust Agreement and, in conjunction with the Administrative Service Agency, shall be responsible for implementing the aggregated investment decisions of Participants and beneficiaries by allocating the Plan assets to the various Investment Options. The Committee shall periodically review the performance and methods of the Trustee and the Committee may, subject to the terms of the Trust Agreement, appoint and remove or change the Trustee at any time for any reason or for no stated reason. If the Trust Agreement so provides, the Trustee may also serve as the Administrative Service Agency and perform the record keeping services normally performed by a third party Administrative Service Agency or may provide the services normally provided by a Financial Organization, provided that the Trustee otherwise qualifies as an Administrative Service Agency or a Financial Organization, as the case may be.

11.5 Financial Organizations. The Committee shall have the power to appoint or remove one or more Financial Organizations and to delegate to such Financial Organization(s) authority and discretion to manage (including the power to acquire and dispose of) the assets of the Plan and Trust Fund in accordance with the Regulations and the Plan. The Committee shall periodically review the performance and methods of such Financial Organization(s). The Committee has the right to (i) replace any Financial Organization or Investment Option with a successor Financial Organization or Investment Option or (ii) to select any additional Financial Organization or Investment Option.

11.6 Delegation. The Committee may delegate its general authority as it deems appropriate in accordance with the terms of the Plan and all applicable Code sections; *provided, however*, that such delegation shall be subject to revocation at any time at the discretion of the Committee. Notwithstanding any other provision of the Plan, the Committee's general authority shall include the right to review, revise, modify, revoke, or vacate any decision made or action taken by any party under the Plan to whom authority of the Committee has been delegated or to whom authority with respect to the administration of the Plan or the custody and investment of the assets of the Trust Fund has been delegated or assigned under the terms of the Plan, by the Committee or otherwise. The rights of the Committee under Section 11.6 include, the right to review, revise, modify, revoke, or vacate any decision of the Administrative Service Agency or the Review.

11.7 Plan Expenses.

(a) Assessment Against the Trust Fund. Subject to 11.7(b), the expenses of administering the Plan, including (i) the fees and expenses of the Financial Organizations and Administrative Service Agency for the performance of their duties under the Plan, including any fees and expenses associated with a change, termination or addition of an Investment Option, (ii) the fees, if any, of any member of the Committee and any Trustee and the expenses incurred by the Committee or any of its members or any Trustee in the performance of their duties under the Plan (including reasonable compensation for any legal counsel, certified public accountants, consultants, and agents, employees of the Committee and cost of services rendered in respect of the Plan and the Trust Agreement (as provided therein)), and (iii) all other proper charges and disbursements of the Financial Organizations, Administrative Service Agency, the Committee or its members (including settlements of claims or legal actions approved by counsel to the Plan) or

any Trustee shall be allocated to and paid out of the assets of the Trust Fund in accordance with such allocation and payment procedures as the Committee shall establish from time to time. The Committee is authorized to levy a fee against the Accounts of Account Participants for the purpose of paying some or all of such expenses, except where the Employer elects to pay such expenses directly; *provided, however*, that any such fees shall be levied on a pro-rata basis from the Account Participant's various Accounts at any given time, including Before-Tax Deferral Accounts, Roth Accounts (to the extent applicable), Rollover Accounts not relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program, and Rollover Accounts relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program.

(b) Investment Expenses. Unless the Committee determines otherwise, brokerage fees, transfer taxes and any other expenses incident to the purchase or sale of securities for any Investment Option shall be deemed to be part of the cost of such securities, or deducted in computing the proceeds therefrom, as the case may be. The Administrative Service Agency shall appropriately deduct any taxes assessed in respect of any assets held, income received, or transactions effected under any Investment Option proportionately against any Accounts that are invested in such Investment Option.

11.8 Review of Claims.

(a) Initial Claim of Rights or Benefits and Review. Any claim to rights or benefits under the Plan, including, any purported Qualified Domestic Relations Order, or request for an Unforeseeable Emergency Withdrawal must be filed in writing with the Committee, or with such other entity as the Committee may designate. Within sixty days after receipt of such claim, the Committee, or such other entity designated by the Committee, shall notify the claimant and, if such claimant is not the Account Participant, any Account Participant against whose Plan Benefit the claim is made, that the claim has been granted or denied, in whole or in part. Notice of denial of any claim in whole or in part by the Committee, or by such other entity designated by the Committee, shall include the specific reasons for denial and notice of the rights granted by Section 11.8.

(b) Review of Decision. Any claimant or Account Participant who has received notice of denial or grant, in whole or in part, of a claim made in accordance with the foregoing Section 11.8(a) may file a written request within thirty days of receipt of such denial for review of the decision by the Review Committee. Within ninety days after receipt of such request for review, the Review Committee shall notify the claimant and, as applicable, the Account Participant, that the claim has been granted or denied, in whole or in part; *provided, however*, that the Review Committee may in its discretion extend such period by up to an additional 120 days upon notice to the claimant and, as applicable, the Account Participant, prior to expiration of the original ninety days that such additional period is needed for proper review of the claim. Notice of denial of any claim in whole or in part by the Review Committee shall include the specific reasons for denial and shall be final, binding and conclusive on all interested persons for all purposes.

11.9 Advisers. The Committee shall arrange for the engagement of legal counsel and certified public accountants, who may be counsel or accountants for the Employer, and other consultants, including an investment adviser, and make use of agents and clerical or other personnel, for

purposes of this Plan. The Committee may rely upon the written opinions of counsel, accountants and consultants, and upon any information supplied by the Trustee, a Financial Organization or Administrative Service Agency appointed in accordance with the Regulations.

11.10 Limitation on Committee Power. No member of the Committee shall be entitled to act on or decide any matters relating solely to such member or any of his or her rights or benefits under the Plan.

11.11 Committee Action. All actions of the Committee shall be taken at a public meeting in accordance with Article 7 of the Public Officers Law. The Committee shall establish its own procedures and the time and place for its meetings and provide for the keeping of minutes of all meetings.

11.12 General Requirements. Notwithstanding any other provision hereof, the Plan shall at all times be operated in accordance with the requirements of applicable law, including, the Regulations.

SECTION 12
AMENDMENT OR TERMINATION

12.1 Power to Amend and Terminate. Subject to any requirements of State or federal law, the Employer reserves the right at any time and with or without prior notice to any person to amend, suspend or terminate the Plan, to eliminate future deferrals and contributions for existing Participants, or to limit participation to existing Participants, in whole or in part and for any reason and without the consent of any Employee, Account Participant, Beneficiary or other person. No amendment, suspension or termination of any provisions of the Plan or any deferrals or contributions thereunder, the Trust Agreement or any Investment Option may be made retroactively, unless such retroactivity is allowed under State law, the Code and other applicable law.

12.2 Termination of Plan. Upon any action by the Employer to initiate a Plan termination, the Employer shall permit no further deferrals or contributions of Compensation under the Plan, and the Plan termination shall become effective upon the distribution of all Plan Benefits. After taking an action to initiate a Plan termination, the Employer may distribute all Plan Benefits to Account Participants or the Employer may provide that Plan Benefits and other interests in the Trust Fund shall continue to be payable as provided in the Plan. Any distributions, transfers or other dispositions of the Plan Benefits as provided in the Plan shall constitute a complete discharge of all liabilities under the Plan. The Committee and the Trustee(s) shall remain in existence and the Trust Agreement and all of the provisions of the Plan that the Employer determines are necessary or advisable for the administration and distribution, transfer or other disposition of interests in the Trust Fund shall remain in force.

**SECTION 13
GENERAL LIMITATIONS AND PROVISIONS**

13.1 Plan Binding on Account Participants. The Plan, as duly amended from time to time, shall be binding on each Account Participant and his or her Surviving Spouse, heirs, administrators, trustees, successors, assigns, and Beneficiaries and all other interested persons.

13.2 No Right to Employment. Nothing contained herein shall give any individual the right to be retained in the employment of the Employer or affect the right of the Employer to terminate any individual's employment. The adoption and maintenance of the Plan shall not constitute a contract between the Employer and any individual or consideration for, or an inducement to or condition of, the employment of any individual.

13.3 Incapacitation or Incompetence. If the Administrative Service Agency shall find that any person to whom any amount is payable under the Plan is unable to care for his or her affairs, is a minor, or has died, then any payment due to such person or his or her estate (unless a prior claim therefor has been made by a Beneficiary, Surviving Spouse or duly appointed legal representative or the time period during which a Beneficiary or Surviving Spouse could make a claim under the Plan has not elapsed) may, if the Administrative Service Agency so elects, be paid to his or her spouse, a child, a relative, or any other person maintaining or having custody of such person otherwise entitled to payment or deemed by the Trustee to be a proper recipient on behalf of such person. Any such payment shall be a complete discharge of all liability under the Plan therefor.

13.4 No Alienation of Plan Benefits. Except insofar as may otherwise be required by a Qualified Domestic Relations Order or applicable law, no amount payable at any time under the Plan shall be subject in any manner to alienation by anticipation, sale, transfer, assignment, bankruptcy, pledge, attachment, garnishment, charge or encumbrance of any kind, and any attempt to so alienate such amount, whether presently or thereafter payable, shall be void.

13.5 Notices to the Committee. All elections, designations, requests, notices, instructions, and other communications from the Employer, an Employee, an Account Participant, or any other person to the Committee, Administrative Service Agency or the Employer required or permitted under the Plan shall be in such form as is prescribed by the Committee, shall be mailed by first class mail or delivered electronically in such a form and to such location as shall be prescribed by the Committee from time to time, and shall be deemed to have been given and delivered only upon actual receipt thereof at such location. Copies of all elections, designations, requests, notices, instructions and other communications from an Employee, a Participant, a Beneficiary, a Surviving Spouse or any other person to the Employer shall be promptly filed with the Administrative Service Agency in such a manner specified by the Administrative Service Agency.

13.6 Notices to Participants. All notices, statements, reports and other communications from an Employer, the Trustee or the Committee to any Account Participant, shall be deemed to have been duly given when delivered to, or when mailed by electronic delivery or other form of delivery approved by the Committee or by first class mail, postage prepaid and addressed to such Employee, Account Participant, Beneficiary, Surviving Spouse or other person at his or her

address last appearing on the records of the Administrative Service Agency, the Trustee or the Employer.

13.7 Trust Sole Source of Plan Benefits. The Trust Fund shall be the sole source of benefits under the Plan and, except as otherwise required by applicable law, neither the Committee, the Employer nor any officer or employee of an Employer assume any liability or responsibility for payment of such benefits, and each Account Participant, his or her spouse or Beneficiary, or other person who shall claim the right to any payment under the Plan shall be entitled to look only to the Trust Fund for such payment and shall not have any right, claim or demand therefor against the Committee or any member thereof, the Employer, or any officer or employee of an Employer. Nothing in Section 13.7 shall relieve an Employer of its obligation to defer or contribute Amounts Deferred or Contributed to the Trust Fund within two Business Days after the applicable payroll date, in the manner contemplated by Section 4.1.

13.8 Account Assets and Account Vesting.

(a) Account Assets Held in Trust Fund. The entire value of each Account for each Account Participant shall be held in the Trust Fund pursuant to the Trust Agreement for the exclusive benefit of the applicable Account Participant and for paying reasonable expenses of the Plan and of the Trust Fund pursuant to Section 11.7 and no part of the Trust Fund shall revert to any Employer; *provided, however,* that the setting-aside of any amounts to be held in the Trust Fund is expressly conditioned upon the following: If an amount is set aside to be held in the Trust Fund by an Employer in a manner which is inconsistent with any of the requirements of Section 457(b) of the Code, such amount shall be returned to such Employer prior to the first day of the first Plan Year commencing more than 180 days after the date of notification of such inconsistency by the Secretary of the Treasury. Any amounts so returned to the Employer, and the earnings thereon, shall be remitted to the Participants on whose behalf such amounts were set aside.

(b) Vesting. Each Account Participant shall be 100 percent vested at all times in his or her Plan Benefit.

13.9 Several Liability. The duties and responsibilities allocated to each person under the Plan and the Trust Agreement shall be the several and not joint responsibility of each, and no such person shall be liable for the act or omission of any other person.

13.10 Interpretation. (i) The term "including" means by way of example and not by way of limitation, and (ii) the headings preceding the sections hereof have been inserted solely as a matter of convenience and in no way define or limit the scope or intent of any provisions hereof.

13.11 Construction. The Plan and all rights there under shall be governed by and construed in accordance with the Code and the laws of the State.

SCHEDULE A

Effective date of last completion or amendment of this Schedule A: 4-25-13

Instructions

This Schedule A and all later amendments to this Schedule A are part of the Plan document and should remain attached to the Plan document.

Schedule A is used by the Committee (1) TO ACTIVATE or TERMINATE optional Plan provisions described below, (2) TO MODIFY the default provisions of the Plan described below or (3) TO INDICATE that the default provisions described below will continue to apply under the Plan.

Each section of this Schedule A must be completed by the Committee in connection with the adoption of this amendment and restatement of the Plan. All selections made shall remain effective until this Schedule A is later amended by the Committee.

All section references refer to the corresponding sections of the Plan and all defined terms have the meanings ascribed to them in the Plan.

Committee Elections – Optional Plan Provisions

3.1(c) ROTH PROGRAM

Section 3.1(c) of the Plan permits Roth Contributions only if the Committee checks YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that Roth Contributions will not be permitted under the Plan or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

The Plan shall maintain a Roth Program under which Participants may make Roth Contributions to the Plan, which Roth Contributions will be made and separately accounted for in compliance with the relevant provisions of the Plan and the Code.

YES

NO

Effective date: 2-3-11

8.8 IN-PLAN ROLLOVER TO A ROTH ACCOUNT

Section 8.8 of the Plan permits In-Plan Rollovers to a Roth Account only if the Committee has checked YES in Section 3.1(c) (permitting a Roth Program) and checked YES below allowing a Participant's Plan Benefit not attributable to Roth Contributions or outstanding loans to be directly contributed to a Roth Account under the Plan prior to, upon or after a distributable event. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that a Participant's Plan Benefit may not be directly rolled over to a Roth Account under the Plan or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

To the extent the Committee has resolved to implement and maintain a Roth Program pursuant to Section 3.1(c) of Schedule A, a Participant may elect to have the portion of his or her Plan Benefit that is not attributable to Roth Contributions or outstanding loans directly rolled over into a Roth Account in the Plan.

YES (do not check YES unless Roth Program is in effect)

NO

Effective date: 4-25-13

3.1(e) SUSPENSION OF DEFERRALS AND CONTRIBUTIONS FOLLOWING AN UNFORESEEABLE EMERGENCY WITHDRAWAL

Section 3.1(e) of the Plan allows the Employer automatically to suspend deferrals and contributions for six months following the date a Participant receives an Unforeseeable Emergency withdrawal only if the Committee checks YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that a suspension of deferrals and contributions will not be required or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

A Participant's deferrals and contributions will be suspended for a period of six months following a distribution due to an Unforeseeable Emergency withdrawal.

YES

NO

Effective date: 2-3-11

7.2(b) AUTOMATIC DISTRIBUTION OF SMALL ACCOUNTS FOLLOWING A SEVERANCE FROM EMPLOYMENT

Section 7.2(b) of the Plan allows the Employer to automatically distribute certain small account balances following a Severance from Employment only if the Committee has checked YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no automatic distribution will occur following a Severance from Employment or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

With respect to a Participant or an Alternate Payee whose Account or Alternate Payee Account does not exceed the amount set forth in Section 7.2(a) of the Plan, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account as soon as practicable following the Participant's Severance from Employment.

YES

NO

Effective date: 2-3-11

7.2(b) AUTOMATIC DISTRIBUTION OF INACTIVE SMALL ACCOUNTS

Section 7.2(b) of the Plan allows the Employer to automatically distribute certain small account balances in inactive accounts only if the Committee has checked YES below and indicated the small account amount below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no automatic distribution of inactive small accounts will occur or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

7.2(b) Automatic Distributions after a Severance from Employment.

With respect to a Participant or an Alternate Payee whose Account or Alternate Payee Account does not exceed the amount set forth in Section 7.2(a) of the Plan, upon an Account Participant's Plan Benefit falling below \$_____, [Insert any whole dollar amount up to the dollar limit under Section 411(a)(1)(A) of the Code] to the extent that the requirements of Section 7.2(a) of the Plan are met, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account in accordance with 7.2(b) of the Plan.

YES (do not check YES unless a permissible amount is specified above)

NO

Effective date: 2-3-11

7.3 PLAN LOANS FOR ACTIVE EMPLOYEES

Section 7.3 of the Plan allows active Employees to request a Plan loan only if the Committee has checked YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no Plan loans will be permitted or, at a later time, prospectively (as of a specified effective date) to change a prior election under this section.

Participants who are active Employees shall be eligible to request a Plan loan and may be granted a loan pursuant to the requirements of Section 7.3 of the Plan.

- YES
- NO

Effective date: 2-3-13 (implemented prior)

7.3(a) PLAN LOANS FOR PARTICIPANTS ON AN APPROVED LEAVE OF ABSENCE

Section 7.3(a) of the Plan allows Participants who are on an approved leave of absence to be eligible to request a Plan loan only if the Committee has checked YES above (permitting Plan loans for active Employees) and checked YES below extending the loan provisions to Participants on an approved leave of absence. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no Plan loans will be permitted for Participants on an approved leave of absence or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

Participants who are on an approved leave of absence from their Employer shall be eligible to request a Plan loan and may be granted a loan pursuant to the requirements of Section 7.3 of the Plan.

- YES (do not check YES unless Plan Loans are authorized for active Employees)
- NO

Effective date: 2-3-11

Committee Elections – Modification of Default Plan Provisions**7.3(f) DURATION OF LOAN GRACE PERIOD**

Section 7.3 of the Plan allows the Committee to permit Plan loans (see elections above). If the Committee permits Plan loans, the Plan document states that, unless the Committee makes an election below, any such loan will be in default if a Participant fails to make a required loan repayment within 90 days following the due date for such repayment. The Plan document refers to this period as the "Loan Grace Period."

Section 7.3(f) of the Plan allows the Committee to specify a shorter Loan Grace Period by indicating a period of fewer than 90 days below and by indicating that such election will apply to Plan loans made after the effective date specified below. The Committee may, at a later time, indicate (as of a specified effective date) a different Loan Grace Period by making a new election under this section.

The Loan Grace Period for purposes of Section 7.3(f) shall be 90 days [a number of days greater than 0 but less than 90] following the due date of a Participant's scheduled loan repayment.

Effective date: 2-3-11

8.1(c)(i) and (iii) MINIMUM LUMP SUM AMOUNT

Sections 8.1(c)(i) and (iii) of the Plan allow a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum. The Plan document states that, unless the Committee makes an election below, the amount of a partial lump sum distribution cannot be less than \$100. The Plan document refers to this amount as the "Minimum Lump Sum Amount."

Sections 8.1(c)(i) and (iii) of the Plan allow the Committee to specify a different Minimum Lump Sum Amount by indicating a dollar amount below and by indicating that such Minimum Lump Sum Amount will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Minimum Lump Sum Amount by inserting the "none" or "0" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Minimum Lump Sum Amount by making a new election under this section.

The Minimum Lump Sum Amount shall be \$ 100.

Effective date: 2-3-11

8.1(c)(ii) MINIMUM INSTALLMENT AMOUNT

Section 8.1(c)(ii) of the Plan allows a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in periodic monthly, quarterly, semi-annual or annual installments. The Plan document states that, unless the Committee makes an election below, the amount of an installment distribution cannot be less than \$100. The Plan document refers to this amount as the "Minimum Installment Amount."

Section 8.1(c)(ii) of the Plan allows the Committee to specify a different Minimum Installment Amount by indicating a dollar amount below and by indicating that such Minimum Installment Amount will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Minimum Installment Amount by inserting the "none" or "0" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Minimum Installment Amount by making a new election under this section.

The Minimum Installment Amount shall be \$ 100.

Effective date: 2-3-11

8.1(c)(i) and (iii) MAXIMUM ANNUAL NUMBER OF PARTIAL DISTRIBUTIONS PER PLAN YEAR

Sections 8.1(c)(i) and (iii) of the Plan allow a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum. The Plan document states that, unless the Committee makes an election below, the maximum number of partial lump sum distributions in a Plan Year may not exceed 12. The Plan document refers to this amount as the "Maximum Annual Number of Partial Distributions."

Sections 8.1(c)(i) and (iii) of the Plan allow the Committee to specify a different Maximum Number of Partial Distributions per Plan Year by indicating a different limit below and by indicating that such limit will apply to distributions made after the effective date specified below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Maximum Number of Partial Distributions for a Plan Year by making a new election under this section.

The Maximum Annual Number of Partial Distributions for each Plan Year shall be 12.

Effective date: 2-3-11

8.1(e) DISTRIBUTION WAITING PERIOD

Section 8.1(c) of the Plan allows a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum or in installments. Section 8.1(e) of the Plan document also states that, unless the Committee makes an election below, a distribution will be delayed for 45 days if the distribution would result in the Participant having an account balance of less than \$500. The Plan document refers to this period as the "Distribution Waiting Period."

Section 8.1(e) of the Plan allows the Committee to specify a different Distribution Waiting Period by indicating a different limit below and by indicating that such limit will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Distribution Waiting Period by inserting the word "none" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Distribution Waiting Period for a Plan Year by making a new election under this Schedule A.

The Distribution Waiting Period shall be 0 days.

Effective date: 2-3-11

Introduced by:

Referral No. 7621

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

**RESOLUTION NO. 446 OF 2013
AMENDING THE COUNTY'S PROCUREMENT POLICY
AND CHAPTER 140 OF THE LAWS OF ROCKLAND COUNTY
BY PERMITTING THE SUBMISSION OF BIDS IN AN ELECTRONIC FORMAT,
PERMITTING THE SUBMISSION OF BIDS AND PROPOSALS FOR
TECHNOLOGY CONTRACTS TO BE REQUIRED IN AN ELECTRONIC
FORMAT AND AMENDING THE NAME OF THE RECEIVING DEVICE DESIGNATED
BY THE COUNTY FROM THE HUDSON VALLEY MUNICIPAL
PURCHASING GROUP TO THE EMPIRE STATE PURCHASING GROUP
[DEPARTMENT OF GENERAL SERVICES -
DIVISION OF PURCHASING]**

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

WHEREAS, New York General Municipal Law § 104-b requires the Legislature of Rockland County to adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103; and

WHEREAS, By Resolution No. 623 of 1998, the Legislature adopted the County of Rockland Procurement Policy (the "Procurement Policy") which subsequently has been amended and renumbered; and

WHEREAS, New York General Municipal Law §§ 103(1) and 103(2), effective August 1, 2012, authorize political subdivisions to receive bids and proposals in an electronic format and permit political subdivisions to require the submission of bids and proposals for technology contracts in an electronic format; and

WHEREAS, The County has required electronic responses to its Request for Quotes for items/services under the competitive bidding threshold since 2004; and

WHEREAS, The Procurement Policy previously was amended in 2008 to authorize the receipt of bids in an electronic format for a trial period that expired on June 1, 2008; and

WHEREAS, The Department of General Services - Purchasing Division now has the capability to receive electronic bids through both the PeopleSoft Strategic Sourcing Module and the Empire State Purchasing Group's (formerly the Hudson Valley Municipal Purchasing Group's) e-Procurement software from BidNet; and

WHEREAS, The Vendor community now is experienced and comfortable with submitting bids and proposals electronically; and

WHEREAS, Electronic bidding not only is efficient, but it also provides an administrative cost savings because it eliminates the need to enter data into spreadsheets for analysis and because all of the bid information is contained in the County's purchasing and financial systems; and

WHEREAS, The Director of Purchasing therefore recommends to the County Executive and the Legislature of Rockland County that the Procurement Policy and Chapter 140 of the Laws of Rockland County be amended as follows: (a) permitting the submission of bids in an electronic format; (b) permitting the submission of bids and proposals for technology contracts to be required in an electronic format; and (c) amending the name of the receiving device designated by the County of Rockland from the Hudson Valley Municipal Purchasing Group to the Empire State Purchasing Group; and

WHEREAS, The Director of Purchasing proposes that the County's Procurement Policy and Chapter 140 of the Laws of Rockland County be amended as follows:

§ 140-3.1 Competitive Sealed Bidding

* * *

I. Receipt of bids.

(1) Bids are to be packaged, sealed and submitted to the location stated in the bid specifications. Bidders are solely responsible for timely delivery of their bids to the location set forth in the bid specification prior to the stated bid opening date/time; or

(2) If authorized by the bid specification, bids may be submitted in an electronic format. Submission in an electronic format may not, however, be required as the sole method for the submission of bids and proposals, with the exception of bids and proposals for technology contracts only.

(a) The receiving device designated by the County of Rockland will be the [~~Hudson Valley Municipal~~] Empire State Purchasing Group's e-Procurement software from BidNet or the PeopleSoft Strategic Sourcing Module and will be identified in the bid specification. Both receiving devices will:

- [1] Document the time and date of each bid received electronically;
- [2] Authenticate the identity of the sender;
- [3] Ensure the security of the information transmitted; and
- [4] Ensure confidentiality of the bid until the time and date established for opening of the bids.

(b) The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or specifications shall be the responsibility solely of each bidder or prospective bidder. The County shall not incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

(3) For purposes of this policy, "sealed bids," "sealed proposals" and "sealed offers," as those terms apply to purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the Labor Law), shall include bids, proposals and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of the General Municipal Law.

WHEREAS, The Government Operations 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 amends the County of Rockland Procurement Policy and Chapter 140 of the Laws of Rockland County as follows:

§ 140.3.1 Competitive Sealed Bidding

* * *

I. Receipt of bids.

(1) Bids are to be packaged, sealed and submitted to the location stated in the bid specifications. Bidders are solely responsible for timely delivery of their bids to the location set forth in the bid specification prior to the stated bid opening date/time; or

(2) If authorized by the bid specification, bids may be submitted in an electronic format. Submission in an electronic format may not, however, be required as the sole method for the submission of bids and proposals, with the exception of bids and proposals for technology contracts only.

(a) The receiving device designated by the County of Rockland will be the Empire State Purchasing Group's e-Procurement software from BidNet or the PeopleSoft Strategic Sourcing Module and will be identified in the bid specification.
Both receiving devices will:

- [1] Document the time and date of each bid received electronically;
- [2] Authenticate the identity of the sender;
- [3] Ensure the security of the information transmitted; and
- [4] Ensure confidentiality of the bid until the time and date established for opening of the bids.

(b) The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or specifications shall be the responsibility solely of each bidder or prospective bidder. The County shall not incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

(3) For purposes of this policy, "sealed bids," "sealed proposals" and "sealed offers," as those terms apply to purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the Labor Law), shall include bids, proposals and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of the General Municipal Law.

Introduced by:

Referral No. 7621

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

**RESOLUTION NO. 447 OF 2013
AMENDING THE COUNTY'S PROCUREMENT POLICY
AND CHAPTER 140 OF THE LAWS OF ROCKLAND COUNTY
BY REQUIRING THE PUBLIC ADVERTISEMENT OF THE
INTENTION TO MAKE A PURCHASE ON A SOLE SOURCE
BASIS FOURTEEN (14) DAYS PRIOR TO ISSUANCE OF THE AWARD,
PROVIDING A LIST OF THE FACTORS AN AGENCY SHOULD
CONSIDER IN DETERMINING WHETHER TO REQUEST A SOLE
SOURCE PURCHASE AND PROVIDING A LIST OF THE DOCUMENTATION AN AGENCY
MUST SUBMIT TO THE DIRECTOR OF PURCHASING IN
SUPPORT OF A REQUEST FOR A SOLE SOURCE PURCHASE
[DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]**

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

WHEREAS, New York General Municipal Law § 104-b requires the Legislature of Rockland County to adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law § 103; and

WHEREAS, By Resolution No. 623 of 1998, the Legislature adopted the County of Rockland Procurement Policy (the "Procurement Policy") which subsequently has been amended and renumbered; and

WHEREAS, The Department of General Services – Purchasing Division has received an increased number of sole source purchase requests in recent years; and

WHEREAS, Publicly advertising the County's intent to make a sole source purchase is the best method to determine if in fact the item or service is truly a sole source or if there is more than one supplier that can provide the item or service, and public advertisement also provides greater transparency into the County's procurement process; and

WHEREAS, New York State agencies generally are required to provide public notice of a sole source purchase by publication in the New York State Contract Reporter; and

WHEREAS, In Rockland, advertisements will be placed in electronic procurement bulletins at no cost to the County, and savings may be realized from identifying other sources of supply; and

WHEREAS, The Director of Purchasing therefore recommends to the County Executive and the Legislature of Rockland County that the Procurement Policy and Chapter 140 of the Laws of Rockland County be amended as follows: (a) requiring the public advertisement of the intention to make a purchase on a sole source basis fourteen (14) days prior to issuance of the award; (b) providing a list of the factors an agency should consider in determining whether to request a sole source purchase; and (c) providing a list of the documentation an agency must submit to the Director of Purchasing in support of a request for a sole source purchase; and

WHEREAS, The Director of Purchasing therefore recommends to the County Executive and the Legislature of Rockland County that the Procurement Policy and Chapter 140 of the Laws of Rockland County be amended as follows:

§ 140-3.8 Sole source procurement.

- A. A contract may be awarded without competition when the Director of Purchasing determines in writing, after conducting a good faith review of available resources and publicly advertising the County's intention to make a purchase on a sole source basis 14 days prior to issuance of the award, that there is only one source for the required commodity, supply, service or construction item. The Director of Purchasing shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file. Sole source purchases of software maintenance are exempt from this section.
- B. In determining whether procurement qualifies as a sole source, the Purchasing Division and the agency requesting the procurement shall show, at a minimum:
- (1) The unique benefits to the County of the item as compared to other products available in the marketplace;
 - (2) That no other product provides substantially equivalent or similar benefits;
 - (3) That, considering the benefits received, the cost of the item is reasonable in comparison to other products in the marketplace; and
 - (4) That there is no possibility competition, as from competing dealers or distributors.
- C. If an agency intends to request a sole source purchase, it shall consider the following factors and submit the following documentation to the Director of Purchasing:
- (1) An agency should consider the additional time that will be required to process a sole source transaction due to the public advertising requirement, which is publication 14 days prior to issuance of the award;
 - (2) An agency should be aware that the public advertising requirement provides increased exposure to a challenge by other suppliers;
 - (3) An agency should be aware that if a challenge to the requested sole source procurement is found to be warranted, the purchase request shall be withdrawn, and the request will be converted to either a competitive bid or request for proposal, which may result in a further delay in completing the transaction;
 - (4) An agency must submit to the Director of Purchasing a justification letter providing the information required in paragraph B of this section. The required sole source justification shall be detailed and sufficient enough to withstand a challenge by another supplier. A difference in price between potential suppliers is not, in and of itself, a proper justification for a sole source purchase. Additionally, a sole source letter provided by a supplier does not qualify as a proper justification for a sole source purchase; and
 - (5) If there is a question as to whether or not a sole source purchase is warranted, the agency should contact the Director of Purchasing before submitting the sole source purchase request.

WHEREAS, The Government Operations 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 amends the County of Rockland Procurement Policy and Chapter 140 of the Laws of Rockland County as follows:

§ 140-3.8 Sole source procurement.

- A. A contract may be awarded without competition when the Director of Purchasing determines in writing, after conducting a good faith review of available resources and publicly advertising the County's intention to make a purchase on a sole source basis 14 days prior to issuance of the award, that there is only one source for the required commodity, supply, service or construction item. The Director of Purchasing shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source procurements shall be maintained as a public record and shall list each supplier's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file. Sole source purchases of software maintenance are exempt from this section.

- B. In determining whether procurement qualifies as a sole source, the Purchasing Division and the agency requesting the procurement shall show, at a minimum:
- (1) The unique benefits to the County of the item as compared to other products available in the marketplace;
 - (2) That no other product provides substantially equivalent or similar benefits;
 - (3) That, considering the benefits received, the cost of the item is reasonable in comparison to other products in the marketplace; and
 - (4) That there is no possibility competition, as from competing dealers or distributors.
- C. If an agency intends to request a sole source purchase, it shall consider the following factors and submit the following documentation to the Director of Purchasing:
- (1) An agency should consider the additional time that will be required to process a sole source transaction due to the public advertising requirement, which is publication 14 days prior to issuance of the award;
 - (2) An agency should be aware that the public advertising requirement provides increased exposure to a challenge by other suppliers;
 - (3) An agency should be aware that if a challenge to the requested sole source procurement is found to be warranted, the purchase request shall be withdrawn, and the request will be converted to either a competitive bid or request for proposal, which may result in a further delay in completing the transaction;
 - (4) An agency must submit to the Director of Purchasing a justification letter providing the information required in paragraph B of this section. The required sole source justification shall be detailed and sufficient enough to withstand a challenge by another supplier. A difference in price between potential suppliers is not, in and of itself, a proper justification for a sole source purchase. Additionally, a sole source letter provided by a supplier does not qualify as a proper justification for a sole source purchase; and
 - (5) If there is a question as to whether or not a sole source purchase is warranted, the agency should contact the Director of Purchasing before submitting the sole source purchase request.
-

Introduced by:

Referral No. 9173

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

**RESOLUTION NO. 448 OF 2013
 APPROVING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF RAMAPO
 IN THE AMOUNT OF \$35,000 TO IMPLEMENT POLICY AND
 ENVIRONMENTAL IMPROVEMENTS AS PART
 OF THE CREATING HEALTHY PLACES TO LIVE, WORK AND PLAY INITIATIVE
 FOR THE PERIOD APRIL 1, 2013 THROUGH MARCH 31, 2014
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF HEALTH]
 (\$35,000)**

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

WHEREAS, The County of Rockland desires to enter into an intermunicipal agreement with the Town of Ramapo, 237 Route 59, Suffern, New York 10901 in the amount of \$35,000, to implement policy and environmental improvements as part of the Creating Healthy Places to Live, Work and Play Initiative for the period from April 1, 2013 through March 31, 2014; and

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 agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, Sufficient funds have been provided for this agreement in Department of Health grant Dept. GH02, line E4090; 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 approves the execution of an intermunicipal agreement with the Town of Ramapo, 237 Route 59, Suffern, New York 10901 in the amount of \$35,000, to implement policy and environmental improvements as part of the Creating Healthy Places to Live, Work and Play Initiative for the period April 1, 2013 through March 31, 2014, and authorizing its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds have been provided for this agreement in Department of Health grant Dept. GH02, line E4090.

Introduced by:

Referral No. 9121

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

**RESOLUTION NO. 449 OF 2013
APPROVING A CONTRACT WITH THE NEW YORK CITY OFFICE OF CHIEF
MEDICAL EXAMINER FOR ANTHROPOLOGICAL AND/OR DNA TESTING
ON CASES OF UNIDENTIFIED HUMAN REMAINS AND MISSING PERSONS
CASES AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS
BY THE COUNTY EXECUTIVE (NO COUNTY TAX DOLLARS)
[DEPARTMENT OF HEALTH]**

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

WHEREAS, The New York City Office of the Medical Examiner performs forensic anthropological and/or DNA analysis of remains, reference samples and/or exemplars that may assist Rockland County in the identification of decedents or missing persons pursuant to a grant from the National Institute of Justice; and

WHEREAS, The Commissioner of Health is requesting that the County Executive and Legislature of Rockland County approve a contract with the New York City Office of Chief Medical Examiner to perform such services for the Rockland County Office of Chief Medical Examiner for the period from April 1, 2013 through March 30, 2014; and

WHEREAS, There is no cost to the County for this contract since the grant from the National Institute of Justice provides funding to the New York City Office of the Medical Examiner to perform DNA and testing for other municipalities; and

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

WHEREAS, The 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 a contract with New York City Office of Chief Medical Examiner to perform forensic anthropological and/or DNA analysis of remains, reference samples and/or exemplars for the Rockland County Office of Chief Medical Examiner for the period from April 1, 2013 through March 30, 2014 and authorizes its execution by the County Executive, subject to the approval of the County Attorney.

RESOLVED, Funding for this contract is provided to the New York City Office of Chief Medical Examiner pursuant to a grant from the National Institute of Justice at no cost to the County.

Introduced by:

Referral No. 7780

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

**RESOLUTION NO. 450 OF 2013
 APPROVING EXECUTION OF AN INTERMUNICIPAL AGREEMENT
 IN AN AMOUNT NOT TO EXCEED \$50,000 BETWEEN
 THE COUNTY OF ROCKLAND AND THE COUNTY OF WESTCHESTER
 FOR THE PROVISION OF RESPITE SERVICES
 FOR THE TERM FROM MARCH 1, 2013 THROUGH FEBRUARY 28, 2014
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF SOCIAL SERVICES]
 (\$50,000)**

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

WHEREAS, Pursuant to New York State Social Services Law section 409-a, the Rockland County Department of Social Services ("RCDSS") is charged with providing mandated preventive respite care and services to eligible families residing in the County of Rockland; and

WHEREAS, RCDSS had been providing these services for children ages 14 to 18 through a contract with Children's Village, Inc., a Westchester based non-profit agency which operated a home-like facility in Valley Cottage; and

WHEREAS, On March 1, 2013, the Valley Cottage facility was closed and Children's Village, Inc. is no longer providing the necessary services in the County of Rockland; and

WHEREAS, The County of Westchester has provided preventive respite care and services through a contract with Children's Village, Inc., for the operation of a home-like program at Hammond House Road in Valhalla, New York, which has not been used to capacity in the past; and

WHEREAS, the Commissioner of RCDSS has recommended to the County Executive and the Legislature of Rockland County that RCDSS enter into an intermunicipal agreement between the County of Rockland and the County of Westchester for the provision of respite services at Hammond House Road in Valhalla, New York (the "Respite Shelter") in a contract amount not to exceed \$50,000, for the period March 1, 2013 through February 28, 2014, payable at the rate of \$180 per diem; and

WHEREAS, Payments under this agreement are subject to Federal and State reimbursement, and

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, 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 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 approves the execution of an intermunicipal agreement between the County of Rockland and the County of Westchester for the provision of respite services at the Respite Shelter located at Hammond House Road in Valhalla, New York in a contract amount not to exceed \$50,000, for the period March 1, 2013 through February 28, 2014, payable at the rate of \$180 per diem, and authorizes the County Executive to execute the agreement on behalf of the County, and be it further

RESOLVED, That Payments under this agreement are subject to Federal and State reimbursement.



Introduced by:

Referral No. 2973

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

**RESOLUTION NO. 451 OF 2013
 APPROVING AN AMENDMENT TO A CONTRACT IN EXCESS OF \$100,000
 WITH LEXINGTON CENTER FOR RECOVERY, INC.
 FOR A METHADONE TREATMENT SERVICES MANAGEMENT CONTRACT
 FOR OUTPATIENT CLIENTS OF THE DEPARTMENT OF MENTAL HEALTH
 UNDER RFP-RC-06-022
 INCREASING THE AMOUNT OF THE CONTRACT BY \$24,074
 FOR A TOTAL AMOUNT NOT TO EXCEED \$932,883
 FOR THE FULL PERIOD FROM APRIL 1, 2012 THROUGH JUNE 30, 2013
 AND AUTHORIZING THE COUNTY EXECUTIVE TO
 EXECUTE THE AMENDMENT TO THE CONTRACT
 [DEPARTMENT OF MENTAL HEALTH]
 (\$932,883)**

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

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

WHEREAS, By Resolution No. 119 of 2013, the Legislature approved the extension of and amendment to the Management Contract with Lexington, extending the term of the contract from January 1, 2013 through June 30, 2013, pending Lexington's approval of a license to operate the County's Opioid Treatment Program (the "Program"), and increasing the amount of the contract by \$302,936 for a total amount not to exceed \$908,809 for the full period from April 1, 2012 through June 30, 2013; and

WHEREAS, Lexington has obtained from the New York State Department of Health (DOH) a license to operate, and it currently is operating, the Program; and

WHEREAS, By this resolution, the Commissioner of the Department of Mental Health requests that the County Executive and the Legislature increase the amount of the Management Contract by \$24,074 for a total amount not to exceed \$932,883 for the full period from April 1, 2012 through June 30, 2013 for expenses owed through June 30, 2013; and

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

WHEREAS, Sufficient funding for this amendment to the contract exists in the 2013 Budget of the Department of Mental Health; and

WHEREAS, The Multi-Services and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the amendment to the contract in excess of \$100,000 with Lexington Center for Recovery, Inc., 116 Radio Circle, Suite 309, Mount Kisco, New York 10549, for a Methadone Treatment Services Management Contract for outpatient clients of the Department of Mental Health under RFP-RC-06-022, increasing the amount of the contract by \$24,074 for a total amount not to exceed \$932,883, for the full period from April 1, 2012 through June 30, 2013, for expenses owed through June 30, 2013, and authorizes the County Executive to execute the amendment to the contract, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this amendment to the contract exists in the 2013 Budget of the Department of Mental Health.

Introduced by:

Referral No. 4329

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

**RESOLUTION NO. 452 OF 2013
ESTABLISHING ONE POSITION
AND ABOLISHING ONE POSITION
IN THE DEPARTMENT OF HEALTH
OFFICE OF THE MEDICAL EXAMINER**

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

WHEREAS, The Acting Commissioner of Health is requesting the establishment of one position along with the abolishment of one position to support essential functions in the Office of the Medical Examiner, and

WHEREAS, The Department of Personnel has reviewed a job description for one position and has made an appropriate civil service classification, and

WHEREAS, The Acting Commissioner of Health is requesting no additional funds to establish this position, and

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

RESOLVED, That one position of Medical Investigator, position #9111 (SG 61 - \$66,418 - \$80,421) be hereby established in the Department of Health-1185, and be it further

RESOLVED, That one position of Senior Medical Investigator, position #2013 – (SG 65 - \$80,421 - \$97,109) be hereby concurrently abolished.

Introduced by:

Referral No. 8759

- Hon. Philip Soskin, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 453 OF 2013
 CONFIRMING THE APPOINTMENT OF
 DR. PATRICIA SCHNABEL RUPPERT, D.O. AS
 COMMISSIONER OF HEALTH
 FOR THE COUNTY OF ROCKLAND**

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

WHEREAS, Section 7.01 and 3.02 of the Rockland County Charter provide that the County Executive shall appoint the Commissioner of Health for Rockland County for a term of office for which the County Executive is elected, subject to confirmation by the Legislature; and

WHEREAS, The County Executive has appointed Dr. Patricia Schnabel Ruppert, D.O., Stony Point, New York as the Commissioner of Health; and

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

RESOLVED, That the Legislature of Rockland County hereby confirms the appointment of Dr. Patricia Schnabel Ruppert, D.O., Stony Point, New York, as Commissioner of Health, at an annual salary as set forth in the 2013 Adopted County Budget, for a term to expire December 31, 2013; and be it further

RESOLVED, That further salary increases shall be by local law or resolution, whichever is appropriate.

Debate:

Chairwoman Cornell

I thought it was important for people to know what an expert in health care we have just appointed in our Health Commissioner. She has been recognized as an expert in family medicine, has had extensive experience in primary care, rehabilitation care and specialty medicine. Over her long career she has been the preceptor of residents at Columbia University Medical Center. She was most recently at Helen Hayes Hospital holding the title of President of the medical staff. For many years she was an active member of the medical staff at Helen Hayes Hospital. She has a very long career in patient care and in medical care of all kinds. We are very fortunate to have her. She is Board Certified in family medicine. She is a member of the American Academy of Family Physicians. She was selected as one of Americas Top Family Doctors in 2009 and 2010.

She appeared before the Multi-Services Committee last week. We all wish her well.

Introduced by:

Referral No. 2962

Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO 454 OF 2013
CONFIRMING THE APPOINTMENT OF
JUDY A. PEAKS, SPARKILL, NEW YORK
TO THE ROCKLAND COUNTY
OFFICE FOR THE AGING ADVISORY COUNCIL**

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

WHEREAS, By Resolution No. 924 of 1974, the Office for the Aging Advisory Committee (currently referred to as the Rockland County Office for the Aging Advisory Council) was established, to be composed of at least fifty (50%) percent of persons sixty (60) years or over; and

WHEREAS, Section C3.02 of the Charter Law of Rockland County provides that the County Executive shall appoint members of all county boards and commissions, subject to legislative confirmation; and

WHEREAS, The By-Laws of the Rockland County Office for the Aging Advisory Council require at least twenty-seven (27) but no more than thirty three (33) members; and

WHEREAS, There are currently eighteen (18) members on the Rockland County Office for the Aging Advisory Council, 65% of whom are over the age of sixty; and

WHEREAS, The County Executive has appointed Judy A. Peaks, Sparkill, New York, to a vacancy which exists on the Rockland County Office for the Aging Advisory Council to serve at his pleasure, subject to legislative confirmation, and

WHEREAS, Judy A. Peaks is over the age of sixty (60) and is filling a vacancy on the Rockland County Office for Aging Advisory Council; and

WHEREAS, With the approval of the resolution, there will be eight (8) vacancies on the Rockland County Office for the Aging Advisory Council; and

WHEREAS, Judy A. Peaks has experience working with Senior Citizens and serves on various community boards; and

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

RESOLVED, That Legislature of Rockland County hereby confirms the appointment of Judy A. Peaks, Sparkill, New York, to the Rockland County Office for the Aging Advisory Council, to serve at the pleasure of the County Executive; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to send a copy of this resolution to the Rockland County Advisory Council and to the appointee, Judy A. Peaks.

Introduced by:

Referral No. 2806

Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Edwin J. Day, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor

**RESOLUTION NO. 455 OF 2013
CONFIRMING THE REAPPOINTMENT OF
BRIAN MCFARLAND, SPRING VALLEY, NEW YORK
TO THE ROCKLAND COUNTY PLANNING BOARD**

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

WHEREAS, §C5.03 of the Rockland County Charter authorizes the County Executive to appoint members to the Rockland County Planning Board for staggered terms of four years, subject to legislative confirmation; and

WHEREAS, The Board is to consist of nine (9) members, with one (1) from each Town; and

WHEREAS, The term of Brian McFarland expired on December 31, 2012, he is a hold over; and

WHEREAS, The County Executive has reappointed Brian McFarland of Spring Valley, New York to the Rockland County Planning Board, for a new (4) four year term which shall expire on December 31, 2016; and

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

WHEREAS, With the approval of this resolution there is one (1) vacancy; and

RESOLVED, That the Legislature of Rockland County hereby confirms the reappointment of Brian McFarland of Spring Valley, New York to the Rockland County Planning Board for a term of four (4) years which shall expire on December 31, 2016; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to forward a copy of this resolution to the Rockland County Planning Board and to the reappointee, Brian McFarland.

Introduced by:

Referral No. 2420

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

**RESOLUTION NO 456 OF 2013
APPROVING RULES AND REGULATIONS
ADOPTED BY THE BOARD OF ELECTRICAL EXAMINERS TO IMPLEMENT
LOCAL LAW NO. 11 OF 2012
[CHAPTER 250 OF THE LAWS OF ROCKLAND COUNTY]
RELATING TO THE LICENSING OF MASTER ELECTRICIANS
IN ROCKLAND COUNTY AND LOCAL LAW NO. 12 OF 2012
RELATING TO THE CREATION OF AN ELECTRICAL CODE ENFORCEMENT PROGRAM
AND FOR CERTIFICATION OF ELECTRICAL INSPECTORS IN
THE COUNTY OF ROCKLAND
[DEPARTMENT OF WEIGHTS AND MEASURES]
(BOARD OF ELECTRICAL EXAMINERS)**

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

WHEREAS, On December 18, 2012, following a public hearing, the Legislature of Rockland County passed Local Law No. 11 of 2012, A Local Law Amending Local Law No. 11 of 1967, Local Law No. 16 of 1967, Local Law No. 5 of 1968, Local Law No. 2 of 1983, Local Law No. 2 of 1996, and Local Law No. 5 of 2000, Local Law No. 8 3 of 2005, and Local Law No. 8 of 2007 (Chapter 250 of the Laws of Rockland County), relating to the Licensing of Master Electricians in Rockland County); and

WHEREAS, On December 18, 2012, following a public hearing, the Legislature of Rockland County passed Local Law No. 12 of 2012, A Local Law Providing for an Electrical Code Enforcement Program and For the Certification of Electrical Inspectors in the County of Rockland; and

WHEREAS, Pursuant to Municipal Home Rule Law §27, Local Law No. 11 and 12 of 2012, took effect upon filing with the New York State Secretary of State on December 31, 2012; and

WHEREAS, On April 23, 2012, the Board of Electrical Examiners, pursuant to Section 250-5(F) of Chapter 250 of the Laws of Rockland County, adopted, after a public hearing by the Board, subject to the approval of the Legislature of Rockland County, "Rules and Regulations Relating to Licensing of Master Electricians" (a copy of which rules and regulations are attached); and

WHEREAS, These rules and regulations shall be to provide requirements for the administration and enforcement of the National Electrical Code; and

WHEREAS, It is the intent and purpose of the Legislature of Rockland County that, pursuant to Section 250-5(F) of Chapter 250 of the Laws of Rockland County, those "Rules and Regulations Relating to Licensing of Master Electricians" be approved; and

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

RESOLVED, That the Legislature of Rockland County does hereby approve, pursuant to Section 250-5(F) of Chapter 250 of the Laws of Rockland County, "Rules and Regulations Relating to Licensing of Master Electricians" (a copy of which rules and regulations are attached), adopted on April 23, 2012, after a public hearing, by the Board of Electrical Examiners, pursuant to Section 250-5(F) of Chapter 250 of the Laws of Rockland County; and be it further

RESOLVED, That those "Rules and Regulations Relating to Licensing of Master Electricians" took effect when they were filed in the New York State Department of State on December 31, 2012, and duly filed with the Clerk to the Legislature of Rockland County and the County Clerk.

Comments From Legislators:

Legislator Edwin J. Day

In the first meeting of June I had sponsored, which was unanimously supported, a resolution to name Rockland County as the forth Purple Heart County in the State of New York.

On July 4th I was honored, as was Legislator Jobson, to present a proclamation to our Purple Heart recipients. Today Dutchess County joined to acknowledge our Purple Heart recipients. Surprisingly, at the event on July 4th I was presented for this Legislature a plaque for all of us. It is wonderful expression by our veterans for our Legislature in recognition for what we have done for them. Frankly, I don't think we can do enough for them. They asked that it be displayed prominently in the outside area.

Chairwoman Cornell

Thank you. It is very nice and extremely important to all of us.

**ADJOURNMENT IN MEMORY OF
LINDSEY STEWART**

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 Lindsey Stewart.

**ADJOURNMENT IN MEMORY OF
MARK LENNON**

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 Mark Lennon.

**ADJOURNMENT IN MEMORY OF
JOHN C. REID**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of John C. Reid.

**ADJOURNMENT IN MEMORY OF
WILLIAM WHITINGTON, JR.**

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 William Whittington, Jr..

**ADJOURNMENT IN MEMORY OF
MARY E. TAULMAN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mary E. Taulman.

**RESOLUTION NO. 457 OF 2013
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and Mr. Wieder and unanimously adopted (8:09 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, September 3, 2013 at 7:00 p.m.

Respectfully Submitted,

DARCY SHAPIN - GREENBERG
Proceedings Clerk