

**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, February 7, 2012 at 7:00 P.M., pursuant to the adjournment of the January 17, 2012 meeting.

Very truly yours,

Laurence O. Toole  
Clerk to the Legislature

Dated at New City, New York  
This 2<sup>nd</sup> day of February 2012

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The Legislature of Rockland County convened in regular session pursuant to the adjournment of the January 17, 2012 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
- Philip Soskin
- Frank P. Sparaco
- Aron B. Wieder
- Alden H. Wolfe, Vice Chairman
- Harriet D. Cornell, Chairwoman

Absent: Legislators Christopher J. Carey, Douglas J. Jobson and Ilan S. Schoenberger

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Students from St. Augustine's School, New City, New York, led in the Salute to the Flag and delivered the invocation.

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**RESOLUTION NO. 31 OF 2012  
ADOPTION OF MINUTES OF LEGISLATIVE MEETING  
OF DECEMBER 28, 2011**

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

Resolved, that the transcribed minutes of the Legislative meeting of December 28, 2011, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

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

- ❖ Rochelle Sternheim, Close Indian Point
- ❖ Stephanie Madison, New President of Mental Health Association of Rockland County
- ❖ Richard Brega, Current violation of NYS Supreme Court order on transportation contract
- ❖ Raymond Smith, Concerned with deficit
- ❖ Karen Oates, Former Pres. Mental Health Association of Rockland County, thanked Legislators for all their support
- ❖ Marge Hook, Hi Tor Animal Center issues

Public Participation ended at 7:16 p.m.

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**Comments from the Chairwoman:**

Honorable Harriet D. Cornell

I would like to remind my colleagues that our next meeting, which is two weeks from tonight, will be at 6:00 p.m. We have a number of public hearings and we are starting early. So for the public and my colleagues the meeting on the 21<sup>st</sup> of February will start at 6:00 p.m.

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Introduced by:

Referral No. 5337

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

**RESOLUTION NO. 32 OF 2012  
 APPROVING A CONTRACT IN EXCESS OF \$100,000  
 WITH JMZ ARCHITECTS AND PLANNERS, P.C.  
 TO PROVIDE ARCHITECTURAL/ENGINEERING DESIGN SERVICES  
 FOR THE ROCKLAND COMMUNITY COLLEGE MASTER PLAN  
 UNDER CAPITAL PROJECT NO. 8297  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]  
 (\$122,000)**

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

WHEREAS, On February 17, 2011, the Director of Purchasing received proposals to provide the design services for the Rockland Community College Master Plan Study pursuant to plans and specifications prepared by Facilities Management; and

WHEREAS, Fourteen professional design firms submitted proposals; and

WHEREAS, The proposals were thoroughly reviewed and evaluated by Facilities Management and the Rockland Community College Administration Executive Vice President's office of which two design firms were chosen and interviewed; and

WHEREAS, JMZ Architects and Planners, P.C., 190 Glen Street, Glens Falls, New York 12801 was unanimously selected by the College Administration and Facilities Management as the most qualified and responsive firm that would be best able to provide the design services required to develop a Master Plan Study for Rockland Community College; and

WHEREAS, The Director of Facilities Management recommends that the County Executive and the Legislature of Rockland County accept and approve a contract in excess of \$100,000 with JMZ Architects and Planners, P.C., 190 Glen Street, Glens Falls, New York 12801, to develop the Master Plan Study for Rockland Community College for design services in an amount not to exceed \$122,000; and

WHEREAS, Sufficient funding for this project exists in Capital Project Account No. 8297; and

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

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

RESOLVED, That the Legislature of Rockland County approves a contract in excess of \$100,000 with JMZ Architects and Planners, P.C., 190 Glen Street, Glens Falls, New York 12801, for design services required to develop a Master Plan Study for Rockland Community College pursuant to plans and specifications prepared by Facilities Management in an amount not to exceed \$122,000 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 project is provided in Capital Project Account No. 8297.

Introduced by:

Referral No. 8293

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

**RESOLUTION NO. 33 OF 2012  
 APPROVING CONTRACT IN EXCESS OF \$100,000  
 WITH HUDSON TRANSIT CORP.  
 TO OPERATE THE TAPPAN ZEEXPRESS BUS SERVICE  
 FOR THE PERIOD FROM JANUARY 1, 2012 THROUGH MARCH 31, 2012  
 WITH ONE (1) THREE (3) MONTH EXTENSION OPTION  
 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,685,809.68  
 (NO COUNTY TAX DOLLARS)  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF PUBLIC TRANSPORTATION]  
 (\$1,685,809.68)**

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

WHEREAS, As required by the Federal Transit Administration, the County of Rockland must competitively bid the contract for the operation of its TAPPAN ZEEXPRESS (TZX) bus service, which bid is in the process of being prepared and therefore, the Department of Public Transportation is requesting that the County enter into an agreement with Hudson Transit Corp. for the period from January 1, 2012 through March 31, 2012 with one (1) option for a three (3) month extension in the interim; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised by the Department of Public Transportation that, in order to provide continued TAPPAN ZEEXPRESS (TZX) bus service it is necessary for the County to enter into an agreement with Hudson Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period January 1, 2012 through March 31, 2012 at a rate of \$280,968.28 per month for a three month total of \$842,904.84 with one (1) option for a three (3) month extension for a total contract amount not to exceed \$1,685,809.68; and

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

WHEREAS, Funds for this agreement are provided by the Metropolitan Transit Authority (MTA) and exist in Account E5410 of the Department of Public Transportation; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 for operation of the TAPPAN ZEEXPRESS (TZX) bus service with Hudson Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period January 1, 2012 through March 31, 2012 at a rate of \$280,968.28 per month for a three month total of \$842,904.84 with one (1) option for a three (3) month extension for a total contract amount not to exceed \$1,685,809.68, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and be it further

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

RESOLVED, That sufficient funds for this agreement are provided by Metropolitan Transit Authority (MTA) and exist in Account E5410 of the Department of Public Transportation.

**Debate:****Mr. Day**

This is just really a follow-up to some public comments. As most people are aware under the stewardship of Legislator Grant in Economic Development we have been looking to see if we should be withdrawing from the MTA. The reason being is the matter of value that we get, which is .43 cents of the dollar. I think it is important for people to understand this \$1.6 million that is no County tax dollars is costing us \$3.5 million in order to get that. This is why it is critical for us to find out whether we can get out of the MTA and what the route is to do so, because we are just not getting value for our money. Thank you.

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Introduced by:

Referral No. 8293

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

**RESOLUTION NO. 34 OF 2012  
 APPROVING CONTRACT IN EXCESS OF \$100,000  
 WITH HUDSON TRANSIT LINES, INC.  
 TO OPERATE THE TRANSPORT OF ROCKLAND (TOR)  
 ROUTE 93 PARTIAL BUS SERVICE  
 FOR THE PERIOD FROM JANUARY 1, 2012 THROUGH MARCH 31, 2012  
 WITH ONE (1) THREE (3) MONTH EXTENSION OPTION  
 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$148,043.46  
 (NO COUNTY TAX DOLLARS)  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF PUBLIC TRANSPORTATION]  
 (\$148,043.46)**

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

WHEREAS, As required by the Federal Transit Administration, the County of Rockland must competitively bid the contract for the operation of its Transport of Rockland (TOR) bus service, which bid is in the process of being prepared and therefore, the Department of Public Transportation is requesting that the County enter into an agreement with Hudson Transit Lines, Inc. for the period from January 1, 2012 through March 31, 2012 with one (1) option for a three (3) month extension in the interim; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised by the Department of Public Transportation that, in order to provide continued Transport of Rockland (TOR) Route 93 partial bus service, it is necessary for the County to enter into an agreement with Hudson Transit Lines, Inc., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period January 1, 2012 through March 31, 2012 at a rate of \$24,673.91 per month for a three month total of \$74,021.73 with one (1) option for three a (3) month extensions for a total contract amount not to exceed \$148,043.46; and

WHEREAS, Funds for this agreement are provided by the Metropolitan Transit Authority (MTA) and exist in Account E5800 of the Department of Public Transportation; and

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

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

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

RESOLVED, that the Legislature of Rockland County hereby approves the contract in excess of \$100,000 with Hudson Transit Lines, Inc., 4 Leisure Lane, Mahwah, New Jersey 07430, for operation of the Transport of Rockland (TOR) Route 93 partial bus service, for the period January 1, 2012 through March 31, 2012 at a rate of \$24,673.91 per month for a three month total of \$74,021.73 with one (1) option for three a (3) month extensions for a total contract amount not to exceed \$148,043.46, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement are provided by Metropolitan Transit Authority (MTA) and exist in Account E5800 of the Department of Public Transportation, and the agreement will require the expenditure of no County tax dollars.

Introduced by:

Referral No. 2825

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

**RESOLUTION NO. 35 OF 2012  
 APPROVING CONTRACT IN EXCESS OF \$100,000  
 WITH ROCKLAND TRANSIT CORP.  
 TO OPERATE THE TRANSPORT OF ROCKLAND (TOR)  
 BUS SERVICE ROUTES 59, 91, 92, 93, 94, 95, 97, LOOP 1, 2 AND 3  
 FOR THE PERIOD FROM JANUARY 1, 2012 THROUGH MARCH 31, 2012  
 WITH ONE (1) THREE (3) MONTH EXTENSION OPTION FOR A TOTAL CONTRACT  
 AMOUNT NOT TO EXCEED \$5,608,573.50  
 (NO COUNTY TAX DOLLARS)  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF PUBLIC TRANSPORTATION]  
 (\$5,608,573.50)**

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

WHEREAS, As required by the Federal Transit Administration, the County of Rockland must competitively bid the contract for the operation of its Transport of Rockland (TOR) bus service, which bid is in the process of being prepared and therefore, the Department of Public Transportation is requesting that the County enter into an agreement with Rockland Transit Corp. for the period from January 1, 2012 through March 31, 2012 with one (1) option for a three (3) month extension in the interim; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised by the Department of Public Transportation that, in order to provide continued Transport of Rockland (TOR) bus service, Routes 59, 91, 92, 93, 94, 95, 97, Loop 1, 2 and 3, it is necessary for the County to enter into an agreement with Rockland Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for the period January 1, 2012 through March 31, 2012 at a rate of \$934,762.25 per month for a three month total of \$2,804,286.75 with one (1) option for three a (3) month extensions for a total contract amount not to exceed \$5,608,573.50; and

WHEREAS, Funds for this agreement are provided by Metropolitan Transit Authority (MTA) and exist in Account E5800 of the Department of Public Transportation; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 with Rockland Transit Corp., 4 Leisure Lane, Mahwah, New Jersey 07430, for operation of the TRANSPORT OF ROCKLAND (TOR) bus service, Routes 59, 91, 92, 93, 94, 95, 97, Loop 1, 2 and 3, for the period January 1, 2012 through March 31, 2012 at a rate of \$934,762.25 per month for a three month total of \$2,804,286.75 with one (1) option for three a (3) month extensions for a total contract amount not to exceed \$5,608,573.50, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement are provided by Metropolitan Transit Authority (MTA) and exist in Account E5800 of the Department of Public Transportation, and the agreement will require the expenditure of no County tax dollars.

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 36 OF 2012  
 APPROVING ADDITIONAL PURCHASES AND AUTHORIZING ADDITIONAL  
 EXPENDITURES IN EXCESS OF \$100,000 IN AN AMOUNT NOT TO  
 EXCEED \$98,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$376,911  
 FROM UNIVERSAL ELECTRIC MOTOR SERVICE, INC.  
 FOR PUMPS – INSPECTION, OVERHAUL, REWIND AND  
 REPAIR SERVICES UNDER RFB-RC-2010-040  
 FOR THE PERIOD APRIL 28, 2010 THROUGH APRIL 27, 2012  
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER  
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]  
 (\$376,911)**

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

WHEREAS, By Resolution No. 313 of 2010, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Universal Electric Motor Service, Inc. ("Universal"), 131 South Newman Street, Hackensack, New Jersey 07601, for pumps – inspection, overhaul, rewind and repair services under RFB-RC-2010-040 (the "RFB") in an amount not to exceed \$180,911 for the period from April 28, 2010 through April 27, 2011 with an additional one (1) year option and authorized all purchases to be made by formal purchase orders, subject to the approval of the Director of Purchasing; and

WHEREAS, By Resolution No. 235 of 2011, the Legislature of Rockland County approved additional purchases in excess of \$100,000 from Universal Electric Motor Service, Inc. ("Universal"), 131 South Newman Street, Hackensack, New Jersey 07601, for pumps – inspection, overhaul, rewind and repair services under RFB-RC-2010-040 (the "RFB") in an additional amount not to exceed \$98,000 for a total amount not to exceed \$278,911 for the period from April 28, 2010 through April 27, 2012 and authorized all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and

WHEREAS, The Director of Purchasing exercised the option to renew the RFB for an additional year from April 28, 2011 through April 27, 2012; and

WHEREAS, The current total expenditures against this contract is \$244,272.47 not including pending pump repairs; and

WHEREAS, The total estimated expenditures during the remaining months of this contract term is \$98,000; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the additional purchases from Universal in an amount not to exceed \$98,000 for a total amount not to exceed \$376,911 for the contract term from April 28, 2010 through April 27, 2012; and

WHEREAS, All purchases shall be made by formal purchase order on an as-needed basis with no funds encumbered in advance; and

WHEREAS, Sufficient funds for these purchases exist in the 2012 Operating Budget of the Rockland County Sewer District No. 1; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases from Universal Electric Motor Service, Inc., 131 South Newman Street, Hackensack, New Jersey 07601, for pumps – inspection, overhaul, rewind and repair services under RFB-RC-2010-040 in an amount not to exceed \$98,000 for a total amount not to exceed \$376,911 for the contract term from April 28, 2010 through April 27, 2012, and hereby authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Operating Budget of the Rockland County Sewer District No. 1.

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Introduced by:

Referral No. 7171

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

**RESOLUTION NO. 37 OF 2012  
 ACCEPTING THE BID OF THE LOWEST BIDDER  
 AND APPROVING A CONTRACT IN EXCESS OF \$100,000  
 WITH HELMER-CRONIN CONSTRUCTION, INC. IN  
 THE AMOUNT OF \$1,569,100  
 FOR THE BASE BID CULTURAL ARTS CENTER  
 GLASS ROOF REHABILITATION AND ALTERNATE NO. 4,  
 SAFETY RAILINGS CAPITAL PROJECT NO. 8291  
 AND AUTHORIZING EXECUTION OF THE CONTRACT  
 BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]  
 (\$1,569,100)**

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

WHEREAS, By Resolution No. 86 of 2011, the Legislature of Rockland County authorized its Clerk to advertise for bids for the Base Bid Cultural Arts Center Glass Roof Rehabilitation under Capital Project Account No. 8291 pursuant to the plans and specifications prepared by Degenshein Architects, Nyack, New York; and

WHEREAS, Bids for this project were publicly advertised and opened by the Clerk to the Legislature on May 5, 2011; and

WHEREAS, Four bids were received for general construction work; and

WHEREAS, Helmer-Cronin Construction Inc., was the lowest bid, and was reviewed and evaluated by the Capital Projects staff in the amount of \$1,560,000 for the Base Bid and \$9,100 for Alternate No. 4, Safety Railings, for a total contract amount of \$1,569,100; and

WHEREAS, Based on the determination of the lowest bid, the Commissioner of General Services and the Director of Facilities Management recommend that the County Executive and the Legislature of Rockland County accept and award the bid to Helmer-Cronin Construction, Inc., 27 Route 210, Stony Point, New York 10980, the lowest bidder, who submitted the lowest responsible bid for general construction in the amount of \$1,561,100,000; and

WHEREAS, General Municipal Law §103 requires that contracts for public work involving expenditures of more than \$35,000 be awarded to the lowest responsible bidder; and

WHEREAS, Facilities Management has complied with the requirements of Resolution No. 303 of 1996; and

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

WHEREAS, Sufficient funding for this contract is provided for under Capital Project 8291 and is authorized by Resolution No. 574 of 2003, No. 85 of 2011 and Rockland Community College Accounts 10-71711-66600 and 10-71714-66600; 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 \$1,569,100 and approves a contract in excess of \$100,000 with Helmer-Cronin Construction, Inc., 27 Route 210, Stony Point, New York 10980, the lowest bidder, who submitted the lowest responsible bid in the amount of \$1,569,100, for the Base Bid Cultural Arts Center Glass Roof Rehabilitation and Alternate No. 4, Safety Railings, pursuant to plans and specifications prepared by Degenshein Architects, Nyack, New York, and further authorizes execution of the contract by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, Sufficient funding for this contract is provided for under Capital Project 8291 and is authorized by Resolution No. 574 of 2003, No. 85 of 2011 and Rockland Community College Accounts 10-71711-66600 and 10-71714-66600.

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Introduced by:

Referral No. 9323

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

**RESOLUTION NO. 38 OF 2012  
 APPROVING VARIOUS PURCHASES IN EXCESS OF \$100,000  
 UNDER VARIOUS NEW YORK STATE  
 OFFICE OF GENERAL SERVICES CONTRACTS  
 FOR THE PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2012  
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER  
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]  
 (\$1,520,000)**

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

WHEREAS, The Director of Purchasing requests that the County Executive and the Legislature of Rockland County approve various purchases in excess of \$100,000 by formal purchase order under the following New York State Office General Services ("OGS") contracts, and their successor contracts, in the amount listed below:

<u>Contract Title, and Their Successor Contract</u>	<u>Vendor</u>	<u>State Contract Number</u>	<u>Estimated Annual Purchases</u>
Liquid Bituminous Materials (Microsurfacing and/or Quick Set Slurry Seal)	New York Bituminous Products, Inc.	PC65446	\$700,000
Liquid Bituminous Materials (Surface Treatment Conventional and Fiber Reinforced)	New York Bituminous Products, Inc.	PC65114	\$350,000
Liquid Bituminous Materials (Joint & Crack Filler/Sealer)	New York Bituminous Products, Inc.	PC65403	\$120,000
Road Salt	Atlantic Salt, Inc. Corporation	PC65645	\$350,000

; and

WHEREAS, All purchases will be made by formal purchase order, encumbering the funds in advance of the services provided, and shall be in accordance with the approved 2012 Budgets for each County Department which make purchases under these contracts, and their successor contracts; and

WHEREAS, Purchases from these OGS contracts are expected to total approximately \$1,520,000;

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature "[t]o 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 various purchases in excess of \$100,000 from the following New York State Office General Services contracts, and their successor contracts, for the period from January 1, 2012 through December 31, 2012, subject to the approval of the Director of Purchasing, in the amounts listed below:

<u>Contract Title, and Their Successor Contract</u>	<u>Vendor</u>	<u>State Contract Number</u>	<u>Estimated Annual Purchases</u>
Liquid Bituminous Materials (Microsurfacing and/or Quick Set Slurry Seal)	New York Bituminous Products, Inc.	PC65446	\$700,000
Liquid Bituminous Materials (Surface Treatment Conventional and Fiber Reinforced)	New York Bituminous Products, Inc.	PC65114	\$350,000
Liquid Bituminous Materials (Joint & Crack Filler/Sealer	New York Bituminous Products, Inc.	PC65403	\$120,000
Road Salt	Atlantic Salt, Inc. Corporation	PC65645	\$350,000

; and be it further

RESOLVED, That all of these purchases, which are expected to total approximately \$1,520,000, encumbering the funds in advance of the services provided, and shall be in accordance with the approved 2012 Budgets of the County Departments which makes purchases under these contract and their successor contracts.

Introduced by:

Referral No. 7446

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

**RESOLUTION NO. 39 OF 2012  
 APPROVING AN AGREEMENT IN EXCESS OF \$100,000  
 WITH VERIZON BUSINESS NETWORK SERVICES, INC.  
 IN AN AMOUNT NOT TO EXCEED \$3,487,869.60  
 TO PROVIDE TELEPHONE LINE AND VOICE MAIL SERVICES FOR  
 THE COUNTY OF ROCKLAND AND ROCKLAND COMMUNITY COLLEGE  
 FOR A 48 MONTH TERM  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF GENERAL SERVICES – COMMUNICATIONS]  
 (\$3,487,869.60)**

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

WHEREAS, The Department of General Services (DGS) – Communications is requesting an agreement in excess of \$100,000 with Verizon Business Network Services, Inc. (Verizon), 14 Corporate Woods Blvd, Albany, New York 12211, to provide telephone line and voice mail services on the County's telephone system for the County of Rockland (County) and Rockland Community College (RCC), in an amount not to exceed \$3,487,869.60, for a 48 month term; and

WHEREAS, The Purchasing Division issued a Mini-Bid to telecommunications providers on the New York State Contract which encouraged providers to offer alternative solutions, including Voice Over IP (VOIP) and

WHEREAS, The Purchasing Division received two responses to the Mini-Bid request from Verizon Business Services and PAETEC, and

WHEREAS, Proposals were received from Verizon for the County's current Centrex Service as well as options to roll out VOIP in several smaller county locations as a trial in the future; and

WHEREAS, PATEC's response included VOIP and Hosted VOIP solutions; and

WHEREAS, The DGS Communications Division and RCC reviewed each of the proposals and determined that VOIP technology requires many redundancies to be built into the system to provide 24/7 telephone service in the event of a power failures; and

WHEREAS, The DGS Communications Division has advised that the County's current network has bandwidth limitations which would require significant upgrades to provide the redundancies required for VOIP service, and

WHEREAS, The DGS Communications Division and RCC expressed concerns regarding the manpower and skillset knowledge needed to manage a VOIP network and determined additional staff would most likely be needed; and

WHEREAS, The DGS Communications Division has determined an in-depth study needs to be completed to determine which County operations could move to a VOIP network and to identify the infrastructure upgrades that would be necessary; and

WHEREAS, The DGS Communications Divison and RCC have recommended that the County continue with the current Centrex service from Verizon; and

WHEREAS, Lower prices were negotiated with Verizon based on the discount structure provided in the New York State contract #PS63765 for telecommunication services; and

WHEREAS, The amount allocated to the County is \$2,847,429.60 and to Rockland Community College is \$640,440.00 for a total amount of \$3,487,869.60; 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 funding for this agreement is provided for in the 2012 Budget of the Department of General Services and Rockland Community College, and is contingent upon future budgets appropriations in 2013, 2014 and 2015; 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 agreement in excess of \$100,000 with Verizon Business Network Services, Inc., 14 Corporate Woods Blvd., Albany, New York 12211, to provide telephone line and voice mail services on the County's telephone system for the County of Rockland and Rockland Community College, in an amount not to exceed \$3,487,869.60, for a 48 month term 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 is provided for in the 2012 Budget of the Department of General Services and Rockland Community College, and is contingent upon future budget appropriations in 2013, 2014 and 2015.

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Introduced by:

Referral No. 9019

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

**RESOLUTION NO. 40 OF 2012  
 APPROVING the ACCEPTANCE OF FUNDS IN THE AMOUNT  
 OF \$110,000 [NCTD] FROM THE NEW YORK STATE  
 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE (OTDA)  
 TO REIMBURSE THE COUNTY FOR ELIGIBLE COSTS  
 ASSOCIATED WITH THE ADMINISTRATION OF THE  
 2011 SUMMER YOUTH EMPLOYMENT PROGRAM  
 FOR THE PERIOD MAY 1, 2011 THROUGH SEPTEMBER 30, 2011  
 AND AUTHORIZING THE COUNTY EXECUTIVE  
 TO EXECUTE ALL NECESSARY DOCUMENTS  
 [YOUTH BUREAU]  
 (\$110,000)**

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

WHEREAS, The Executive Director of the Youth Bureau has advised the County Executive and the Legislature of Rockland County that he has been advised by the Executive Director of the Workforce Investment Board of Rockland County Inc, that the Youth Bureau has been awarded funds in the amount of \$110,000 from the New York State Office of Temporary and Disability Assistance (OTDA) to reimburse the County for eligible costs associated with the 2011 Summer Youth Employment Program for the period May 1, 2011 through September 30, 2011; and

WHEREAS, This amount is federally funded but administered by the Workforce Investment Board of Rockland County, Inc.; and

WHEREAS, The County's One-Step Operator, Tomorrows Workplace, provided oversight and mentoring of said program; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of funds in the amount of \$110,000 from the New York State Office of Temporary and Disability Assistance to reimburse the County for eligible costs associated with the administration of the 2011 Summer Youth Employment Program for the period May 1, 2011 through September 30, 2011, and authorizes the County Executive to execute all necessary documents, subject to the approval of the County Attorney; and be it further

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

GENERAL FUND - 2011

Increase Approp. Acct. (Credit):

A-YB-1250-E5830	RC Youth Employment Program	110,000
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Increase Est. Rev. Acct. (Debit):

A-YB-1250-R4989	Federal Aid - Home & Community Services	110,000
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Introduced by:

Referral No. 6311

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

**RESOLUTION NO. 41 OF 2012  
APPROVING THE ACCEPTANCE OF A CONTINUATION GRANT  
IN THE AMOUNT OF \$171,197 FROM THE NYS COMMISSION ON NATIONAL AND  
COMMUNITY SERVICE FOR THE COUNTY'S AMERICORPS PROGRAM  
AND APPROPRIATING ANTICIPATED REVENUE IN THE AMOUNT OF \$65,000  
FROM VARIOUS AMERICORPS PROGRAM HOST SITES  
WHICH WILL BE USED TO PARTIALLY COVER REMAINING NON-GRANT FUNDED  
AMERICORPS PROGRAM COSTS WHICH GRANT WILL REQUIRE A  
LOCAL SHARE IN THE AMOUNT OF \$60,000  
FOR THE PERIOD OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012  
AND AUTHORIZING THE COUNTY EXECUTIVE  
TO EXECUTE ALL NECESSARY GRANT DOCUMENTS  
[YOUTH BUREAU]  
(\$171,197)**

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

WHEREAS, The Assistant Director of the Youth Bureau has advised the County Executive and the Legislature of Rockland County that the Rockland County AmeriCorps (RCA) has been awarded a continuation grant in the amount of \$171,197 from the New York State Commission on National and Community Service to help fund the AmeriCorps Program for the period October 1, 2011 through September 30, 2012; and

WHEREAS, Enrollees in the AmeriCorps Program work to improve the environmental quality of parks and open spaces in Rockland County through cleanup, beautification and an early literacy program; and

WHEREAS, The Youth Bureau anticipates receiving approximately \$65,000 in revenue from the various Host Sites that will be accepting RCA members during this period, which funds will be used to partially cover any remaining non-grant funded AmeriCorps Program costs during this period; and

WHEREAS, The AmeriCorps Program requires a local share in the amount of \$60,000 which will be derived from the local share match line of the 2011 budget of the AmeriCorps Program (Dept. 1251); and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a continuation grant in the amount of \$171,197 from the New York State Commission on National and Community Service to help fund the AmeriCorps Program for the period October 1, 2011 through September 30, 2012, and authorizes the County Executive to execute all necessary grant documents, subject to the approval of the County Attorney; and be it further

RESOLVED, That Youth Bureau anticipates receiving approximately \$65,000 in revenue from the various Host Sites that will be accepting RCA members during this period, which funds will be used to partially cover any remaining non-grant funded AmeriCorps Program costs during this period; and be it further

RESOLVED, That the AmeriCorps Program requires a local share in the amount of \$60,000 which will be derived from the local share match line from the 2011 budget of the AmeriCorps Program (Dept. 1251); and be it further

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

GENERAL FUND - 2011

Increase Approp. Acct. (Credit):

A -YB -1251	-E1100	Salaries, Employees	66,615
	-E1800	Relief Positions	124,270
	-E1910	Health	9,000
	-E1911	Dental	1,500
	-E1912	Vision	300
	-E1920	Retirement	21,500
	-E1930	Social Security	14,600
	-E1940	Unemployment Insurance	100
	-E1950	Workers' Compensation	150
	-E1980	MTA Mobility Tax	650
	-E3010	Food	1,020
	-E3130	Office Supplies	1,380
	-E3290	Operational Supplies	4,920
	-E4040	Travel	3,495
	-E4090	Fees for Services-Non-Employee	38,145
	-E5060	Program Costs	8,550

Decrease Approp. Acct. (Debit):

A -YB -1251	-E5390	Local Share Match	60,000
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Increase Est. Rev. Acct. (Debit):

A -YB -1251	-R1251	Departmental Fees	65,000
	-R4880	Youth Program Grant(s)	171,195

UNEMPLOYMENT FUND - 2011

Increase Approp. Acct. (Credit):

Q -PER -9050	-E8010	Employee Benefits	100
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Increase Est. Rev. Acct. (Debit):

Q -PER -9050	-R2809	Interfund Revenues	100
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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. 6704

- Hon. Ian S. Schoenberger, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Nancy Low-Hogan, Sponsor

**RESOLUTION NO. 42 OF 2012  
 APPROVING ACCEPTANCE OF CONTINUATION GRANT  
 IN THE AMOUNT OF \$135,470 (NCTD) FROM THE NEW YORK STATE  
 OFFICE OF CHILDREN AND FAMILY SERVICES TO SUPPORT THE  
 SPECIAL VICTIMS CENTER-CHILD ADVOCACY PROGRAM  
 FOR THE PERIOD FEBRUARY 1, 2012 THROUGH JANUARY 31, 2013  
 AND AUTHORIZING EXECUTION OF ALL GRANT  
 DOCUMENTS BY THE COUNTY EXECUTIVE  
 [OFFICE OF THE DISTRICT ATTORNEY]  
 (\$135,470)**

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

WHEREAS, The County Executive has been advised that a \$135,470 continuation grant from the New York State Office of Children and Family Services has been awarded to the District Attorney's Office to support the Special Victims Center-Child Advocacy Program for the period February 1, 2012 through January 31, 2013; and

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

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

WHEREAS, The 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 \$135,470 continuation grant from the New York State Office of Children and Family Services to support the Special Victims Center-Child Advocacy Program for the period February 1, 2012 through January 31, 2013, 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 no County tax dollars (NCTD) are required to accept said grant; and be it further

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A - DA - 1165 -GA16	-E2010	Furniture & Fixtures	8,134
	-E2050	Equipment	1,750
	-E2100	Computers	5,300
	-E3030	Medical Supplies	500
	-E3130	Office Supplies	5,000
	-E3280	Printed Materials	2,500
	-E3290	Operational Supplies	1,050
	-E4040	Travel	4,440
	-E4090	Fees for Services, Non-Employee	40,545
	-E4140	Conferences & Seminars	10,000
	-E4600	Telephone	11,251
	-E5060	Program Costs	45,000

Increase Est. Rev. Acct. (Debit):

A - DA - 1165 -GA16	-R3380	Public Safety Grant(s)	135,470
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Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 43 OF 2012  
ACCEPTANCE OF GIFT FROM THE ROCKLAND COUNTY  
BAR ASSOCIATION OF A PORTRAIT OF JUSTICE ALFRED WEINER  
TO BE DISPLAYED IN THE COURTROOM LOCATED AT  
THE ROCKLAND COUNTY COURTHOUSE IN WHICH  
JUSTICE WEINER PRESIDED  
(DEPARTMENT OF COUNTY EXECUTIVE)**

Mr. Hood, Jr. offered the following resolution, which was seconded by Mr. Day, Mr. Soskin, Mr. Sparaco and Mr. Wolfe and unanimously adopted:

WHEREAS, The Rockland County Bar Association, Inc. has advised the County Executive that on Thursday, March 15, 2012, there will be an unveiling of a portrait of Justice Alfred Weiner; and

WHEREAS, The portrait would be displayed in the courtroom in which Justice Weiner presided at the Rockland County Courthouse; and

WHEREAS, County Law §215(3) authorizes the Legislature to accept by gift personal property for lawful county purposes; 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 accepts the portrait of Justice Alfred Weiner which will be hung from a wall in the courtroom which Judge Weiner presided in the Rockland County Courthouse, as a gift from the Rockland County Bar Association, Inc.; and

RESOLVED, That the Legislature hereby directs the Clerk to the Legislature to express in writing the appreciation of the County of Rockland to the Rockland County Bar Association, Inc. and the Chief Clerk of the Supreme Court for their gift to the County of Rockland.

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Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 44 OF 2012  
AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE COUNTY OF ROCKLAND  
AND THE TOWN OF RAMAPO BY THE COUNTY EXECUTIVE  
FOR USE OF THE RAMAPO POLICE RANGE FACILITY  
FOR THE PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2012  
AT NO COST TO THE COUNTY  
[SHERIFF'S DEPARTMENT]**

Mr. Hood, Jr. offered the following resolution, which was seconded by Mr. Day, Mr. Earl and Mr. Soskin 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 Sheriff's Department and the Town of Ramapo desire to enter into an intermunicipal agreement for the use of the Ramapo Police Range Facility by the Sheriff's Department and the Rockland County Police Academy for firearms training for the period January 1, 2012 through December 31, 2012; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution by the County Executive of an intermunicipal agreement between the County of Rockland through its Sheriff's Department and the Town of Ramapo for the use of the Ramapo Police Range Facility by the Sheriff's Department and the Rockland County Police Academy for firearms training for the period January 1, 2012 through December 31, 2012, subject to the approval of the County Attorney.

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Introduced by:

Referral No. 9463

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

**RESOLUTION NO. 45 OF 2012  
 APPROPRIATION OF FUNDS  
 [DEPARTMENT OF BUDGET AND FINANCE] –  
 FOR THE COUNTY’S PORTION OF TAX CERTIORARIS – WYETH-PFIZER  
 (\$725,000)**

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

WHEREAS, The Acting Commissioner of finance has requested that the Rockland County Legislature approve the appropriation of \$725,000 for the payment of the County's portion of Tax Certioraris in department A-FIN-1961 Refunds of Property Tax and Judgments for FY 2011; and

WHEREAS, Since the County Legislature approved an operating bond revenue by Resolution No. 508 of 2011, the Commissioner of Finance is now requesting that a portion of said funds be appropriated in order to balance the payment entries in department A-FIN-1961, 1961 Refunds of Property Tax and Judgments; 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 Acting Commissioner of Budget and Finance is hereby approves the increase the following accounts in the amounts indicated; and be it further

GENERAL (A) FUND (FY2011)

Increase Appropriation Account:

A-FIN-1961 Refund of Tax Judgments E5030	Tax Related Costs	\$725,000
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Increase Est. Revenue Account:

A-UNC-9990 Unclassified Revenue	R5710	Proceeds of Bonds	\$725,000
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Introduced by:

Referral No. 9463

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

**RESOLUTION NO. 46 OF 2012  
 TRANSFER OF FUNDS  
 DSS MMIS (MEDICAID)  
 TO MEET THE COUNTY'S LOCAL SHARE MATCH  
 FOR FISCAL YEAR 2011  
 (DEPARTMENT OF BUDGET AND FINANCE)  
 (\$4,200,000)**

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

WHEREAS, The County Executive and the Legislature has been advised by the Acting Commissioner of Finance that a transfer of funds to the Department of Social Services – Medicaid-MMIS (Dept. 6102) is now necessary in order to meet the County's local share match for the fiscal year 2011 and

WHEREAS, A total of \$4,200,000 is required to be transferred to the Department of Social Services – Medicaid – MMIS (Dept. 6102) in order to meet the County's local share match for the fiscal year 2011; and

WHEREAS, In order to accept the inter-governmental (ITG) transfer revenue the County must account for the transaction by making a corresponding 50% match; and

WHEREAS, The IGT is accounted for as an expense entry for the Department of Social Services and a revenue entry for the Department of Hospitals; and

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

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds; 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 a transfer of funds to the Department of Social Services – Medicaid – MMIS (Dept. 6102) in order to meet the County's local share match for the fiscal year 2011; and be it further

RESOLVED, That this resolution does not involve the expenditure of any County funds; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts as indicated.

GENERAL (A) FUND (2011)

Increase Appropriation Account:

A-DSS-6102 MMIS (Medicaid)	E5390 Local Share Match	\$4,200,000
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Decrease Appropriation Account:

A-TRF-9525 Contribution to EH Fund	E9010 Contribution	\$4,200,000
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Introduced by:

Referral No. 9473

Hon. Ilan S. Schoenberger, Sponsor  
Hon. Jay Hood, Jr., Co-Sponsor  
Hon. Alden H. Wolfe, Co-Sponsor  
Hon. Harriet D. Cornell, Co-Sponsor  
Hon. Toney L. Earl, Co-Sponsor  
Hon. Philip Soskin, Co-Sponsor

**RESOLUTION NO 47 OF 2012  
APPROVING EXECUTION OF 2012 CONTRACTS WHICH ARE IN EXCESS  
OF \$100,000 TO CONTRACT AGENCIES BOTH WITHIN COUNTY  
DEPARTMENTS AND OUTSIDE**

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

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 Legislature has appropriated funds in the 2012 Budget for these programs; and

WHEREAS, agreements have been prepared for these programs; and

WHEREAS, these agreements provide for payment by the County to the providers based upon a specific fee for services; and

WHEREAS, these agreements may exceed the sum of \$100,000; and

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

RESOLVED, that the Legislature of Rockland County approves the execution of all 2012 agreements listed on the Schedule "A" attached.

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**Debate:**

**Mr. Meyers**

I don't agree with the allocations to certain of these organizations, but because it has been approved by the Legislature and this is simply a logistical resolution I will support it.

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## 2012 BUDGET - CONTRACT AGENCIES/CONTRACTS IN EXCESS OF \$100,000

<u>Community Enrichment Programs</u>	
Association for Visually Impaired	\$ 170,700
Big Brothers Big Sisters	\$ 106,050
Catholic Community Svc of RC	\$ 180,000
Child Care Resources of Rockland	\$ 133,725
Community Improvement Council	\$ 180,000
Cornell Coop Extension of Rockland	\$ 288,664
Headstart of Rockland	\$ 105,975
Rockland Economic Develop	\$ 350,000
Rockland Schools 21st Century	\$ 221,100
United Hospice of Rockland	\$ 100,000
Vounteer Counseling Service	\$ 180,000
<u>Contracts within Mental Health</u>	
DMH- Dept of Mental Health	\$ 800,000
DMH - Jawonio	\$ 1,454,000
DMH- AHRC	\$ 800,500
DMH - Camp Venture	\$ 326,300
DMH- Mental Health Association	\$ 1,527,081
DMH - Rockland Council on Alcoholism	\$ 385,680
DMH- Mid Hudson Society Epilepsy	\$ 185,400
DMH - Open Arms	\$ 231,000
DMH - Loeb House	\$ 621,139
DMH - St. Dominic's Home	\$ 574,000
DMH - Rockland Hospital Guild	\$ 648,000
DMH - West Chester Employ	\$ 118,000
DMH - Lexington Center for Recover	\$ 674,120
Town of Clarkstown - Narcotics Control	\$ 100,000
CANDLE - Narcotics Addiction Control	\$ 228,182
Village of Haverstraw - Narcotics Control	\$ 212,151
<u>Contracts within Social Services</u>	
RCDC Human Services	\$ 108,900
SHARE	\$ 180,000
Cornell Cooperative Extension - ESNY	\$ 140,109
Child Care Resources - Family Day Care	\$ 470,248
Rockland Family Shelter	\$ 400,679
<u>Contracts within Health Department</u>	
Vyack Hospital - Pre Natal Program	\$ 1,400,000
VMC Transportation - Consultant EI/Pre K	\$ 167,000
<u>Contracts within Office for the Aging</u>	
Bohple's Health Care	\$ 110,000
W&T Health Care	\$ 110,000
Home Aides of Rockland	\$ 204,263
Northern Metropolitan	\$ 120,000
Needs on Wheels	\$ 1,855,100
Needs on Wheels - SNAP/Adult Day	\$ 120,000

**RESOLUTION NO. 48 OF 2012****TAX ANTICIPATION NOTE RESOLUTION DATED FEBRUARY 7, 2012.**

**A RESOLUTION DELEGATING TO THE COMMISSIONER OF FINANCE OF THE COUNTY OF ROCKLAND, NEW YORK, THE POWER TO AUTHORIZE, FROM TIME TO TIME DURING FISCAL YEAR 2012, THE SALE AND ISSUANCE OF NOT TO EXCEED \$55,000,000 TAX ANTICIPATION NOTES OF SAID COUNTY IN ANTICIPATION OF THE COLLECTION OF REAL ESTATE TAXES LEVIED IN FISCAL YEAR 2012.**

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

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

Section 1. The power to authorize the sale and issuance of not to exceed \$55,000,000 tax anticipation notes (the "Notes") of the County of Rockland, New York, in anticipation of the collection of real estate taxes levied in the 2012 fiscal year of said County is hereby delegated to the Commissioner of Finance, the chief fiscal officer.

Section 2. The County Legislature has ascertained and hereby states that (a) at least \$55,000,000 of such real estate taxes remains uncollected as of the date hereof for the fiscal year of the County beginning January 1, 2012; (b) no tax anticipation notes have been issued in anticipation of the collection of such real estate taxes; (c) no amount has been included in the annual budget of the County for such fiscal year to offset, in whole or in part, any anticipated deficiency in the collection during such fiscal year of real estate taxes to be levied for such fiscal year; (d) the date of maturity of the notes shall not be extended beyond five (5) years from the date of their issuance, which is the close of the applicable period provided in Section 24.00 of the Local Finance Law for the maturity of the notes; and (e) all earnings from the proceeds of the Notes, if any, shall be applied for payment of interest on the Notes when due and payable or for payment of other governmental purposes of the County within the meaning of Section 1.148-7(b)(2) of the United States Treasury Regulations in effect or proposed on the date of the notes.

Section 3. In the absence of the Commissioner of Finance of the County, the Deputy Commissioner of Finance of the County is hereby authorized to exercise the powers referred to in this resolution.

Section 4. The Notes shall be dated, shall mature, shall be in such denominations and shall bear interest at the rate or rates of interest per annum, determined at the time of the sale of the Notes by the Commissioner of Finance of the County at private or public sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations. Interest on the Notes shall be paid at maturity.

Section 5. Pursuant to provisions of Section 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to sell, issue and deliver and to prescribe the terms, form and contents of the Notes is hereby delegated to the Commissioner of Finance of the County, as chief fiscal officer of the County. The Commissioner of Finance of the County is hereby authorized to execute the Notes on behalf of the County and the County Clerk is hereby authorized to affix the seal of the County to the Notes and to attest such seal. The Commissioner of Finance of the County is hereby authorized to deliver the Notes to the purchaser thereof upon receipt in full of the purchase price thereof.

Section 6. The County covenants for the benefits of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the County which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations or the proceeds thereof if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the obligations or any other provision hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 7. The County hereby covenants for the benefit of holder(s) of the obligations authorized herein to comply with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), and in particular paragraphs (b)(5)(i)(A), (b)(5)(i)(B), and (b)(5)(i)(C) of the Rule, by providing to a nationally recognized municipal securities information repository, as required by the Rule: (1) at least annually, current financial information and (2) notice of any material event; unless an exemption from such paragraphs(s) exists pursuant to the Rule.

Section 8. It is the intent of this County Legislature that this resolution shall remain in full force and effect until December 31, 2012, at which time the powers granted to the Commissioner of Finance shall automatically terminate without further action of this Legislature.

Section 9. The faith and credit of the County hereby is and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this resolution as the same shall become due.

Section 10. The Commissioner of Finance of the County is hereby directed to file with the County Legislature certificates reporting the date of the Notes, the date the notes mature, the rate of interest of the Notes, the purchaser of the notes and a statement to the effect that the power of the Commissioner of Finance of the County to sell, issue and deliver the Notes is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the notes, and such other certificates as may be delivered to the purchaser or purchasers of the Notes.

Section 11. This resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: 14

NOES: 0

ABSENT: 3

EXCUSED:

The resolution was declared adopted.

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**Roll Call:**

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Day – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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**RESOLUTION NO. 49 OF 2012****REVENUE ANTICIPATION NOTE RESOLUTION DATED FEBRUARY 7, 2012.**

**A RESOLUTION DELEGATING TO THE COMMISSIONER OF FINANCE OF THE COUNTY OF ROCKLAND, NEW YORK, THE POWER TO AUTHORIZE, FROM TIME TO TIME DURING FISCAL YEAR 2012, THE SALE AND ISSUANCE OF NOT TO EXCEED \$45,000,000 REVENUE ANTICIPATION NOTES OF SAID COUNTY IN ANTICIPATION OF THE RECEIPT OF COUNTY SALES AND COMPENSATING USE TAX REVENUES, MORTGAGE RECORDING TAX REVENUES, AND REVENUES TO BE RECEIVED FROM THE STATE OF NEW YORK AND FROM THE UNITED STATES OF AMERICA.**

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

WHEREAS, the County of Rockland (the "County"), in the State of New York (the "State"), desires to issue revenue anticipation notes in anticipation of the receipt of County Sales and Compensating Use Tax Revenues, Mortgage Recording Tax Revenues, and revenues to be received from the State of New York and from the United States of America in and for the County in its fiscal year beginning January 1, 2012;

NOW THEREFORE, BE IT RESOLVED by the affirmative vote of the County Legislature of the County of Rockland, New York, as follows:

Section 1. The power to authorize, from time to time during fiscal year 2012, the sale and issuance of not to exceed \$45,000,000 revenue anticipation notes (the "Notes") of the County of Rockland, New York, in anticipation of the receipt of County Sales and Compensating Use Tax Revenues, Mortgage Recording Tax Revenues, and revenues to be received from the State of New York and from the United States of America during the fiscal year of said County during which such sale and issuance shall be authorized or for the fiscal year during which such

notes shall be issued and sold (hereinafter, the "Revenues"), is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such Notes shall be of such terms, form and contents as may be determined by said Commissioner of Finance, pursuant to the provisions of the Local Finance Law.

Section 2. The County Legislature has ascertained and hereby states that (a) not less than \$45,000,000 of such Revenues remains uncollected as of the date hereof for the fiscal year of the County beginning January 1, 2012; (b) no revenue anticipation notes have been issued in anticipation of the collection of such Revenues; (c) no amount has been included in the annual budget of the County for such fiscal year to offset, in whole or in part, any anticipated deficiency in the collection during such fiscal year of Revenues for such fiscal year; (d) the date of maturity of the Notes shall not be extended beyond the close of the second fiscal year succeeding the fiscal year in which such Notes were issued, which is the close of the applicable

period provided in Section 25.00 of the Local Finance Law for the maturity of the Notes; and (e) all earnings from the proceeds of the Notes, if any, shall be applied for payment of interest on the Notes when due and payable or for payment of other governmental purposes of the County within the meaning of Section 1.148-7(b)(2) of the United States Treasury Regulations in effect or proposed on the date of the Notes.

Section 3. In the absence of the Commissioner of Finance of the County, the Deputy Commissioner of Finance of the County is hereby authorized to exercise the powers referred to in this resolution.

Section 4. The Notes shall be dated, shall mature, shall be in such denominations and shall bear interest at the rate or rates of interest per annum, determined at the time of the sale of the Notes by the Commissioner of Finance of the County at private or public sale in accordance with the provisions of the Local Finance Law of the State and Chapter 2 of the New York Code of Rules and Regulations. Interest on the Notes shall be paid at maturity.

Section 5. Pursuant to provisions of Section 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to sell, issue and deliver and to prescribe the terms, form and contents of the Notes is hereby delegated to the Commissioner of Finance of the County, as chief fiscal officer of the County. The Commissioner of Finance of the County is hereby authorized to execute the Notes on behalf of the County and the County Clerk is hereby authorized to affix the seal of the County to the Notes and to attest such seal. The Commissioner of Finance of the County is hereby authorized to deliver the Notes to the purchaser thereof upon receipt in full of the purchase price thereof.

Section 6. The County covenants for the benefits of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the County which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations or the proceeds thereof if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by Section 55 of the Code) or subject the County to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the obligations or any other provision hereof until the date which is 60 days after the final maturity date or earlier prior redemption date hereof.

Section 7. The County hereby covenants for the benefit of holder(s) of the obligations authorized herein to comply with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), and in particular paragraphs (b)(5)(i)(A), (b)(5)(i)(B), and (b)(5)(i)(C) of the Rule, by providing to a nationally recognized municipal securities information repository, as required by the Rule: (1) at least annually, current financial information and (2) notice of any material event; unless an exemption from such paragraphs(s) exists pursuant to the Rule.

Section 8. It is the intent of this County Legislature that this resolution shall remain in full force and effect until December 31, 2012, at which time the powers granted to the Commissioner of Finance shall automatically terminate without further action of this Legislature.

Section 9. The faith and credit of the County hereby is and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this resolution as the same shall become due.

Section 10. The Commissioner of Finance of the County is hereby directed to file with the County Legislature certificates reporting the date of the Notes, the date the Notes mature, the rate of interest of the Notes, the purchaser of the Notes and a statement to the effect that the power of the Commissioner of Finance of the County to sell, issue and deliver the Notes is in full force and effect and has not been modified, amended or revoked prior to the delivery of and payment for the Notes, and such other certificates as may be delivered to the purchaser or purchasers of the Notes.

Section 11. This resolution shall take effect immediately.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: 14

NOES: 0

ABSENT: 3

EXCUSED:

The resolution was declared adopted.

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**Roll Call:**

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Day – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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Introduced by:

Referral No. 9126

Hon. Ilan S. Schoenberger, Sponsor  
Hon. Jay Hood, Jr., Sponsor  
Hon. Aiden H. Wolfe, Sponsor  
Hon. Harriet D. Cornell, Sponsor  
Hon. Michael M. Grant, Sponsor  
Hon. Philip Soskin, Sponsor  
Hon. Toney L. Earl, Sponsor

**RESOLUTION NO. 50 OF 2012  
ADOPTING THE INVESTMENT POLICY FOR THE  
COUNTY OF ROCKLAND FOR THE YEAR 2012 AND  
ADOPTING DEPARTMENT OF FINANCE GUIDELINES  
[DEPARTMENT OF BUDGET AND FINANCE]**

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

WHEREAS, By Resolution No. 668 of 1993, adopted December 7, 1993, the Legislature, in accordance with Section 10, 11, and 6 of the General Municipal Law, adopted an Investment Policy for the County of Rockland; and

WHEREAS, Section 39, of the General Municipal Law requires that the Legislature annually review and readopt said investment policy; and

WHEREAS, The County Executive has referred the attached proposed Investment Policy and the Department of Finance Guidelines to the County Legislature for its approval; and

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

RESOLVED, That in accordance with Section 39 of the General Municipal Law, the Legislature of Rockland County hereby adopts the attached Investment Policy as the Investment Policy for the County of Rockland for the year 2012; and be it further

RESOLVED, That in accordance with said Investment Policy, the Legislature of Rockland County hereby adopts the attached Department of Finance Guidelines for compliance with the Investment Policy; and be it further

RESOLVED, That all depositories of County funds shall file with the Rockland County Legislature, to the attention of the Chairman of the Budget and Finance Committee, three copies of the Community Reinvestment Act compliance documents at the same time that said compliance documents are filed with the Federal Government.

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# 918

**INVESTMENT POLICY  
FOR THE COUNTY OF ROCKLAND**

**I. SCOPE**

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity or individual.

**II. OBJECTIVES**

The primary objectives of the local government's investment activities are, in priority order:

- > to conform with all applicable federal, state and other legal requirements (legal);
- > to adequately safeguard principal (safety);
- > to provide sufficient liquidity to meet all operating requirements (liquidity); and
- > to obtain a reasonable rate of return (yield).

**III. DELEGATION OF AUTHORITY**

The governing board's responsibility for administration of the investment program is delegated to the Commissioner of Finance, who shall establish written procedures for the operation of the investment program consistent with these investment guidelines and which shall be approved annually by the Rockland County Legislature. Such procedures shall include an adequate control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

**IV. PRUDENCE**

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County of Rockland to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

**V. DIVERSIFICATION**

It is the policy of the County of Rockland to diversify its deposits and investments by financial institutions, by investment instruments, and by maturity scheduling.

**VI. INTERNAL CONTROL**

It is the policy of the County of Rockland for all money collected by any officer or employee of the government to transfer those funds to the Commissioner of Finance immediately, or within the time period specified by law. The Commissioner of Finance shall advise the legislature if funds are not timely transferred. The Commissioner of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

**VII. DESIGNATION OF DEPOSITORIES**

The banks, dealers and trust companies authorized for the deposit of monies, or purchase of permitted investments, up to the maximum amount of **\$110,000,000** are:

<b>HSBC/First Niagara Bank, N.A.</b>	<b>Citibank, NA</b>
<b>Wells Fargo Bank, N.A.</b>	<b>Capital One</b>
<b>JP Morgan Chase Bank, N.A.</b>	<b>M &amp; T Bank</b>
<b>Key Bank</b>	<b>TD Bank</b>
<b>Provident Municipal Bank</b>	<b>Citizens Bank, N.A.</b>
<b>Hudson Valley Bank, N.A.</b>	

The above-mentioned depositories shall provide to the Commissioner of Finance not later than November 30<sup>th</sup> of each year, a letter describing their level of compliance with the United States Community Reinvestment Act, stating how they plan to meet the neighborhood banking needs of Rockland's economically underprivileged communities. Within thirty (30) days of receipt the Commissioner of Finance shall provide copies of these responses to the County Executive and the Chairman of the Legislature. The Commissioner of Finance shall be responsible to communicate these reporting requirements of the County Policy to the Depository Banks.

#### **VIII. COLLATERALIZING OF DEPOSITS**

In accordance with the provisions of General Municipal Law, Sec. 10, all deposits of the County of Rockland, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value" as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix A to this policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90

days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims – paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

**IX. SAFEKEEPING AND COLLATERALIZATION**

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure local deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County of Rockland or its custodial bank. The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart

from the general assets of the custodial bank or trust company and will not, under any circumstances, be co-mingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

**X. PERMITTED INVESTMENTS**

As authorized by General Municipal Law, Sec. 11, the County of Rockland authorizes the Commissioner of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposits;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL Sec. 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the County of Rockland;
- Certificates of Participation (COPs) issued pursuant to GML Sec. 109-b;
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec. 6-c, 6-e, 6-g, 6-h, 6-j, 6-k, 6-m or 6-n.

All investment obligations shall be payable or redeemable at the option of the County of Rockland within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Rockland within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS and DEALERS**

The County of Rockland shall maintain a list of financial institutions approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution. All financial institutions with which the local government conducts business must be credit worthy. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the Federal Reserve Bank, as primary dealers. The Commissioner of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

**XII. PURCHASE OF INVESTMENTS**

The Commissioner of Finance is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative program with another authorized governmental entity pursuant to Article 5G of the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.

3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board. All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company, only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County of Rockland by the bank, or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Sec. 10. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

#### **XIII. REPURCHASE AGREEMENTS**

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York and primary reporting dealers.

- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

**XIV. ADOPTION OF INVESTMENT POLICY**

- By February 15<sup>th</sup> of each year, the Commissioner of Finance shall submit the suggested investment policy to the Legislature of Rockland County.
- The Legislature shall adopt said policy by April 1<sup>st</sup> of each year.

**DEPARTMENTAL GUIDELINES FOR COMPLIANCE  
WITH INVESTMENT POLICY**

The objectives of the Investment Policy of the County of Rockland are to protect the safety of principal; to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. The Commissioner of Finance, or his designee, shall adhere to the guidelines established in the adopted Investment Policy. The following are the procedures established to insure compliance with the investment policy:

1. A cash flow statement shall be prepared from the annual budget as adopted by the County Legislature. The Cash Flow statement shall be updated as required to reflect cash needs during the year. An analysis of daily receipts and scheduled disbursements shall be used in order to insure cash to meet current financial obligations.
2. As cash becomes available for investment, all designated banks shall be called to obtain bank rate quotes. Call sheets shall be prepared, noting the bank to whom the call was made, and the banks rate quote.
3. Award to banks shall be made by 11:00 am of the day that quotes are taken, unless circumstances prevent same.
4. Utilize wire transfers of funds to and from the successful banks, whenever cost effective and practicable.
5. Notify any bank requesting same the quotes of that day.
6. The Commissioner of Finance, or his designee, are the authorized individuals to make the investments.

7. To insure internal control, the following functions shall be performed by different department personnel:
  - a. Obtaining quotes from the banks;
  - b. Preparation of wire transfers as required;
  - c. Preparation of daily balances by banks;
  - d. All transactions reviewed by the Commissioner of Finance or his designee on a periodic basis.
8. All awards should be consummated in writing with the banks.
9. A daily schedule of investments shall be maintained to ensure that no one institution receives more than the designated amount, and that necessary collateral is pledged.

**APPENDIX A**  
**SCHEDULE OF ELIGIBLE SECURITIES**

- ◆ Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- ◆ Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- ◆ Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State, or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- ◆ Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

Introduced by:

Referral No. 8983

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

**RESOLUTION NO. 51 OF 2012  
 APPROVING THE AGREEMENTS  
 WITH VARIOUS LICENSED FOSTER CARE AGENCIES  
 WHICH ARE LISTED ON THE ANNEXED SCHEDULE A  
 AND WHICH MAY EXCEED \$100,000  
 WITH TOTAL EXPENDITURES NOT TO EXCEED  
 THE DEPARTMENT OF SOCIAL SERVICES  
 2012 BUDGET FOR FOSTER CARE SERVICES  
 AND AUTHORIZING THE COUNTY EXECUTIVE  
 TO EXECUTE THE AGREEMENTS ON BEHALF OF THE COUNTY  
 [DEPARTMENT OF SOCIAL SERVICES]**

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

WHEREAS, The Commissioner of Social Services is required by Social Services Law § 398 to receive and care for neglected, abused and abandoned children as well as children alleged or adjudicated to be persons in need of supervision or juvenile delinquents who are placed in care by the Family Court; and

WHEREAS, The necessary services are provided to such children through various licensed foster care agencies; and

WHEREAS, Placements are made depending upon the services required and the licensed foster care agency's ability to provide such services; and

WHEREAS, All payments to the licensed foster care agencies are made on a per diem basis for the individual child at rates set by the New York State Office of Children and Family Services and the New York State Department of Education; and

WHEREAS, To provide these required services to the children of Rockland County, the Commissioner of the Department of Social Services requests that the County Executive and the Legislature of Rockland County approve the agreements with the licensed foster care agencies which are listed on the annexed Schedule A; and

WHEREAS, Expenditures to a single agency may exceed \$100,000; and

WHEREAS, Reimbursement rates to the County for foster care are either fifty percent (50%) federal/fifty percent (50%) state or forty percent (40%) federal/sixty percent (60%) state based upon the financial reimbursement category for the child placed in the licensed foster care agency and limited by the provisions of the Family and Children's Services Block Grant up to a maximum sum of approximately \$3,300,000; 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 these agreements exists in the 2012 Budget of the Department of Social Services, budget lines 6109, 6119 and 6123; 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 agreements to provide the services required by Social Services Law § 398 with the licensed foster care agencies, which are listed on the annexed Schedule A and which may be in excess of \$100,000, at per diem rates set by the New York State Office of Children and Family Services and the New York State Department of Education, and authorizes the County Executive to execute the agreements, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these agreements exists in the 2012 Budget of the Department of Social Services, budget lines 6109, 6119 and 6123.

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FOSTER CARE AGENCIES  
2012

1. ABBOTT HOUSE
  2. ASTOR SERVICES FOR CHILDREN & FAMILIES
  3. BERKSHIRE FARM CENTER & SERVICES FOR YOUTH
  4. CARDINAL MC CLOSKEY SERVICES
  5. CHILDREN'S HOME OF KINGSTON
  6. CHILDREN'S HOME OF POUGHKEEPSIE
  7. CHILDREN'S HOME OF WYOMING CONFERENCE
  8. COMMUNITY MATERNITY SERVICES
  9. DOWNEY SIDE, INC.
  10. GRAHAM WINDHAM
  11. GREEN CHIMNEYS CHILDREN'S SERVICES
  12. HILLCREST EDUCATIONAL CENTERS, INC.
  13. HILLSIDE CHILDREN'S CENTER
  14. JEWISH BOARD OF FAMILY AND CHILDREN'S SERVICES
  15. JEWISH CHILD CARE ASSOCIATION
  16. JULIA DYCKMAN ANDRUS MEMORIAL, INC.
  17. KIDS PEACE NATIONAL CENTERS OF NORTH AMERICA, INC.
  18. KIDS PEACE NATIONAL CENTERS, INC.
  19. LASALLE SCHOOL FOR BOYS
  20. LINCOLN HALL
  21. MOUNTAIN LAKE CHILDREN'S RESIDENCE, INC.
  22. OCCUPATIONS, INC.
  23. OHEL CHILDREN'S HOME AND FAMILY SERVICES
  24. PARSONS CHILD AND FAMILY CENTER
  25. ST. ANNE INSTITUTE
  26. ST. CABRINI HOME, INC.
  27. ST. CHRISTOPHER'S INC.
  28. ST. JOHN BOSCO CHILD AND FAMILY SERVICES
  29. THE CHARLTON SCHOOL
  30. THE CHILDREN'S VILLAGE, INC.
  31. THE DEVEREUX FOUNDATION
  32. THE LAKE GROVE SCHOOL
  33. THE WILLIAM GEORGE AGENCY FOR CHILDREN'S SERVICES, INC.
  34. VANDERHEYDEN HALL, INC.
  35. YONKERS RESIDENTIAL CENTER, INC.
  36. YOU GOTTA BELIEVE/THE OLDER CHILD ADOPTION AND PERMANENCY MOVEMENT, INC.
-

Introduced by:

Referral No. 8983

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

**RESOLUTION NO. 52 OF 2012  
 APPROVING THE AGREEMENTS ON THE ATTACHED SCHEDULE A  
 WITH VARIOUS LICENSED DAY CARE AGENCIES,  
 WHICH MAY EXCEED \$100,000,  
 WITH TOTAL EXPENDITURES NOT TO EXCEED  
 THE DEPARTMENT OF SOCIAL SERVICES  
 2012 BUDGET FOR DAY CARE SERVICES  
 AND AUTHORIZING THE COUNTY EXECUTIVE  
 TO EXECUTE THE AGREEMENTS ON BEHALF OF THE COUNTY  
 [DEPARTMENT OF SOCIAL SERVICES]**

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

WHEREAS, Pursuant to Social Services Law § 410-u, the Commissioner of Social Services is required to provide child care assistance to families receiving family assistance and to other low income families; and

WHEREAS, The Commissioner provides the necessary services to such children through various licensed day care agencies; and

WHEREAS, Children are placed at the various licensed day care agencies depending upon the services required and each licensed day care agency's ability to provide such services; and

WHEREAS, All payments to the licensed day care agencies are made per child on a per diem basis at rates set by the New York State Office of Children and Family Services and the New York State Department of Education; and

WHEREAS, To provide these services to the children of Rockland County, the Commissioner of Social Services requests that the County Executive and the Legislature of Rockland County approve the agreements with the licensed day care agencies listed on the annexed Schedule A; and

WHEREAS, Expenditures to a single agency may exceed \$100,000; and

WHEREAS, The County will be reimbursed for its payments to the licensed day care agencies as follows: (i) either fifty percent (50%) federal/fifty percent (50%) state funds or (ii) forty percent (40%) federal/sixty percent (60%) state funds, which funds will be based upon the financial reimbursement category for each child placed in licensed day care and limited by the provisions of the Flexible Fund for Family Services and Child Care Block Grant, up to a maximum sum of approximately \$8,100,000; 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 these agreements exists in the 2012 Budget of the Department of Social Services, budget line 6055; 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 agreements with the licensed day care agencies listed on the annexed Schedule A, which may be in excess of \$100,000, to provide the services the Commissioner of Social Services is required to provide pursuant to Social Services Law § 410-u at per diem rates approved by the New York State Office of Children and Family Services and the New York State Department of Education, which the County will be reimbursed for by federal and state funds up to a maximum of approximately \$8,100,000, and authorizes the County Executive to execute the agreements, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these agreements exists in the 2012 Budget of the Department of Social Services, budget line 6055.

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**2012 DAY CARE LIST**

1. A STARTING PLACE
  2. CAMPUS FUN & LEARN CHILD CARE CENTER
  3. CENTER MANAGEMENT ASSOCIATES, D/B/A CHILDREN'S CORNER LEARNING CENTER
  4. CHILDREN OF AMERICA NYACK, LLC, D/B/A CHILDREN OF AMERICA EDUCATIONAL CHILDCARE
  5. CHILDREN OF AMERICA STONY POINT, LLC
  6. CONGREGATION YALDAINU, INC.
  7. CRICKETTOWN CHILD CARE CENTER
  8. HAVERSTRAW DAY CARE, INC.
  9. HEADSTART OF ROCKLAND, INC. (NFP)
  10. JAWONIO, INC., D/B/A PLAYING AND LEARNING TOGETHER
  11. JEWISH COMMUNITY CENTER-Y OF ROCKLAND, INC.
  12. KINDERCARE
  13. MARTIN LUTHER KING JR. MULTI-PURPOSE CENTER, INC.
  14. NEW BEGINNINGS DIGNITY SERVICES, INC.
  15. PEACE UNLIMITED CORP., D/B/A PEACE THROUGH PLAY NURSERY SCHOOL
  16. RELIABLE CARE ENTERPRISES, INC., D/B/A TUTOR TIME CHILD CARE LEARNING CENTER
  17. ROCKLAND AFTER SCHOOL PROGRAM
  18. ROCKLAND COUNTY CHAPTER NYSARC, INC., PRIME TIME FOR KIDS
  19. ROCKLAND WORKSITE DAY CARE CENTER
  20. SAFE-N-SOUND CHILDCARE, INC.
  21. THE CHILDREN'S VILLAGE
  22. THE JAN & NILES DAVIES LEARNING CENTER
  23. THE ROCKLAND COUNTY YMCA
  24. TOPS FOR TOTS CHILDREN'S CENTER, INC.
  25. TREEHOUSE PLAYGROUP, INC., D/B/A PALISADES SCHOOLHOUSE
  26. WEST STREET CHILD CARE LEARNING CENTER, INC.
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Introduced by:

Referral No. 9372

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

**RESOLUTION NO. 53 OF 2012  
APPROVING AN AMENDMENT TO AN AGREEMENT IN EXCESS OF \$100,000  
WITH RAMAPO PRACTICE MANAGEMENT, LLC DBA  
RAMAPO RADIOLOGY ASSOCIATES, PC  
IN THE ADDITIONAL AMOUNT OF \$86,060  
FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$421,592  
FOR RADIOLOGICAL SERVICES TO THE DEPARTMENT OF HOSPITALS/X-RAY  
UNDER RFP-RC-07-056  
FOR THE PERIOD FROM JANUARY 1, 2008 THROUGH DECEMBER 31, 2012  
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]  
(\$421,592)**

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

WHEREAS, The Director of Purchasing advertised for proposals for radiological services under RFP-RC-07-056 for a period of one year with an option to renew for four additional one year terms; and

WHEREAS, Twenty-Five (25) vendors were notified and one proposal was received for said services; and

WHEREAS, On March 6, 2008, the County entered into a contract with Ramapo Radiology Associates, PC, 320 Robinson Avenue & Route 9W, Newburgh, New York 12550, to provide radiological services under RFP-RC-07-056 for a contract sum not to exceed \$80,000 for the period from January 1, 2008 through December 31, 2008, and

WHEREAS, By Resolution No.108 of 2009, the County exercised its first option to renew for an additional one year term and entered into an amendment to an agreement with Ramapo Radiology Associates, PC, to provide radiological services to County of Rockland Department of Hospitals/X-ray under RFP-RC-07-056 in the additional amount of \$70,000 for a total contract sum not to exceed \$150,000 for the period from January 1, 2009 through December 31, 2009; and

WHEREAS, By Resolution No. 50 of 2010, the Legislature of Rockland County approved an amendment to the agreement with Ramapo Practice Management, LLC dba Ramapo Radiology Associates, PC, for radiological services under RFP-RC-07-056 in the additional amount of \$14,736 for a total contract sum not to exceed \$164,736 for the period from January 1, 2009 through December 31, 2009; and

WHEREAS, By Resolution No. 230 of 2010, the County exercised its second option to renew and entered into an amendment to the agreement with Ramapo Practice Management, LLC dba Ramapo Radiology Associates, PC, for radiological services under RFP-RC-07-056 in the additional amount of \$84,736 for a total contract sum not to exceed \$249,472 for the period from January 1, 2010 through December 31, 2010; and

WHEREAS, By Resolution No. 100 of 2011, the County exercised its third option to renew and entered into an amendment to the agreement with Ramapo Practice Management, LLC dba Ramapo Radiology Associates, PC, for radiological services under RFP-RC-07-056 in the additional amount of \$86,060 for a total contract sum not to exceed \$335,532 for the period from January 1, 2011 through December 31, 2011; and

WHEREAS, Ramapo Radiology has held their original pricing submitted with RFP-RC-07-056 for the fourth option of the agreement; and

WHEREAS, The Commissioner of Hospitals and the Director of Purchasing recommend that the County exercise its fourth option to renew for an additional one year term and enter into an amendment to the agreement with Ramapo Practice Management dba Ramapo Radiology Associates, PC, 320 Robinson Avenue & Route 9W, Newburgh, New York 12550, to provide radiological services to the County of Rockland Department of Hospitals/X-ray under RFP-RC-07-056 in the additional amount of \$86,060, for a total contract sum not to exceed \$421,592 for the period from January 1, 2012 through December 31, 2012; and

WHEREAS, All purchases shall be made by formal purchase order under an agreement encumbering the funds in advance of services; and

WHEREAS, That sufficient funds for this amendment to the agreement exists in the 2012 Adopted Budget for the Department of Hospitals; 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 hereby exercises its fourth option to renew for an additional one year term and approves the amendment to the agreement in excess of \$100,000 with Ramapo Practice Management dba Ramapo Radiology Associates, PC, 320 Robinson Avenue & Route 9W, Newburgh, New York 12550, to provide radiological services to the County of Rockland Department of Hospitals/X-ray under RFP-RC-07-056 in the additional amount of \$86,060, for a total contract sum not to exceed \$421,592 for the period from January 1, 2012 through December 31, 2012, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That all purchases shall be made by formal purchase order under an agreement encumbering the funds in advance of services; and be it further

RESOLVED, That sufficient funds for this amendment to the agreement exists in the 2012 Adopted Budget of the Department of Hospitals.

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Introduced by:

Referral No. 2973

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

**RESOLUTION NO. 54 OF 2012  
APPROVING AN AGREEMENT IN EXCESS OF \$100,000 WITH  
LEXINGTON CENTER FOR RECOVERY, INC.  
IN THE AMOUNT OF \$605,873  
FOR A METHADONE TREATMENT SERVICES MANAGEMENT CONTRACT  
FOR THE PERIOD FROM APRIL 1, 2012 THROUGH DECEMBER 31, 2012  
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
[DEPARTMENT OF MENTAL HEALTH]  
(\$605,873)**

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

WHEREAS, The Director of Purchasing solicited requests for proposal for three separate chemical dependency programs, including the Day Rehabilitation Program, the Outpatient Clinic Program, and the Methadone Program under RFP-RC-06-022 (the "RFP"); and

WHEREAS, The County's selection of agencies to provide these services was contingent on approval of the New York State Office of Alcohol and Substance Abuse Services (the "NYS OASAS"); and

WHEREAS, Bids were received from Lexington Center for Recovery, Inc. ("Lexington Center"), 116 Radio Circle Suite 309, Mount Kisco, New York 10549, which submitted proposals for all three chemical dependency programs and from The Renaissance Project, Inc. ("Renaissance Project"), 250 Clearbrook Road, Elmsford, New York 10523, which submitted a proposal for only the Methadone Program; and

WHEREAS, As a result of this RFP, Lexington Center was awarded contracts for both the Day Rehabilitation Program and the Outpatient Clinic Program and the Renaissance Project was notified of the County's intent to contract with them for the Methadone Program, upon their obtaining the required license from NYS OASAS; and

WHEREAS, Based on the amount of time it took to receive preliminary verbal approval from NYS OASAS for the application of the license for Renaissance Project, the initial contract request was completed on June 5, 2009 and was subsequently revised on November 18, 2010 at the request of the Department of Mental Health; and

WHEREAS, The agreement between the County and the Renaissance Project was not finalized until January 7, 2011; and

WHEREAS, Sometime after that date, NYS OASAS notified the County that it would not be issuing a license to the Renaissance Project and agreement was terminated; and

WHEREAS, The NYS OASAS indicated in its discussions with the Department of Mental Health that the County should contract with Lexington Center since it is already licensed to provide Methadone services in other counties, and if the County did not establish an agreement with provider for Methadone services, funding in the amount of \$330,000 to the County would be in jeopardy; and

WHEREAS, Section 140-3.2 of the County Procurement Policy which governs Competitive Sealed Proposals does not impose a time limitation for the validity of proposals nor does it state that after any specific period of time proposals would become invalid; and

WHEREAS, The Commissioner of Mental Health and the Director of Purchasing with input from NYS OASAS made a determination to award the contract to Lexington Center and now recommend that the County enter into a contract in excess of \$100,000 with Lexington Center for Recovery, Inc., 116 Radio Circle Suite 309, Mount Kisco, New York 10549, to provide treatment management services to the Methadone Program in the amount of \$605,873 for the period from April 1, 2012 through December 31, 2012; and

WHEREAS, The Lexington Center shall provide methadone treatment management services at the Opioid Treatment Program, Dr. Robert L. Yeager Health Center, Building D, Second Floor, Sanatorium Road, Pomona, New York; 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 funding for this agreement exists in the 2012 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 agreement 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 in the amount of \$605,873 for the period from April 1, 2012 through December 31, 2012 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 agreement exists in the 2012 Budget of the Department of Mental Health.

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LEXINGTON CENTER FOR RECOVERY  
METHADONE TREATMENT MANAGEMENT SERVICES

2012

SCHEDULE A

- The Lexington Center for Recovery (Lexington) shall provide methadone treatment management services at the Opioid Treatment Program, Dr. Robert L. Yeager Health Center, Building D, Second Floor, Sanatorium Road, Pomona, New York (the "Premises").
- Lexington shall provide methadone treatment services at the Opioid Treatment Program six (6) days per week during the current established operating hours which are as follows: Mondays 6:00 a.m. – 2:00 p.m.; Tuesdays 6:00 a.m. – 6:00 p.m.; Wednesdays and Thursdays 6:00 a.m. – 5:00 p.m.; Fridays 6:00 a.m. – 2:00 p.m.; and Saturdays 6:00 a.m. - 2 p.m. No changes in program hours are to be made without a written request to, and approval by, the County of Rockland ("County") Department of Mental Health ("DMH"), which is the Local Government Unit (LGU).
- Lexington shall to all applicable licensing and regulatory standards of the New York State Office of Alcoholism and Substance Abuse Services (OASAS), which include, but are not limited to, meeting all established reporting time frames for administrative and fiscal reporting in operating an Opioid Treatment Program.
- Lexington shall comply with all applicable accreditation, certification and treatment standards pertaining to the operation of an Opioid Treatment Program as set forth in 42 C.F.R. Part 8 including, but not limited to, the Federal Opioid Treatment Standards set forth in 42 C.F.R. § 8.12 (2010).
- During the course of this management contract, Lexington shall provide evidence to RCDMH that it is actively pursuing all the appropriate filing and documentation standards to obtain an operating license to provide services at Summit Park Hospital.
- Lexington shall not exceed the existing licensing capacity of 200 consumers without prior written approval from the LGU and OASAS and meet all OASAS staffing and documentation requirements.
- Lexington shall maintain and shall be able to implement an emergency nursing coverage-staffing plan in the event of an emergency or any unforeseen circumstance to ensure that there is no disruption in the dispensing of methadone medication on any given day and shall submit to DMH a copy of both its emergency nursing coverage-staffing plan and emergency response plan.
- Lexington shall submit any requested/required reports to the LGU at the following address: Rockland County Department of Mental Health, Mental Administration, Building F, 50 Sanatorium Road, Pomona, NY 10970; Attn: Susan Thomson.
- On or before the 6th day of each month, Lexington shall ensure the timely entry of program operations data into the OASAS database.
- On or before the 6th day of each month, Lexington shall submit a monthly report to DMH which includes the number of: (1) current admissions; (2) clients applying for admission; (3) days waiting time to begin treatment; and (4) clients on waiting list for services, if applicable.

- Lexington shall adhere to established performance indicators as identified in the OASAS IPMES/Workscope Objective Attainment System, which includes the following for 2012:
  - Methadone Program Utilization Rate: 90%
  - Client/Direct Care Staff Ratio: 30
  - Discontinued Use: 55%
  - 1-Month Retention: 90%
  - 3-Month Retention: 85 %
  - 6-Month Retention: 75%
  - 1-Year Retention: 55%
  - Maintain F/T or Improved Employment Status: 60%
  - Reduction in 6-Month Arrests: 75%
  - Counseling Sessions per FTE per Week: 14
  - Patient to Primary Counselor Ratio: 50
  
- On or before December 1st of each year, Lexington shall submit an annual operational assessment to the LGU, which should include: (1) operational hours; (2) clinical services offered; (3) staffing pattern; (4) quality assurance activities including any performance improvement projects and findings; (5) demographic data analysis; (6) relevant patient related information; (7) operational analysis of annual trends and patterns, challenges and accomplishments with a focus towards timely access to care and implementation of evidence-based programming; (8) annual review of fiscal operations and performance including program budget, payer mix, types of billed services, etc.; (9) results and analysis of at least one consumer satisfaction survey administered annually; and (10) measurable programmatic goals for the upcoming year based upon analysis of Workscope metrics, administered consumer surveys and review of annual operations.
  
- The County, in accordance with the recommendations of the Drug Enforcement Administration (DEA) and OASAS opioid treatment practice standards, shall ensure that a supply of methadone medication shall always be available during the terms of this management agreement. The County shall not bill Lexington separately for this medication.
  
- Lexington shall provide RCDMH with required documentation required to appropriately bill clients on a weekly basis for services rendered during the course of this management agreement.
  
- The County shall provide the facility, furnishings, computers, software, necessary for the operation of the methadone program.
  
- Customers: The Methadone Maintenance Treatment Program provides assessment and referral for the chemically dependent population and outpatient treatment and support services for individuals affected by opioid addiction covering Rockland County. The program provides treatment for up to 200 patients at a time. Patients enter the program either by self-referral or referral by other agency. Initial screenings are done either by Help-line appointments or drop in. Assessments are performed based on NYS regulations for the program, and an assessment is done prior to admission for type of treatment and level of care determination. A full assessment following admission occurs within a prescribed time period based on regulations for the program. All duties are performed according to guidelines provided in departmental policies and procedures, as well as by New York State Office of Alcoholism and Substance Abuse Services (OASAS) and NYS Department of Health (DOH), as well as federal Substance Abuse and Mental Health Services Administration (SAMSHA) regulations governing the provision of services by licensed and certified chemical dependency providers.

**METHODS USED TO ASSESS AND MEET PATIENTS NEEDS:**

Clinical services provided include, but are not limited to:

- Patient Assessment based on age specific needs
- Patient Education
- Physical Examination
- Health Assessment and Referral
- Psychiatric Evaluation
- Patient Satisfaction Survey
- Vocational and Educational Assessment and Referral
- Individual and Group Counseling
- Activities Therapy
- Methadone Maintenance Treatment and Methadone to Abstinence Services

**IMPORTANT FUNCTIONS:**

The Important Functions include but are not limited to:

**Patient Rights**

- Confidentiality
- Privacy
- Communication
- Informed consent

**Patient Assessment**

- Psychosocial
- Physical exam
- Treatment diagnosis
- Legal history
- Vocational/educational
- Nutritional
- Psychiatric
- Social functioning and support

**Care of the Patient and Evaluation**

- Individual and group therapeutic counseling
- Preparing, distribution and control of medications
- Drug therapy monitoring
- Clinical information
- Referrals
- Interactions -- Drug/Drug, Food/Drug

**Education of the Patient**

- Patient medication use
- Disease process teaching

**Environment of Care**

- Emergency preparedness
- Hazardous material and waste
- Life safety
- Medical equipment
- Safety
- Security
- Utilities

**Improving Organization Performance**

- Performance improvement
- Medication use evaluation
- Adverse drug reaction
- Medication error review
- Productivity
- Medical records are assessed for timeliness and completeness on a month

**Management of Human resources**

- Job descriptions
- Qualifications
- Staffing
- Orientation and training
- Continuing education
- Performance evaluation
- Competence evaluation

**Management of Information**

- Medication computer system and maintenance and integration
- Transmission of data
- Confidentiality of information
- Security of information
- Provision of information

**Surveillance, prevention and control of infection**

- Prevention
- Preparation of Meds
- Storage of meds
- Control of meds
- Control
- Appropriate medication usage

**STAFF REQUIREMENTS:**

All staff will meet or exceed the skill mix of staff as determined by OASAS regulations for each.

**POLICY AND PROCEDURE:**

Departmental policies and procedures are developed to describe how the department assesses and meets the needs of patients and families. The process for developing policies and procedures includes, but is not limited to the following:

- Types and ages of patients served
- Methods used to assess and meet patient care needs
- Scope and complexity of patient care needs
- The appropriateness, clinical necessity and timeliness of services provided by the department and other departments of the hospital
- The availability of necessary staff
- Recognized standard of practice guidelines
- State and County regulations and requirements
- Council on Accreditation standards

**STAFFING PLAN**

The staffing plan takes into consideration patient needs and required staffing by NYS OASAS regulation. A complete staffing plan by Program is on file at the Lexington Center for Recovery, Inc.

Staffing plans are reviewed monthly for utilization, turnover, performance assessment and improvement activities, changes in customer needs, and budget. This review is performed as a part of the monthly budget and program evaluation.

**ASSIGNMENTS:**

Assignment of patient care is based on consideration of patient's overall needs. A patient is assigned a primary counselor and seen individually for continued assessment, counseling and treatment planning and referral. Each patient receives a physical exam by a qualified health professional as identified in NYS OASAS regulations.

**AMOUNT OF CONTRACT:** \$605,873.00

**TERM OF CONTRACT:** 4/1/12 THRU 12/31/12

Introduced by:

Referral No. 5614/8111

Hon. Ilan S. Schoenberger, Sponsor  
Hon. Jay Hood, Jr., Sponsor  
Hon. Alden H. Wolfe, Sponsor  
Hon. Harriet D. Cornell, Sponsor  
Hon. Philip Soskin, Sponsor  
Hon. Toney L. Earl, Sponsor  
Hon. Nancy Low-Hogan, Sponsor

**RESOLUTION NO. 55 OF 2012  
CORRECTION OF 2010 TAX ROLLS  
TOWN OF ORANGETOWN  
L & H PAINT AND HARDWARE INC.  
PROPERTY ID# 66.38-1-12  
118A MAIN STREET  
NYACK, NY 10960  
DEPARTMENT OF BUDGET AND FINANCE]**

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

WHEREAS, An application for the correction of the tax rolls for the 2010 Town and County Real Property Taxes levied against property located in the Town of Orangetown, as indicated on the annexed Schedule "A", has been filed by L & H Paint and Hardware Inc., with the Real Property Tax Service Officer, pursuant to §556 of the Real Property Tax Law; and

WHEREAS, This parcel was charged for thirteen (13) operation and maintenance unit charges when it should have been seven (7) units; and

WHEREAS, This created a clerical error as defined in Real Property Tax Law Section 550(2)(e); and

WHEREAS, The tax amount of \$7,058.95 on the 2010 Town and County tax roll should be corrected to read \$6,031.39 and a refund be issued in the amount of \$1,027.56; and

WHEREAS, The correction is over \$1,000.00 and requires Legislative approval; and

WHEREAS, The Real Property Tax Service Officer has investigated the application in accordance with the requirements of Section 554 and 556 of the Real Property Tax Law; and

WHEREAS, The Real Property Tax Service Officer has recommended approval of said application; 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 Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for correction of the 2010 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and issue a refund accordingly.

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**SCHEDULE A  
Town of Orangetown**

**OWNER: TOWN OF ORANGETOWN**

**PROPERTY I.D.# 66.38-1-12**

**CORRECTION: TAX AMOUNT OF \$7,058.95 ON THE 2010  
TOWN/COUNTY TAX ROLL BE CORRECTED TO  
READ \$6,031.39 AND A REFUND BE ISSUED IN THE AMOUNT OF  
\$1,027.56.**

**REASON: THE PARCEL WAS CHARGED FOR THIRTEEN OPERATION &  
MAINTENANCE UNIT CHARGES WHEN IT SHOULD HAVE BEEN  
SEVEN UNITS CREATING A CLERICAL ERROR.**

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Introduced by:

Referral No. 7000

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

**RESOLUTION NO. 56 OF 2012  
AMENDING AND RESTATING THE MODEL PLAN  
FOR THE DEFERRED COMPENSATION PLAN FOR  
THE EMPLOYEES OF THE COUNTY OF ROCKLAND**

Mr. Hood, Jr. 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 August 26, 2011 the Board amended the Model Plan to adopt provisions

- Reorganizing and updating sections to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document.
- Including employer elections within the plan document including: suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions.
- Clarifying the first date a participant may make deferrals in compliance with Code Section 457(b) and timing requirements for any subsequent changes to deferral rates or allocations between pre-tax and after-tax deferrals.
- Clarifying compensation available for deferral for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
- Including provisions related to HEART Act of 2008 regarding treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
- Making technical recognition of the waiver of Required Minimum Distributions ("RMDs") for 2009.
- Clarifying that a beneficiary form must be received in good order to be considered valid.
- Clarifying that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts and amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

- Clarifying that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
- Including language allowing for future delivery of participant communications through electronic means, where appropriate.
- Codifying that periodic and lump sum payments must be a minimum of \$100 per payment, unless the Committee selects a different minimum, and sets a maximum annual number of partial distributions.
- Clarifying that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
- Providing guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
- Allowing a surviving spouse beneficiary to name a beneficiary on their account.
- Including the 5 year option for non-spousal beneficiaries to receive distributions and makes distribution rules consistent for pre- and post-age 70½ deaths.
- Allowing earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.
- Providing that outstanding loans from another New York state 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
- Removing the Power of Attorney Language since the acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
- Clarifying the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.
- Limiting indemnification to Committee Members only.

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 Deferred Compensation Committee has approved this resolution; 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 August 26, 2011, including the optional provisions in Schedule A, in the form attached hereto as Exhibit A.

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General Description of Amendments to the Model Plan Document

The following is a description of the changes to the Model Plan document, as amended and restated through August 26, 2011. Many of these changes are reorganizational in nature or changes required by law.

**Organizational and General Administrative Items**

1. **General Reorganization and Updating of Sections.** A primary objective of the amendments is to improve the overall readability and eliminate unnecessary numerical references (annual limits) from the Model Plan document. Footnotes (to be deleted in final printed version) provide helpful instructions to the employer. Sections dealing specifically with Qualified Domestic Relations Orders and Rollovers were created from existing sections.
2. **Employer Elections Within the Plan Document.** A number of plan provisions, such as suspension of deferrals following an unforeseeable emergency withdrawal, automatic distributions from small and inactive accounts, loan design parameters and Roth deferrals and in-plan conversions are permissive. The Model Plan document includes a Schedule A where the employer may indicate the election of one or more of these provisions and replaces the need for separate documents.
3. **Effective Date of Participation.** Clarifies the first date a participant may make deferrals in compliance with Code Section 457(b). No initial Enrollment Application or deferral change will be effective before the first payroll date in the calendar month following the month in which the Enrollment Application is filed or deferral change was requested. An exception is permitted for new employees who submit an Enrollment Application on or before their first date of employment.
4. **Compensation Available for Deferral.** Clarifies the definition of compensation for purposes of calculating contributions and recognizes that employers use various methods in determining the order of deductions taken before a deferral percentage is applied.
5. **HEART Act of 2008.** Includes provisions related to treatment of differential pay and qualifying distributions for active military service in compliance with the HEART Act, including suspension of deferrals for six months following distribution.
6. **2009 Waiver of Required Minimum Distributions ("RMDs").** Makes technical recognition of the waiver of RMDs for 2009.
7. **Beneficiary Election Good Order Requirement.** Clarifies the requirement that a beneficiary form must be received in good order to be considered valid.
8. **Rollover Clarification.** Clarifies that the Model Plan will only accept rollovers from Eligible Retirement Plans comprised of pre-tax amounts. The Model Plan may also require documentation from the distributing plan that the incoming rollover is in compliance with

federal law. Amounts may be rolled in by participants, beneficiaries (other than inherited accounts) and alternate payees. Model Plans may roll account balances out to Eligible Retirement Plans that include post-tax amounts if the receiving plan separately accounts for them.

9. **Beneficiary Rollover to Roth IRA Account.** Clarifies that a beneficiary of a deceased participant may roll a distribution directly to a Roth IRA, in addition to plan participants.
10. **Electronic Delivery.** Includes language allowing for future delivery of participant communications through electronic means, where appropriate.
11. **Periodic and Lump Sum Payments Minimum of \$100.** Codifies that periodic and lump sum payments must be a minimum of \$100 per payment. The Committee may choose a different threshold amount and set a maximum annual number of partial distributions.
12. **Plan Loans.** Clarifies that the \$50,000 loan limit includes the highest loan value in the last twelve months from the Model Plan and other employer plans. Regarding participants who have defaulted on a Plan loan, subsequent loans would not be allowed until defaulted loan is repaid. Removes requirement that a participant must wait until the term of the original loan expires before applying for a new loan, assuming the defaulted loan is repaid.
13. **Removal of Power of Attorney Language.** The acceptance of a power of attorney is governed by State law and not required in the Model Plan document.
14. **Special Proceeds Procedures.** Provides guidance on the handling of the receipt of special proceeds such as SEC settlements payable to former participants.
15. **Public Meeting Requirements.** Clarifies the requirement that Committee actions must be taken at a public meeting in accordance with Article 7 of the Public Officers Law.

#### Plan Design Items

1. **Spousal Beneficiary Elections.** When the beneficiary of a Model Plan participant dies, any remaining account balance passes to his or her estate. The previous Model Plan document did not permit any beneficiary to select a subsequent beneficiary. The new Model Plan document allows a surviving spouse beneficiary to name a beneficiary on their account.
2. **Addition of 5 Year Rule for Beneficiaries.** The previous Model Plan document required a non-spouse beneficiary to elect payments based on his or her life expectancy starting the year after the date of death. If the participant dies before age 70½, the RMD rules also allow an alternative whereby the account is distributed by no later than December 31 of the fifth anniversary of the participant's death. The new Model Plan document includes this option and makes distribution rules consistent for pre- and post-age 70½ deaths.
3. **Modification of the 45-Day Waiting Period for Distributions.** The previous Model Plan document required a 45-day waiting period before distributions could be made due to

severance of employment or attainment of age 70½. The new Model Plan document removes the limitation for age 70½ distributions and allows earlier distributions due to severance of employment as long as a balance of \$500 remains in the account for 45 days after a severance from employment.

4. **Unforeseeable Emergency Withdrawals.** Suspension of deferrals following an Unforeseeable Emergency withdrawal is an optional provision. The new Model Plan document permits the plan sponsor to elect to suspend deferrals for six months by indicating that election on Schedule A. The participant will designate the amount of this distribution to be made from his or her pre-tax account and/or Roth contributions account.
5. **457(b) Loan Transfers.** Provides that outstanding loans from another New York State 457(b) plan may be allowed to be transferred or rolled in with a full account transfer.
6. **Limit Indemnification to Committee Members Only.** The previous Model Plan document extended indemnification to service providers, which may not be appropriate and may be inconsistent with the Committee's contract with service providers. The new Model Plan document limits indemnification to the Committee members.

#### Newly Enacted Provisions

1. **Roth Designated Contributions.** The Small Business Jobs Act of 2010 authorizes plan sponsors to permit plan participants to make Roth (post-tax) contributions to a public employer sponsored deferred compensation plan. Model Plan sponsors may elect to allow participants to make both pre-tax deferrals and Roth designated contributions within the plan. The initiation of Roth contributions or any subsequent change to a deferral rate will not be effective before the first payroll date in the calendar month following the month in which the deferral rate change is requested. The combined maximum of pre-tax deferrals and Roth designated contributions may not exceed the limits of the plan. The Model Plan provides that loans may only be made from pre-tax assets.
2. **Roth In-Plan Conversions.** The Small Business Jobs Act of 2010 also authorizes plan sponsors to permit plan participants to convert some or all of their pre-tax assets to a Roth designated account within the plan. The plan must permit participants to make Roth designated contributions for a plan sponsor to elect the in-plan conversion option.

Exhibit A

Plan Document

for the

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

(Amended and Restated as of \_\_\_\_\_, 2011)

**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 \_\_\_\_\_<sup>1</sup>

1.19 "Eligible Retirement Plan" means:

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

<sup>1</sup> 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 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.

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)(F)(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(c) 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 8.4(d), 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.

(c) 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.

(d) **In-Plan Rollover to Roth Account.** To the extent the Committee has resolved to implement a Roth Program pursuant to Section 3.1(c) of Schedule A and the Committee has further resolved to allow in-Plan Rollover Contributions to a Roth Account pursuant to Section 8.4(d) of Schedule A, this Section 8.4(d) shall apply. 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 spousal 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). The provisions in Section 8.4(d) 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.

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.

**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: February 3, 2011

**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: February 3, 2011

**8.4(d) IN-PLAN ROLLOVER TO A ROTH ACCOUNT**

*Section 8.4(d) of the Plan permits Roth Contributions only if the Committee has checked YES above (permitting a Roth Program) and checked YES below allowing amounts that otherwise qualify as Eligible Rollover Distributions not attributable to Roth Contributions to be directly contributed to a Roth Account under the Plan. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that Eligible Rollover Distributions 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 Eligible Rollover Distribution that is not attributable to Roth Contributions directly rolled over into a Roth Account in the Plan.

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

NO

Effective date: February 3, 2011

**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: February 3, 2011

**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: February 3, 2011

**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)(11)(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: February 3, 2011

**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: February 3, 2011 [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: February 3, 2011

**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: February 3, 2011

**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: February 3, 2011

**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: February 3, 2011

**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: February 3, 2011

**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: February 3, 2011

Introduced by:

Referral No. 2962

Hon. Philip Soskin, Sponsor  
Hon. Jay Hood, Jr., Sponsor  
Hon. Toney L. Earl, Sponsor  
Hon. Aney Paul, Sponsor  
Hon. Joseph L. Meyers, Sponsor  
Hon. Douglas J. Jobson, Sponsor  
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 57 OF 2012  
CONFIRMING THE APPOINTMENT OF  
ANGELITA ORTIZ OF  
SUFFERN, 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. Meyers and Mr. Paul 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 Advisory Council require at least twenty-seven (27) but no more than thirty-three (33) members; and

WHEREAS, There are currently twenty-one (21) members on the Rockland County Office For the Aging Advisory Council; and

WHEREAS, Eighty-One percent (81%) of the current membership of the Rockland County Office for the Aging Advisory Council are persons sixty (60) years or over; and

WHEREAS, The County Executive has appointed Angelita Ortiz, of Suffern, 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, Angelita Ortiz, is under the age of sixty (60) years, is a manager of the United State Social Security Administration Office located in West Nyack, and is filling a vacancy which exists on the Rockland County Office for the Aging Advisory Council; 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 Angelita Ortiz, Suffern, 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 Office for the Aging Advisory Council and to the appointee.

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Introduced by:

Referral No. 4374

Hon. Alden H. Wolfe, Sponsor  
Hon. Harriet D. Cornell, Co-Sponsor  
Hon. Nancy Low-Hogan, Co-Sponsor  
Hon. Christopher J. Carey, Co-Sponsor  
Hon. Toney L. Earl, Co-Sponsor  
Hon. Aron B. Wieder, Co-Sponsor  
Hon. Philip Soskin, Co-Sponsor

**RESOLUTION NO. 58 OF 2012  
REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS  
BILL A.2206 AND THE NEW YORK STATE SENATE PASS BILL S.5126 –  
AN ACT ENACTING THE “ROCKLAND BERGEN BI-STATE WATERSHED  
FLOOD PREVENTION AND PROTECTION ACT” AND CREATING THE  
ROCKLAND BERGEN BI-STATE RIVER COMMISSION**

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

WHEREAS, the Legislature of Rockland County wishes to express its support for New York State Assembly Bill A.2206 and New York State Senate Bill S. 5126 – an Act enacting The “Rockland Bergen Bi-State Watershed Flood Prevention And Protection Act” and creating the Rockland Bergen Bi-State River Commission; and

WHEREAS, the Legislature finds and declares that the States of New York and New Jersey and their respective citizens share a common concern to protect their personal safety and property through the identification and remediation of potential flood hazards along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries and watersheds; and

WHEREAS, because the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries cross the interstate border region, the identification and remediation of potential flood hazards require a bi-state comprehensive approach; and

WHEREAS, a bi-state comprehensive flood prevention approach will also help ensure the preservation and maintenance of the environmental benefits of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; and

WHEREAS, a bi-state approach will encourage open space preservation and recreational opportunities along the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries; and

WHEREAS, there has been a long history of cooperation among state and local governmental entities and various private organizations and individuals in the vicinity of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, and their tributaries to ensure the preservation of those water bodies and watersheds; and

WHEREAS, the Legislature therefore determines that there is a need to endorse and formalize that bi-state cooperative effort to identify and remediate potential flood hazards and to protect the natural, scenic and recreational opportunities of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River and their tributaries; and that the creation of a bi-state commission is an appropriate means to accomplish these very important goals; and

WHEREAS, Bill A.2206 and S.5126 create an 18-member bi-state commission, to be known as the Rockland-Bergen Bi-State River Commission, the purpose of which would be to provide a means to effectively facilitate the cooperation of the governments of the States of New York and New Jersey to help ensure that the natural, scenic, and recreational resources of the Hackensack River, Sparkill Brook/Creek, Saddle River, Ramapo/Mahwah River, their tributaries and watersheds are protected from despoliation due to environmental and other threats from both sides of the border, so that the pristine beauty of the area will be preserved and maintained for the enjoyment and recreation of present and future generations, and to ensure the safety of the surrounding communities from flood hazards; and

WHEREAS the State of New Jersey has already enacted similar legislation creating the Rockland Bergen Bi-State River Commission, but the same measure has languished in Albany. The legislation was originally introduced in the 2009/2010 legislative session, but the bills failed to make it out of committee; it was re-introduced in January of 2011, but the bills again failed to make it out of committee. The bills were re-introduced in the New York State Senate and Assembly on January 4, 2012; and

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

RESOLVED, that the Legislature of Rockland County hereby requests that the New York State Assembly pass New York State Assembly Bill A.2206 and the New York State Senate pass Bill S.5126 – an Act enacting the “Rockland Bergen Bi-State Watershed Flood Prevention And Protection Act” and creating the Rockland Bergen Bi-State River Commission, and that the Governor of New York sign such legislation; and be it further

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

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**Debate:**

Mr. Wolfe

I think it is pretty obvious by where we are situated in the State of New York flooding in Rockland County is really a bi-state issue, because of the need to play with the State of New Jersey. We really need a bi-state solution. This Legislation passed the Legislature in the State of New Jersey and now it is time for the State of New York to act and create a situation where we could have some communication and real problem solving between the two states. Thank you.

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Introduced by:

Referral No. 9461

Hon. Alden H. Wolfe, Sponsor  
 Hon. Harriet D. Cornell, Co-Sponsor  
 Hon. Nancy Low-Hogan, Co-Sponsor  
 Hon. Christopher J. Carey, Co-Sponsor  
 Hon. Toney L. Earl, Co-Sponsor  
 Hon. Aron B. Wieder, Co-Sponsor  
 Hon. Philip Soskin, Co-Sponsor  
 Hon. Jay Hood, Jr., Co-Sponsor

**RESOLUTION NO. 59 OF 2012  
 REQUESTING THAT THE UNITED STATES HOUSE OF REPRESENTATIVES  
 AND UNITED STATES SENATE PASS H.R. 1084 AND S.587 - THE FRACTURING  
 RESPONSIBILITY AND AWARENESS OF CHEMICALS (FRAC) ACT, AND THE  
 UNITED STATES HOUSE OF REPRESENTATIVES PASS H.R. 1204 -  
 THE BRINGING REDUCTIONS TO ENERGY'S AIRBORNE TOXIC  
 HEALTH EFFECTS (BREATHE) ACT**

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

WHEREAS, hydraulic fracturing - known as "hydrofracking" or "fracking" - is a well stimulation process used to maximize the extraction of underground resources - oil, natural gas and geothermal energy. It involves drilling deep horizontal wells into areas of underground geologic formations, and infusing massive quantities of water (on average, 4.5 million gallons per well) and potentially toxic chemical additives into wells to fracture the geologic formation and release natural gas. The fracturing fluids are then returned to the surface (flowback water); and

WHEREAS, many of the chemical constituents injected during fracking have documented adverse health effects and/or adverse environmental impacts:

- 1) There have been more than 1,000 documented cases of water contamination near fracking sites, while some people who live near these sites can now light their drinking water on fire;
- 2) According to the New York Times, wastewater from fracking can contain radioactive elements and has been discharged into rivers that supply drinking water for millions;
- 3) Use of these fracking mixtures has exposed adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development;
- 4) The pollution of water caused by fracking threatens the long term, economic well-being of communities, as businesses and consumers depend on clean drinking water; and
- 5) The problems associated with fracking were featured in the Academy Award nominated documentary, Gasland;

and

WHEREAS, in 2005, as part of the federal Energy Policy Act - over the objections of health care, scientific, environmental and conservation communities - regulation of fracking fluids under the Safe Drinking Water Act by the Environmental Protection Agency (which regulates underground endangerment of drinking water sources) was specifically exempted in its definition of "underground injection;" and

WHEREAS, the oil and gas industry is not currently required by federal law to disclose chemical formulas of fracking fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, H.R. 1084 and S. 587 - The Fracturing Responsibility And Awareness Of Chemicals (FRAC) Act - would amend the Safe Drinking Water Act (42 U.S.C. 3h[d]) to repeal the exemption for hydraulic fracturing operations, and insert a paragraph specifically including hydraulic fracturing operations in the definition of underground injection; and

WHEREAS, the FRAC Act would also amend the Safe Drinking Water Act (42 U.S.C. 3h[b]) to require any persons using hydraulic fracturing to disclose to the agency or person with primary enforcement responsibility the chemical constituents (but not the proprietary chemical formulas) used in the fracturing process; and

WHEREAS, H.R. 1204 - the Bringing Reductions To Energy's Airborne Toxic Health Effects (BREATHE) Act – would amend the Clean Air Act to repeal the exemption for aggregation of emissions from oil and gas development sources; and

WHEREAS, protection of water supplies and resources is better accomplished by preventing contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact; and

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

RESOLVED, that the Legislature of Rockland County hereby requests that the United States House of Representatives and United States Senate pass H.R. 1084 and S.587 - The Fracturing Responsibility And Awareness Of Chemicals (FRAC) Act, and the United States House of Representatives Pass H.R. 1204 – the Bringing Reductions To Energy's Airborne Toxic Health Effects (BREATHE) Act; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Barack H. Obama, President of the United States; Lisa P. Jackson, Administrator of the United States Environmental Protection Agency; Hon. Charles E. Schumer and Hon. Kirsten E. Gillibrand, United States Senators; Hon. Eliot Engel, Hon. Nita Lowey and Hon. Nan Hayworth, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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**Debate:**

**Mr. Wolfe**

Some years ago this Legislature passed a Memorializing Resolution supporting the "FRAC Act." The "FRAC Act" is Legislation that essentially removes an exemption that currently exempts the practice of hydrofracking from the provisions of the Clean Water Act. We are very lucky to have Congressman Engel who cosponsored the original Legislation. This resolution also includes support for the BREATHE Act, which would serve to remove similar exemptions from the Clean Air Act. Whether you are a fan of hydrofracking or an opponent all this Legislation will do would be to bring this practice within the protections afforded into the Clean Water Act and the Clean Act. Thank you.

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Introduced by:

Referral No. 8055

Hon. John A. Murphy, Sponsor  
 Hon. Michael M. Grant, Co-Sponsor  
 Hon. Harriet D. Cornell, Co-Sponsor  
 Hon. Aron B. Wieder, Co-Sponsor  
 Hon. Aney Paul, Co-Sponsor  
 Hon. Edwin J. Day, Co-Sponsor  
 Hon. Toney L. Earl, Co-Sponsor  
 Hon. Jay Hood, Jr., Co-Sponsor  
 Hon. Nancy Low-Hogan, Co-Sponsor  
 Hon. Joseph L. Meyers, Co-Sponsor  
 Hon. Patrick J. Moroney, Co-Sponsor  
 Hon. Philip Soskin, Co-Sponsor  
 Hon. Frank Sparaco, Co-Sponsor  
 Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. 60 OF 2012  
 URGING THE NEW YORK STATE LEGISLATURE TO PASS  
 LEGISLATION ELIMINATING THE MTA PAYROLL TAX FOR ALL  
 NOT-FOR-PROFIT AGENCIES LOCATED IN THE MTA'S SERVICE REGION**

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

WHEREAS, in 2009, due to the MTA's financial problems, the New York State Legislature passed and imposed a .34% payroll tax on employers in the MTA's service region, including not-for-profit agencies; and

WHEREAS, the New York State Legislature recently passed tax legislation that repealed or reduced the payroll tax for many employers. Its provisions include the elimination of the MTA payroll tax on small businesses, including not-for-profit agencies; and

WHEREAS, for businesses making less than \$1.25 million annually, the payroll tax is completely eliminated. Businesses with payrolls ranging from \$1.25 million and \$1.5 million will have the payroll tax reduced from .34% to .11%, and businesses with a payroll of more than \$1.5 million will have the payroll tax reduced to .23%; and

WHEREAS, whereas the repeal/reduction of the payroll tax is welcome relief for many small businesses, there are not-for-profit agencies whose annual payrolls exceed the threshold and will still be paying a hefty tax to help subsidize the MTA; and

WHEREAS, the New York State Legislature is ignoring the reasons why not-for-profit agencies are usually excluded from taxes:

- 1) A large percentage of non-profits are primarily publicly funded. When the government imposes taxes on these organizations, it is giving money for the organizations to provide services and then demanding part of the money back. This does not create new revenue; it shifts costs and, in the process, creates unnecessary and substantial administrative expenses associated with collecting the tax;
- 2) Aside from public funding, non-profits rely on charitable donations from private donors such as foundations and individuals. Private foundations often do not allow their funds to be applied to taxes and individual contributors would be appalled to learn that their donations are not being used to support the organization's mission;
- 3) By definition, non-profits have no profit margin; every dollar they have in some way is used to pay for the costs of providing services. Requiring non-profits to pay taxes directly reduces resources available to help people. The MTA payroll tax costs some non-profits hundreds of thousands of dollars, all of which would otherwise be used to provide services; and
- 4) Taxing non-profits does little to alleviate MTA's budget concerns. The revenue raised through this tax on non-profits is but a small percentage of the overall MTA budget deficit. However, it has a large impact on the non-profit community and the people they serve.

and

WHEREAS, the reality is that having a struggling public authority turn to not-for-profit agencies for money makes little sense and has a tangible effect on the resources available to support human services. Therefore, all not-for-profit agencies should be exempt from the MTA's payroll tax; and

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

RESOLVED, that the Rockland County Legislature hereby urges the New York State Legislature to pass legislation eliminating the MTA payroll tax for all not-for-profit agencies located in the MTA's service region;

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

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**Debate:**

**Chairwoman Cornell**

I have a resolution that will be coming to committee, which is going to urge the State Legislature to pass Legislation eliminating the MTA Payroll Tax for public libraries. We decided the other night not to include it in this resolution, but it will be coming to us.

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**Comments from Legislators:**Legislator Joseph L. Meyers

I am sure some of you are on Governor Cuomo's list to get emails. I received an email yesterday that talked about ways in which he was going to be working to cut the costs to counties and municipalities. One of the specific ideas that he mentioned was that he would be forming a task force to go around the State to listen to various counties and hold public forums to ask people where they think savings could be made on unfunded mandates. One of the things he mentioned was eliminating, over a three-year period, the growth in Medicaid costs to counties. The first time I read it was on my Blackberry and I thought, oh my God he is supporting the elimination of the costs to counties for Medicaid, this saves us and now I can support the deficit bond. When I got home I read it on the computer and saw that while there is a significant movement in the State Legislature, and we passed a resolution on it, to eliminate counties having to pay any share to Medicaid, as many States do, he is responding to that with something that would be much less expensive for the State. I think our growth is capped at 3%. It doesn't really go far enough to really be significant aid. It will help us a little bit, not as much help, as the counties around the State would like.

I hope the Legislature moves forward on fighting for the elimination of county-shared Medicaid costs entirely. Thank you.

Mr. Hood, Jr.

I just wanted to follow up on what Mr. Brega said earlier. If what he is saying is true that is really embarrassing for this County and I hope it is not true. We should certainly be trying to foster business in Rockland County. I am not saying favoritism, because that would be obviously illegal. You have to at least make it fair enough that the businesses in Rockland County can participate in the bidding process. What he said today is just unbelievable to me and I hope it is not true. If we have to we have to stand up to what the other side of the hall did on this. I hope everybody is with me on that. Thank you.

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**ADJOURNMENT IN MEMORY OF  
KATHLEEN BURDEN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Kathleen Burden.

**ADJOURNMENT IN MEMORY OF  
IRENE RABONI**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Irene Raboni.

**ADJOURNMENT IN MEMORY OF  
PATRICIA N. HARRIS**

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 Patricia N. Harris.

**ADJOURNMENT IN MEMORY OF  
EMILY AYLWARD**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Emily Aylward.

**ADJOURNMENT IN MEMORY OF  
CONSTANCE ANN MCMINN**

Mr. Day 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 Constance Ann McMinn.

**ADJOURNMENT IN MEMORY OF  
PAULINE HOLLAND**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Pauline Holland.

**ADJOURNMENT IN MEMORY OF  
DOROTHY POSSELL-BRANCHICK**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dorothy Possell-Branchick.

**ADJOURNMENT IN MEMORY OF  
THOMAS F. VANCE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Thomas F. Vance.

**ADJOURNMENT IN MEMORY OF  
PETER SCHOEN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Peter Schoen.

**ADJOURNMENT IN MEMORY OF  
JACOB H. HALLE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Jacob H. Halle.

**ADJOURNMENT IN MEMORY OF  
HARRY BLAISDELL**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Harry Blaisdell.

**ADJOURNMENT IN MEMORY OF  
JOHN DeSIMONE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of John DeSimone.

**RESOLUTION NO. 61 OF 2012  
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Soskin and unanimously adopted (7:44 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, February 21, 2012 at six o'clock in the evening.

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Respectfully Submitted,

DARCY M. GREENBERG  
Proceedings Clerk