

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

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 14th day of February 2013

The Legislature of Rockland County convened in regular session pursuant to adjournment of the February 5, 2013 meeting.

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

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

Late: Legislators Ilan S. Schoenberger (7:30 p.m.) and Philip Soskin (7:19 p.m.)

Absent: Legislators Edwin J. Day and Patrick J. Moroney

Kali Greenberg, Isabella Meyers and Morgan Wolfe, students from Suffern Middle School, Suffern, New York led in the Salute to the Flag.

Invocation. *Tempest Rising* played by Chestnut Ridge Middle School Band.

**RESOLUTION NO. 88 OF 2013
ADOPTION OF MINUTES OF LEGISLATIVE MEETING
JANUARY 3, 2013**

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

Resolved, that the transcribed minutes of the Legislative meeting of January 3, 2013, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

Comments from the Chairwoman:Honorable Harriet D. Cornell

I just want to be clear that nothing that we do here tonight changes any County Law. It doesn't change State Law or Federal Law. The resolutions that are in front of us will express a sentiment of the County Legislature on the three resolutions having to do with the SAFE Act, County Clerk's Office and a resolution in support of school superintendents' issues on public safety.

Before you speak I just wanted to say that I discovered yesterday that the Rockland County Times had a letter from one of my colleagues who is not here today, I do not know where he is, but he chose not to be here, totally misconstruing something that I asked the other night in the committee. (At the April 16, 2013 meeting of the Legislature, Legislator Day motioned to amend these minutes, which was granted by Chairwoman Cornell, to reflect that there was an email sent to Laurence O. Toole, Clerk and Harriet D. Cornell, Chairwoman, on February 10, 2013 stating, "I will be out of the country and not present at the February 19th meeting of the Legislature. I request appropriate records to be noted accordingly.") My response has already gone up online at the Rockland County Times. He took a straightforward question that I asked so that I could cast an informed vote and turned it into something that it totally wasn't. I just want you to be aware of that and that I have the response online. I think mostly it was the statement that he made accusing me of an underlying hostility to law enforcement. I am not going to read to you my letter, but I am going to read to you, however, a paragraph that I got from the Rockland County Sheriff a little while ago.

"Recently there have been comments in the news media that have intimated that Harriet Cornell, Chairwoman of the Legislature, may harbor some underlying hostility towards law enforcement; quite the opposite. As Sheriff, and in my more than 35 years with the Sheriff's Office, I have never found Harriet to be anything, but a supporter of law enforcement and the overall public safety of our County residents. She has been an ardent supporter of the Countywide Law Enforcement Task Forces, Crime Victims Services, The Sheriff Office and our efforts to safeguard Rockland County from terrorism. I look forward to continuing to work with Chairwoman Cornell and her colleagues in the Legislature."

I thought it was important to say that so people can devote their comments to what is important to them in the resolutions that are in front of us. I will start the public participation.

The Chairwoman opened the public participation portion of the meeting at 7:17 p.m. and the following persons appeared and spoke:

- ❖ Gerold Bierker, In favor of resolution to repeal certain sections of the NY SAFE Act
- ❖ Stan Pasco, Repeal the NY SAFE Act
- ❖ Robert Romanowski, Repeal the NY SAFE Act
- ❖ John Pinto, Repeal the NY SAFE Act
- ❖ Eugene Erickson, Repeal the NY SAFE Act
- ❖ Charlotte Swift, Repeal the NY SAFE Act
- ❖ George Rumelt, Repeal the NY SAFE Act
- ❖ Joseph Angindi, Repeal the NY SAFE Act
- ❖ Marc Diana, Repeal the NY SAFE Act
- ❖ Retired /Detective Odze, Repeal the NY SAFE Act
- ❖ Gary Borman, Repeal the NY SAFE Act
- ❖ Richie Himes, Repeal the NY SAFE Act
- ❖ Lynn Teger, Repeal the NY SAFE Act
- ❖ Michael Mosner, Repeal the NY SAFE Act
- ❖ Paul F. Murray, Repeal the NY SAFE Act
- ❖ Stephen Leonardo, Repeal the NY SAFE Act
- ❖ Bob Gay, Repeal the NY SAFE Act
- ❖ Joseph Reiter, In favor of resolution to repeal certain sections of the NY SAFE Act
- ❖ Noreen Hansen, Repeal the NY SAFE Act
- ❖ Anthony Verdicchio, Repeal the NY SAFE Act
- ❖ Frank Basile, Repeal the NY SAFE Act
- ❖ John Rutledge, Repeal the NY SAFE Act

Public Participation ended at 8:07 p.m.

Legislator Philip Soskin arrived at 7:19 p.m. and Legislator Ilan S. Schoenberger arrived at 7:30 p.m. during the public participation portion of the meeting.

Introduced by:

Referral No. 6707/9490

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

**RESOLUTION NO. 89 OF 2013
 RESCINDING RESOLUTION NO. 72 OF 2013
 AND REPLACING IT WITH THIS RESOLUTION
 EXCLUDING NON-UNION MANAGEMENT POSITIONS
 FILLED BY RETIREES OF THE NYS RETIREMENT SYSTEM FROM THE
 PROVISIONS OF THE ROCKLAND ASSOCIATION OF MANAGEMENT
 (RAM) MEMORANDUM OF AGREEMENT PARAGRAPH 1(d)
 AS RELATES TO ARTICLE 10 OF THE RAM COLLECTIVE
 BARGAINING AGREEMENT CERTAIN LEAVE BENEFITS
 (DISTRICT ATTORNEY)**

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

WHEREAS, Resolution 461 of 2012, the Rockland County Association of Management Memorandum of Agreement dated September 13, 2012, governs certain benefits provided to non-union management positions; and

WHEREAS, The Legislature of Rockland County, pursuant to Resolution 72 of 2013 approved exemptions to the Memorandum of Agreement dated September 13, 2013; and

WHEREAS, Due to certain omissions from Resolution 72 of 2013, the Legislature of Rockland County wishes to rescind Resolution 72 of 2013; and

WHEREAS, In the event that any non-union management employees are also current retirees in the NYS Retirement System, the Memorandum of Agreement Dated September 13, 2012, paragraph 1(d) provides for no vacation, holiday, sick, bereavement and personal leave; and

WHEREAS, The District Attorney believes that, in order to maintain current standards of personnel and institutional memory within the District Attorney's Office, it is oftentimes necessary and beneficial to hire NYS Retirement System retirees, and those retirees should receive certain benefits, including vacation, sick, bereavement and holiday time, in order to conform with others who work in the District Attorney's Office; and

WHEREAS, Non-union management employees who are also current retirees in the NYS Retirement System should be exempt from the provisions of Paragraph 1(d) of the Memorandum of Agreement dated September 13, 2012 as it refers to Article 10 of the RAM collective Bargaining Agreement relating only to certain leave benefits, and that they be specifically assigned the following benefits in terms of vacation, holiday, sick, bereavement and personal leave:

- Paid holidays to include New Year's Day, MLK Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.
- Upon appointment, effected employees shall be immediately credited with the following vacation with pay: appointed between January 2 and June 30- fifteen (15) days; on or after July 1- seven (7) days. No vacation credits may be accumulated beyond a maximum of fifty (50) days, plus the prior year's accumulation. Such retirees shall not be compensated for unused vacation accruals upon separation from County service in the event of separation from County service involuntarily for cause or in the event of voluntary separation from County service.

- Accrue ½ paid sick day per pay period, credited on the last day of the pay period. Unused sick days may be accumulated and carried over to subsequent years, but in no event will current retirees of the NYS retirement system covered by this resolution be compensated for unused sick leave time upon separation from County service.
- Four (4) personal days annually credited on January 1st. Personal leave is leave with pay for personal business, including religious observances but may not be used to extend a vacation. All personal days must be used within the calendar year credited and cannot carry over to a subsequent year as personal days. Instead, unused credits in any calendar year shall revert to sick leave.
- Bereavement days, up to three days.

;and

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

WHEREAS, These benefits shall accrue retroactive to January 1, 2013; and; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby rescinds Resolution 72 of 2013; and be it further

RESOLVED, In the event that any non-union management employees are also current retirees in the NYS Retirement System, the Legislature of Rockland County hereby approves excluding such employees from paragraph 1(d) of the RAM Memorandum of Agreement dated September 13, 2012 as it relates to Article Ten of the Collective bargaining Agreement which relates to only leave benefits, and the following benefits in terms of vacation, holiday, sick, bereavement and personal leave are assigned:

- Paid holidays to include New Year's Day, MLK Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day.
- Upon appointment, effected employees shall be immediately credited with the following vacation with pay: appointed between January 2 and June 30- fifteen (15) days; on or after July 1- seven (7) days. No vacation credits may be accumulated beyond a maximum of fifty (50) days, plus the prior year's accumulation. Such retirees shall not be compensated for unused vacation accruals upon separation from County service in the event of separation from County service involuntarily for cause or in the event of voluntary separation from County service.
- Accrue ½ paid sick day per pay period, credited on the last day of the pay period. Unused sick days may be accumulated and carried over to subsequent years, but in no event will current retirees of the NYS retirement system covered by this resolution be compensated for unused sick leave time upon separation from County service.
- Four (4) personal days annually credited on January 1st. Personal leave is leave with pay for personal business, including religious observances but may not be used to extend a vacation. Any unused personal leave credits in any calendar year shall revert to sick leave.
- Bereavement days, up to three days.

; and be it further

RESOLVED, That these benefits are made retroactive to January 1, 2013; and

RESOLVED, That the Department of Personnel shall implement such changes as are necessary to provide the aforesaid benefits.

AMENDED
Referral No. 8455

Introduced by:

- Hon. Harriet D. Cornell, Sponsor
- Hon. Nancy Low-Hogan, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Toney L. Earl, Co-Sponsor
- Hon. Michael M. Grant, Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. -----OF 2013
URGING OUR FEDERAL AND STATE REPRESENTATIVES TO INSTITUTE
POLICY AND LEGISLATIVE REFORMS WITH RESPECT TO GUN CONTROL
AND INCREASED ACCESS TO MENTAL HEALTH SERVICES**

Mr. Hood, Jr. offered the following amended resolution, which was seconded by Mrs. Low-Hogan and Mrs. Paul and failed.

WHEREAS, the Rockland County legislature is shocked and saddened by the tragedy that occurred at the Sandy Hook Elementary School in Newtown, Connecticut on December 14, 2012; and

WHEREAS, the Lower Hudson Council of School Superintendents has released a strong statement calling for immediate action through a reasoned and rational approach to gun control and increased access to mental health services for students and families through schools and communities; and

WHEREAS, the statistics pertaining to children killed by guns are chilling. Each year 3,000 children and teens are killed and 15,000 injured by guns, while 10,000 children and teens are injured by assault firearms. America's children are sixteen times more likely to be murdered through gun violence than children in any other of the world's top 25 industrialized countries. While most gun violence against children occurs away from school, in the last 25 years there have been nearly 40 school shootings that have resulted in the deaths of 111 students and 26 school personnel; and

WHEREAS, fiscal constraints and reduced aid have resulted in cuts of social workers, guidance counselors, psychologists and programs to address the social and emotional needs of students. From 2009-2012, more than \$1.6 billion was cut from state funds for mental health services; and

WHEREAS, in order to ensure that student safety and mental health services are as great a priority as student performance on tests, the Council has proposed the following policy and legislative reforms at the federal and/or state level:

- 1) Provide funding to schools and communities for adequate mental health, social and guidance services and resources for the purpose of prevention, support and response;
- 2) Restore community funding for youth and school resource officers for stronger school-community partnerships;
- 3) Prevent individuals with mental health issues from purchasing or owning a gun;
- 4) Reinstigate the federal ban on the sale, import, transfer, and ownership of assault weapons. While NY's SAFE Act broadens the definition of assault weapons, thereby enacting stricter gun control laws, the federal ban pertaining to assault weapons has expired;
- 5) End the federal gun show loophole that enables gun purchases to be made without a background check; and
- 6) Punish irresponsible gun dealers.

;and

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

RESOLVED, the Rockland County Legislature hereby supports the Lower Hudson Council of School Superintendents, representing the superintendents of 78 school districts, in their call to our federal and/or state representatives to immediately enact stricter gun control legislation and to provide adequate funding and access to mental health services for children and families; and be it further

RESOLVED, that the Clerk to the Legislature be and 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. Charles Schumer and Hon. Kirsten Gillibrand, United States Senators; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, 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.

The vote resulted as follows:

Ayes:	07	(Legislators Grant, Hood, Jr., Low-Hogan, Paul, Wieder, Wolfe, Cornell)
Nays:	08	(Legislators Carey, Earl, Jobson, Meyers, Murphy, Schoenberger, Soskin, Sparaco)
Absent:	02	(Legislators Day, Moroney)

Debate:

Chairwoman Cornell

We have some amendments. The amended resolution urges our Federal and State representatives to institute policy and legislative reforms with respect to gun control and increased access to mental health services. I just wanted to clarify what the amendments are, if I may.

The beginning, the preamble and the Whereas are the same. When it gets to the different numbers is where it changes. The original "1" is the same - Provide funding to schools and communities for adequate mental health, social and guidance services and resources for the purpose of prevention, support and response. Original "2" is the same - Restore community funding for youth and school resource officers for stronger school-community partnerships. The original "3" was removed, because it is already Federal Law that had to do with individuals convicted of violent crimes so that was taken out. The original "4" is now number "3" - Prevent individuals with mental health issues from purchasing or owning a gun. Original "5" is now "4" - Reinststitute the federal ban on the sale, import, transfer, and ownership of assault weapons. While NY's SAFE Act broadens the definition of assault weapons, thereby enacting stricter gun control laws, the federal ban pertaining to assault weapons has expired. Original "5", which was "6" has been amended - End the federal gun show loophole that enables 40% of gun purchases to be made without a background check. Current Federal law requires criminal background checks for guns sold through licensed firearms dealers, which account for 60% of gun sales in US. While New York is one of six states that require universal background checks on all firearms sales at gun shows, 33 states have taken no steps whatsoever to close the federal gun show loophole. Original "6" is the same - Punish irresponsible gun dealers.

Mr. Hood, Jr.

I will accept those changes.

Mr. Murphy

As a former Marine and as the son, brother and Uncle to two nephews that are cops I wanted to publicly thank my fellow Marines, Veterans and all the police for your service. Thank you, I am proud to be one of you.

Mr. Sparaco

There are a lot of good ideas in this Legislation, unfortunately, Sections 4, 5 & 6 should be reconsidered and we need more time to evaluate.

4) Reinststitute the federal ban on the sale, import, transfer, and ownership of assault weapons. This body should consider more thoroughly. Without naming names and without insulting anybody, with all due respect, I have had people on this body say to me when I refer to rounds, "Is that a bullet?" This is a very important issue that you are putting forward here and when a lot of the people spoke tonight they used terms that I know a lot of you don't understand what they are saying or talking about. I am not insulting any of my colleagues. There are many issues that I do not know a lot about. I have learned a lot since I have been sitting up here. A lot of times I thought I was right on an issue and I have made some votes that I regretted. Sometimes I was wrong. I learned a lot about environmental things since I became a Legislator. Reinststituting a ban on assault weapons, with all due respect, I don't thing half the people up here can define what an assault weapon even is. It is maybe something we should remove from this.

5) End the federal gun show loophole that enables gun purchases to be made without a background check. 40% of guns purchased do go through background checks is not a true fact and is not correct. Guns shows in other states are a cultural thing. In Oklahoma, Arizona and some of those 33 states that you referred to Madam Chairwoman is like the County carnival, it is a family event. Gun shows are a very big deal. I don't think that you nor I nor any of us should be telling people in Oklahoma what they should do with their gun shows just like they should not tell us what to do with our budget or our social service. We are distinctly different cultures and environment. I don't think we should delve into that tonight. I think that is something that we should pull from this resolution.

6) Punish irresponsible gun dealers. It sounds fine and I would be okay with that, but it goes on to say, "Dealers may not sell any new handguns unless it is listed in the State Department of Justice roster of handguns certified for sale. Listed handguns must include certain mechanical features and pass a set of laboratory tests." With all due respect, can you tell me what those laboratory tests are? Can you tell me what this database is? Can you tell me what your gun has to have to be put on this database? This could single-handedly outlaw all handguns in the country.

I have rushed in certain legislation on this body before and many of you advised me to first gather the information, take our time, let's have more meetings and let's educate ourselves on the subject. Dare I say, with all due respect, that these three issues many of you need to be educated and a little more informed before we vote for them. There are a lot of good items here that I would be willing to go along with recommendations from superintendents and funding for mental health. I know that in your heart you want to do some good here. I know that you are well intended.

These three issues, with all due respect Madam Chairwoman, I will have to make an official motion right now to please amend and remove these three items, Sections 4, 5 & 6.

Mr. Carey

I second.

Chairwoman Cornell

We will debate this as well.

Mr. Schoenberger

I want to apologize to the Legislators and the public for being a little bit late. I rushed here back from New York City as quickly as I could, got here a little bit late and I apologize for that.

I am not a member of the Public Safety Committee. I came into that meeting at the end of it from another meeting and I had not seen the resolutions. At that meeting I asked a question. I didn't know it was wrong to ask a question. The question arose, because one of the Legislators talked about how long it took to load a gun. When I came in they were talking about magazines. One of the Legislators said about loading a gun, "1, 2, 3," and I was sure he was talking about revolvers. I own a gun and I asked, "How long does it take to change a magazine or a clip?" I said, "two or three seconds." Well, that is how long it normally takes me. Since that time I have been chastised for asking a question. Actually, I don't feel that is very fair or very right. We are here to ask questions and to get answers. If my two or three seconds was too long a time for people that are professionally trained, when I am not, I apologize. I shouldn't have to apologize for asking a question. So let's get that straight and on the table.

These resolutions concern me. I have been a licensed gun owner for well over twenty years. I also believe in the right to bear arms and the right to have a gun. There are a lot of misconceptions that surround those of us who own guns that somehow or other we like to shoot everything and everybody and that perhaps we are dangerous to the public. Those misconceptions are sometimes held by non-gun owners. I sort of understand that in this context, that people who have never held a gun, never shot a gun and don't know about guns have a level of fear and misunderstanding. I have always let it slide off my back. Friday, I came in and I sat down with Legislator Sparaco and we worked on a resolution, which is coming up next, and we also talked about this resolution that is on tonight. I had a rather lengthy conversation about it today with Chair Cornell.

If 6) Punish irresponsible gun dealers. I wouldn't have a problem with that and I don't think anybody else sitting in this room would either. When it goes on to define what might be an irresponsible gun dealer by saying, "Dealers may not sell any new handguns unless it is listed in the State Department of Justice roster of handguns certified for sale. Listed handguns must include certain mechanical features and pass a set of laboratory tests," I don't know that I can support that. I urge us as a Legislature, if you want to ask the State and Federal government to punish irresponsible gun dealers then say in simple language, "Punish irresponsible gun dealers."

I had a lengthy conversation with Chair Cornell about the gun show loophole. If the concern is that gun shows are being held on public property and therefore taxpayers money is being used to support a gun show then put in a law that says that no gun shows on County owned property. Maybe I could go along with that, but if you are going to tell someone who wants to hold a gun show on private property that they can't do it, I don't feel comfortable with that. I said to Chair Cornell today that my understanding is there is no loophole in New York. For at least twenty-five years you could go into a gun show and buy a gun in New York, but you still have to go through a background check. What are we talking about? As Frank said, we are talking about other places. I don't know if I would appreciate if the people of Oklahoma, Texas or Arizona passing laws or proposing to pass laws or proposing to recommend to their State and Federal government to pass laws telling us what to do in New York especially since New York has one of the most restrictive gun laws in the country.

The ban on assault weapons, when that was first proposed I was against it. Today I am just confused. I am confused by a government that says that we have to ban assault weapons and then passes a law for the public safety, benefit and to protect us all (so they said) by banning assault weapons. So what do they do in their wisdom? They put a termination date on it. If it is so good, important and necessary why is there a termination date? Why let it expire?

I think our State rushed into judgment. I think that with the terrible tragedy that occurred State officials wanted to show that they were doing something, but in my opinion they didn't do their homework. They should have held hearings and taken input. I do not want to be partisan, but one branch of State government, and not the Assembly, which is more liberal, I always thought would stand up and they didn't and that is the Senate.

We have a room full of people who came out of their homes tonight to be here to speak to us and to hear what we have to say. Where are our State representatives? We don't vote on this bill. We didn't vote on the New York SAFE Act. You are here to tell us how you feel we should memorialize or ask the State and Federal government what they should be doing. Where are the people who directly vote on this bill? Why aren't they here tonight to hear you? Your concerns, and in some cases anger, hostility and in some cases well reasoned and in some cases not so well reasoned are directed towards us who have absolutely no say in the outcome. When this gets to Albany it is going to be thrown away, because they have already preconceived and pre-committed what they are going to do. We are the ones you can approach. We are the ones that you can talk to. We are the ones who actually hold the hearings. We are here all the time and that is the beauty of local government, but we don't have the power to do what you are asking us to do. The only thing we can do is pass a resolution asking the State and Federal government to do, not do, undo, correct certain things that they did and that is what you are asking for and I understand that.

I am going to support Legislator Sparaco's proposed amendments. If this resolution were written more articulately and were written to convey what I think is a clear message and there would be compromise on the language to that point I would accept it and I would vote for it. I believe there is a middle ground somewhere where we can satisfy most of the concerns. I can't vote for this as it is and it disturbs me, because I would like to find the middle ground that we could achieve the end result. We all are disturbed by the use of guns in inappropriate ways that kill people. I would like to find a way to memorialize a way to end that, but not to make this political. Thank you.

Chairwoman Cornell

Actually Section 6, in a telephone conversation I had asked our counsel to remove "Dealers may not sell any new handguns unless it is listed in the State Department of Justice roster of handguns certified for sale. Listed handguns must include certain mechanical features and pass a set of laboratory tests." So it would just read, "6) Punish irresponsible gun dealers." That was an error and it should have come out.

When we do these memorializing resolutions calling upon the Federal government to pass legislation, which we do often on different subjects, that legislation will apply to Oklahoma, New Jersey and other States, that is what it means when we ask the Federal government to pass legislation. When we memorialize the State government to do something and they do it that legislation just doesn't affect Rockland County, it affects Dutchess, Schenectady and other counties. Whenever we do memorializing legislation or resolution we are calling upon the Federal or State government to pass a law that is going to affect everybody.

Mr. Wieder

I want to start out, as my colleague Legislator Murphy, and thank all of the esteemed people that are here that served this country so bravely. Thanks you for your work and dedication.

Ladies and gentlemen, January 27, 2013 will be a day I will remember for a very long time. I was cruising along one of the highways of our great country, exited the freeway and greeted with one of those familiar signs, "Welcome to our town." I drove into a local village and onto the main street. I passed the local church and the road I was driving on was called Churchill Road, all so, picturesque. At the corner of yet another street was the local fire station. I then found myself standing right next to the Sandy Hook Elementary School, the school where Charlotte, Daniel, Olivia, Josephine, Dylan, Natalie, Catherine, Chase, Jesse, Ana, James, Grace, Emilie, Jack, Noah, Madeleine, Jessica, Caroline, Avielle, Benjamin, Allison and the six brave adults lost their lives so tragically. It was a chilling, chilling feeling. It was a chilling feeling, because I didn't see anything. Everything was so normal, serene, a real American village just like many towns and villages we have in our beloved County. On my way back home the image of the elementary school, particularly the playground, couldn't leave my head. I still have flashbacks.

As a society we owe these little babies to never again allow something like this to ever, ever happen again. It is refreshing to see that good people debate, argue and discuss what we need to do. I have yet to find a single person advocating complacency. We simply cannot afford it. Little precious lives are at stake. Thank you.

Mr. Carey

A comment was made that this resolution, prior to amendment, was discussed in detail during the Public Safety Committee. That is true, it was discussed, but I want folks to understand that there is several members, myself included, who voiced some concern, which we are addressing tonight. I did vote for it in committee, because I wanted to hear comments and clearly we have heard those comments tonight. Also, I wanted to educate myself so I could have an informed vote tonight and I am prepared to do that. I don't want folks to get the idea that a vote in committee means support. Sometimes it means we want to broaden the discussion and hear other opinions, and clearly I have gotten that tonight. I will be supporting this as amended.

Mr. Meyers

On a lot of issues that come before us I feel that I know a lot about, but I know nothing about guns. My friend Legislator Sparaco said that he spoke to a Legislator who didn't know that a round was a bullet – that was me. I went shooting only once at a target range with a friend. I am doing my best to meander my way through this.

On the amendment that is on hand I know enough now to know that I don't really know what an assault weapon is. I thought that an assault weapon was more like a machinegun, but apparently it is more complicated than that in terms of the definition of an assault weapon. I think we probably should remove Section 4.

With respect to Section 5, I think it should say, "End the Federal show loophole that enables gun purchases to be made without a background check." I support that, because in New York you need a background check to buy a gun. Should we be telling people in New Jersey that they can't go to a gun show and buy a gun without a background check? Yes, because that gun can travel over the Stateline, be held by a mentally ill person that can shoot someone. Don't be mad at me. Should it be nationwide? I think the answer is yes.

Section 6) Punish irresponsible gun dealers. I don't really know what that means. Anyone who is violating the law should be punished. If you want to change it to say to strengthen penalties for gun dealers who violate the law I would be fine with. What is the law they have to abide by? It is not really saying that much.

I think Section 5 should stay in as one sentence. I don't know if I could vote for this amendment or not. I think we should keep Section 5 in some form, because I think if we are going to prevent people with mental health issues in purchasing or owning a gun and we are going to do background checks elsewhere then the gun shows around the country should all do background checks. I think we should keep Section 5 in a truncated form. I don't know if I can support removing Sections 4, 5 & 6, because I want Section 5 to stay in. Maybe you can consider an amendment that leaves Section 5 in. Thank you.

Mrs. Paul

I want to thank you all for coming here and expressing your concerns. Violence, no matter where it occurs, is traumatic and tragic event. When it happens in our schools and to our children it is extraordinarily shocking. We are all saddened with what happened at Sandy Hook Elementary School. We need an immediate action to gun control and increased access to mental health services for students. Mental health is an integral and essential component to health. Health is a state of complete physical, mental and social wellbeing and not merely the absence of diseases. Mental health is a state of wellbeing in which the individual realized his or her own abilities, can work productively and is able to make a contribution to his or her community. There are 4 million children and adults in the country that suffer from serious mental disorders, but only 20% of children with mental disorders are identified and receive mental health services. Schools are where children spend most of their day. Why are schools primarily concerned with education? Mental health is essential to learning and social and emotional development. Schools must be partners in mental health care through appropriate identification, evaluation and treatment. Children and adults living with mental illness can lead productive lives. They can achieve success in school, work and in family life. We need a safe community and to protect our children.

Mr. Grant

This amended resolution is in support of the Lower Hudson Council School Superintendents who released a strong statement regarding support of the six items you have identified here. I don't have a problem with any one of them. I will vote against the amendment. I would like to be added as a sponsor. Thank you.

Mr. Schoenberger

In furtherance of Legislator Meyers statement, and maybe can convince Legislator Sparaco to change his amendment, I suggest that in Section 5 we use language like calling upon the Federal government to require background checks on the sale of firearms, something simple.

Mr. Sparaco

It would be fine with me to change the language to what Legislator Schoenberger suggested considering that it is already done. I have no problem changing my amendment and accepted Legislator Schoenberger's amendment calling upon the Federal government to require background checks on the sale of firearms. I am amending my amendment to that language.

Mr. Wolfe

The loophole is the fact that the Federal law, as it currently exists, ends up excluding a tremendous amount of the gun sales that occur in the United States. I agree with Legislator Meyers 100%. Yes, I care if someone buys a gun without a background check in Oklahoma or wherever someone can purchase a gun without a background check, because the simple reality is guns move.

It takes a lot of guts to stand up here publicly and say something cogent, well thought-out, reasoned and respectful. It takes no thought whatsoever and say something rude and absolutely unintelligent. So, that being said, there will always be a difference of opinion. I will agree with some of what you folks believe and I will disagree with some of it and that feeling is mutual.

Mr. Schoenberger

I thought the language calling upon the Federal government to require background checks on the sale of firearms would encompass loopholes, gun shows and other things. I am a little disappointed that my colleagues don't see it that way I am sorry to say.

Mr. Meyers

With all do respect, I do not see it that way, because what we are dealing with here is a specific gun show loophole. I think that the language in Section 5 should address the gun show loophole not some verbiage that just says background checks on the sale of firearms. The loophole is that background checks are not made at gun shows all around the country and it should be.

Mr. Soskin

I know it has been a long night. I want to thank all of you for coming down - the police, auxiliary police and the retired police and the community. I was in the army overseas for two years and I handled a rifle. Since I got out I forgot and haven't picked one up since. I think it is everybody's right to own a shotgun, rifle, and a pistol as long as they keep it locked away from children. How many incidents have we had like we had in Connecticut and other areas? A very minimal amount so why should we blame the innocent people that want to carry weapons when just a few perpetrators of crime are involved. It is my feeling based upon just reading our newspapers that guns are available everywhere. There is a war going on at the Texas boarder and guns are being sold illegally. Our government is even contributing to this by sending guns down south. 99.9% of us are law-abiding citizens. I don't desire to carry a gun and I have no use for one, my weapon is my pencil. Those of you who want to carry weapons I feel are entitled to, which you are guaranteed by the Second Amendment.

So all this talk should go back to the Federal government and the State should bring up their desire to amend the Constitution if they want to change this. You vote for your representatives and you will have a say. Don't overreact to what happened. What happened was terrible. Young innocent children and six teachers were killed.

Sections 1 and 2 in the resolution ask for funding for schools and communities for adequate mental health and to restore funding for youth and school resource officers. Funding costs money. Are you in a position in these economic times to put out the money? Would you be willing to spend the money to carry out these things?

Section 4 talks about the ban. Do we really want to ban all weapons? Let's find out what weapons we should to ban.

Section 5. Gun shows are a social issue. We want a background check and I wonder who is going to perform the background check. Is it the gun dealer? Is it the police? I can't go along with this.

Section 6. What is the definition of irresponsible? I don't know. I don't like their definition.

I don't think I am going to vote for this.

Mr. Earl

I would like to thank all of you for coming down tonight and voicing your opinions, good or bad. This helps us to make our decision. I am a member of the Public Safety Committee and I had concerns about it when it passed. As amended, I can live with some of the revisions, but I am still not completely satisfied with it.

I have hunted most of my life. I also have quite a few relatives that are in law enforcement. My cousin State Senator Eric Adams is a former police captain. I also have a pistol permit. I watched the Governor and other Legislators and Senators sign the bill and I was numb like most of you were numb that day. I think they rushed it. I heard my colleague, Legislator Schoenberger, say that the culprits are up there. We want to help you with this. It is almost like you are preaching to the choir. As a hunter and pistol owner I am still kind of numb from the whole situation, but I have to keep an eye on all of these that go through, because my constituents see people with guns a little bit different in my community. I believe all enforcement officers should have the right to defend themselves and be on a better playing field then the bad folks. When I did a survey through my community asking their opinion of giving officers extra bullets as opposed to the general public with the SAFE Act they looked at me and see Sean Bell and thing like that. I am just putting it out there. As a person with a gun permit and a hunter I know what that is about. I asked how long does it take for an officer to reload his gun. I need the answers so when I go back and talk to my constituents I can give them an honest answer. That night Legislator Day did not answer the question. I think the gentleman back there blamed Legislator Schoenberger, but I was the one that asked that question.

We stand here with you tonight. We thank you for your patience here tonight. I am going to vote tonight as amended.

I was born in Appalachia, lived there until I was nine years old and knew about segregated South. My grandfather and my dad was a veteran. I remember both of my grandfathers, most of my uncles and my father, as soon as they got a job back in Kentucky in the 1940's the first thing that they did was protect their homes from nightriders and Ku Klux Klan they bought guns for their homes.

Chairwoman Cornell

I think it was New Years Eve that the Journal Newspaper had a front-page story about the 78 school superintendents in the Lower Hudson Valley issuing a statement, which they called a "call to action," because of the horror in Connecticut. They put together a statement really calling for a package of things that they thought would be helpful over time. Most of the points that the resolution started out with came from the 78 school superintendents in the Lower Hudson Valley. I called one of the superintendents that day just to issue my support for what they were saying, because I work very closely with the schools and do a lot of work with the children. I felt it was very important. They were calling upon community to reinstitute enough funding for the school resource officers. Many of the school districts, because of financial problems had to let those school resource officers go. Those people established relationships with the schools children so they were often able to prevent various things from happening in the schools, but they were able to prevent more dangerous things from happening in the villages and towns, because of what they heard from the kids. The same thing was true with the issue of Guidance Counselors, Social Workers, Mental Health workers and other workers in the schools. They are really calling for funding to also put those people back in the schools, because again they are able to discern in advance if there were young people that had mental health issues.

Of course their points also included some of these gun control measures. The reason that I put the amendments in tonight was because I was able to determine that some were already Federal law or outdated in some way. I have no problem with amending certain of these and Legislator Hood is the person that I need to speak to about these, because he is the mover.

I have no trouble saying in Section 5 - End the Federal gun show loophole that enables gun purchases to be made a background check. The rest of it is merely explanatory.

Section 6, I think I already said that just ending it after the "gun dealers" is fine.

Section 4. I certainly agree with the speakers that spoke about what is an assault weapon. I got two pages of small pages typed from the New York SAFE Act. It is very difficult and certainly a person not used to guns wouldn't know the right definition for assault weapons. I think that when people like school superintendents call to reinstitute a ban on the import and transfer of assault weapons they are making a statement from their hearts and maybe not their heads in terms of what they mean, but that is what it is all about. I don't want to remove Section 4 simply because I think it is making a statement about ways in which we need to move ahead and try to find ways to stop gun violence.

I understand what you are saying. We can disagree about whether more guns are good or fewer guns are good or what they are.

Mr. Wolfe – Point of Order

There is a motion to amend that is on the floor that I think we have to resolve.

Mr. Hood, Jr.

I certainly accept those two amendments to Sections 5 & 6 that Chairwoman Cornell just stated and that is exactly what I wanted to do too.

Mr. Sparaco

I will change my motion to amend to only include Section 4 as long as Sections 5 & 6 has the aforementioned changes made to them. So we are just voting on removing Section 4, which is my amendment. I accept the amendments to Sections 5 & 6.

Mr. Wolfe

If you would clarify your motion to simply remove Section 4, because if it passes or fails great, but once that motion is resolved we can make the changes to Section 5 & 6.

Mr. Sparaco made a motion to remove Section 4, which was seconded by Legislator Carey and failed.

The vote resulted as follows:

Ayes:	8	(Legislators Carey, Earl, Jobson, Meyers, Murphy, Schoenberger, Sparaco, Wieder)
Nays:	7	(Legislators Grant, Hood, Jr., Low-Hogan, Paul, Soskin, Wolfe, Cornell)
Absent:	2	(Legislators Day, Moroney)

Chairwoman Cornell

We are voting on the resolution as amended, Sections 5 & 6 as stated and accepted by Legislator Hood, Jr. We are voting on a resolution urging our federal and state representatives to institute policy and legislative reforms with respect to gun control and increased access to mental health services, as amended in Sections 5 & 6.

Mr. Hood, Jr. offered the amended resolution, which was seconded by Mrs. Low-Hogan and Mrs. Paul and failed.

The vote resulted as follows:

Ayes:	07	(Legislators Grant, Hood, Jr., Low-Hogan, Paul, Wieder, Wolfe, Cornell)
Nays:	08	(Legislators Carey, Earl, Jobson, Meyers, Murphy, Schoenberger, Soskin, Sparaco)
Absent:	02	(Legislators Day, Moroney)

Mr. Meyers – Point of Order

Can a resolution be introduced without Section 4 in it and does the sponsor of that resolution have the desire to do that?

Chairwoman Cornell

No.

AMENDED

Referral No. 8960

Introduced by:

Hon. Edwin J. Day, Sponsor
Hon. Christopher J. Carey, Sponsor
Hon. Frank Sparaco, Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO. 90 OF 2013
EXPRESSING OUR OPPOSITION TO AND REQUESTING THE REPEAL
OF CERTAIN SECTIONS OF THE NY SAFE ACT AND REQUESTING
THE NEW YORK STATE LEGISLATURE TO HOLD PUBLIC HEARINGS
TO ADDRESS THE ISSUE OF GUN VIOLENCE IN A WAY THAT WILL PRODUCE
MEANINGFUL RESULTS TO PROTECT PUBLIC SAFETY AND WELFARE**

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

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Rockland County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS, members of the Rockland County Legislature and members of the New York State Legislature, being elected by the people of Rockland County and New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, it has been said that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS, we are concerned that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it, and our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter or to hold public hearings; and

WHEREAS, seeking and considering, such public input is a standard to which we hold ourselves in the Rockland County Legislature; and

WHEREAS, this legislation has 60 sections, of which only three take effect immediately, and critics have said that there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, there will be a significant financial impact due to the approximately 16,000 Rockland County permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, the Sheriffs Association of New York has recommended that the SAFE Act be amended to include: 1) exemptions for purchases of ammunition by law enforcement for training purposes; 2) a clearer definition of assault weapons based on its function rather than its features; and 3) provisions including local law enforcement in the review and implementation of school safety plans; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, should the New York State Legislature decide not to repeal the provisions pertaining to magazine capacity, they should at least carve out an exemption for active and retired law enforcement personnel, as per the recommendation of the Sheriffs Association of New York; and

WHEREAS, this legislation now makes New York the first state to track ammunition purchases in real time. It forces dealers to register all ammunition with the state police, with each sale requiring a background check and transmission of record of the sale to state police. The dealers must maintain sale of ammunition records for one year; and

WHEREAS, requiring background checks and records to be maintained for sale of ammunition is burdensome on businesses and has no correlation to public safety and welfare; and

WHEREAS, this legislation places increased burdens squarely on the backs of law-abiding citizens, and may in fact turn countless New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Rockland County Legislature, now, therefore, be it

RESOLVED, that the Rockland County Legislature hereby expresses its grave concern regarding certain provisions within the New York Safe Act as noted above and urges the state Legislature to repeal such provisions; and be further

RESOLVED, that the Rockland County Legislature strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results to protect public safety and welfare; and further be it

RESOLVED, that the Rockland County Legislature requests the members of the New York State Senate and Assembly who represent all, or part of, Rockland County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and further be it

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, 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.

The vote resulted as follows:

Ayes:	10	(Legislators Carey, Earl, Jobson, Meyers, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder)
Nays:	05	(Legislators Grant, Hood, Jr., Low-Hogan, Wolfe, Cornell)
Absent:	02	(Legislators Day, Moroney)



Debate:

Mr. Sparaco

I would like to make a motion to amend and substitute with the red-dot resolution provided. If you would like I can explain it.

Mr. Carey

I second.

Mr. Hood, Jr.

I do not accept. It is more on procedural reasons, because I believe this is more of a new resolution with the repeal of the SAFE Act language, and things like that. The original resolution was vetted in Public Safety Committee. We spoke for over an hour to law enforcement, retired and active. This one came to me today and I really would like it to be vetted like the original resolution from Legislator Day. I just can't accept this tonight without that same vetting. Thank you.

Mr. Sparaco

I would like to just take a moment to explain the amendments that I made. This amendment basically says that we as Rockland County Legislators are concerned that our State representatives had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before voting on it. They didn't have to bypass the three-day maturing process for all legislation. The State representatives didn't get input from their constituency, which we in Rockland County cherish. It says that renewing permits every five years is burdensome.

Chairwoman Cornell

It wasn't accepted by Legislator Hood so you need to make a formal motion.

Mr. Sparaco made a formal motion to amend and replace/substitute with the red dot resolution, which was seconded by Legislator Carey and a debate followed.

Mr. Grant – Point of Information

Legislator Day provided us with a resolution and Legislator Hood read that caption. We need the caption read for the substitution so the Legislators and the public know what the difference is. We can see it, because we are reading, but I don't think the public knows what it is yet. Maybe it would help the discussion if everyone knew what the difference was.

Mr. Sparaco

The new caption reads:

Expressing Our Opposition To And Requesting The Repeal Of Certain Sections Of The NY SAFE Act And Requesting The New York State Legislature To Hold Public Hearings To Address The Issue Of Gun Violence In A Way That Will Produce Meaningful Results To Protect Public Safety And Welfare

Briefly, the State representative didn't have enough time, they didn't have input from their constituency, reviewing permits every five-years is burdensome and will result in a tax, limiting magazine rounds to seven rounds is arbitrary and capricious and has no correlation to public safety. It unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants. It forces New York City to track ammunition purchases in real time, which forces dealers to register all ammunition with State police requiring a background check and the dealer must maintain sales records for one year. This legislation severely impacts possession and use of firearms by law-abiding gun owners in Rockland County and turns countless New York State law-abiding gun owners into criminals.

It is essentially a repeal of all the bad parts of the New York SAFE Act, to sum it all up.

Mr. Hood, Jr.

I am going to talk about both of them together and my feelings on the subject, and I know it is an emotional subject for a lot of people and I take it very seriously. The Second Amendment is one of the backbones of this country. I am not a gun enthusiast nor am I anti gun. I believe in the people's right to bear arms. We have a real problem in America. There are no easy answers to the gun violence. I believe in reasonable regulations of guns. I say reasonable, because the hope is that any law passed will have its intended effect. Will the SAFE Act help? I don't know anybody that knows that yet. I have learned an awful lot in the last couple of months, but there are no easy answers.

There are going to be different opinions on almost every aspect of this. I will listen, as I did tonight. I have to listen to law enforcement. Law enforcement community, not gun enthusiasts or hunters, but the law enforcement community are the ones that deal with legal and illegal guns. They are the ones that I personally have to listen to. They are the experts. Law enforcement came to the Public Safety Committee meeting and we discussed Legislator Day's original resolution and it had the changes that he would like to see and that law enforcement would like to see made to the SAFE Act. It didn't say to repeal the SAFE Act. It said to change it in reasonable ways, which I agreed with and it passes six to zero at committee.

Legislator Carey, you put me in this position again. You did it on the budget with the last minute amendments and now you did it again. You put this in front of me today, I know you worked on it even though you are not listed, and you changed your opinion from last week to this week. I voted on something you wanted last week and now you changed it and that puts me in a very bad position. I want to vett things and find out from law enforcement if they agree with this new resolution that you put forward and I haven't had a chance to do that. Now I have to sit here tonight and vote on either one that I did talk about with law enforcement or one that I didn't have a chance to talk to law enforcement about. That is not fair to me. I am trying to do the best I can up here.

Now I am going to support Legislator Day's application to this body, because it was vetted. It was talked about and law enforcement was in the house and they were for it. This one I have not had a chance to do that. Now when I vote against Legislator Sparaco and Legislator Carey's resolution I look like I am anti-gun and it appears that I don't know what I am talking about, which is not true. I was willing to listen. I was willing to vett it out. If you want, bring this to Public Safety and I will put it on and we will talk about it. I may be convinced, but as of tonight I talked about one resolution so far in Public Safety and I am willing to vote on that tonight. It has many of the things that you talked about tonight like the exemption for law enforcement, retired and active, redefining or trying to clarify assault rifles, and many others.

I am a little frustrated that I had to deal with that tonight. It has turned into a show instead of being in Public Safety where it should be discussed. I am going to vote for the original application from Legislators Day and Carey. I just cannot support this new resolution, which I got at 2:00 p.m. today. Thank you.

Mr. Meyers – Point of Order

Based on what Legislator Hood just said can we have a ruling from counsel as to whether this is actually a legitimate red-dot or whether it is a new resolution with a new caption and with new content that has to have a vote of the Legislature to debate as new business.

Mr. Hood, Jr.

Thank you Legislator Meyers, I agree with that request.

Mrs. Yeger, Legal Counsel

I actually drafted both resolutions. I read Robert's Rules today to go over it and I believe it is a legitimate motion to amend through substitution. It covers the same subject area in a sense that this new proposed amendment substitution actually incorporates all of the elements from the original resolution that was passed and proposed last week by Legislators Day and Carey and it includes all of those items. It is to use Robert's Rules of order germane therefore it is a legitimate subject of a motion to amend and substitute. Whether or not any of you feel that you want to approve that or not is up to you, but it is a legitimate subject for a substitution.

Chairwoman Cornell

Thank you. I agree with counsel, however, listening to everyone tonight who talked about how you felt about the State Legislature rushing to judgment. Some of us saw the new resolution at 2:00 p.m. and some of us saw it at 6:00 p.m. We have not had time to discuss it. I have to agree with Legislator Hood. I think that it deserves the opportunity for discussion at committee.

Mr. Earl

Is it a possibility we could pull this and send it back to Public Safety for discussion?

Chairwoman Cornell

I think it depends on the sponsors if they are willing to do that. It appears to me to have very different aspects to it than the piece of legislation Legislators Day and Carey submitted to the Public Safety Committee.

Mr. Earl

Legislator Hood, what is your opinion on it?

Mr. Hood, Jr.

I would like to vote on what has been vetted. I am disappointed that Legislator Day is not here tonight. This is his resolution. Somebody said that he is out of the country. He is not here to pull it so I really can't make that decision for him. If Legislator Sparaco would like to bring it to the Public Safety Committee I would like to talk about it at the next meeting and we will see if we can get law enforcement there to talk about it.

Mr. Jobson

I want to thank Legislators Day and Carey for bringing this forward and I am willing to support the amendment that Mr. Sparaco offered this evening.

Mr. Carey

I just want to point out that the items that were detailed in the original proposal are contained in this new resolution so it was vetted with police. It is the same language we talked about in those meetings so there is that carve out line. It has been broadened based on discussion that we have had and that is where we are tonight.

Mr. Schoenberger

I think people have sat here patiently for a long time. We have discussed probably all the affects of this resolution in our last discussion. My suggestion to the body is to call the question. I am going to vote for this. Let's either vote it up or vote it down. Let's just do it.

Mr. Sparaco

I would have had no problem going through committee, but we are here and we have had hours of debate. We are on the subject this evening and that is why I brought it up and expanded on Legislators Carey and Day's resolution, because I figured if tonight was going to be the gun night where we discussed all of this let's just get it over with. I knew the crowd would be here. I knew the people would be interested in it. In no way shape or form did I try to skirt anything. I understand completely what Legislator Hood is saying. He makes absolute sense. I have also in the past been frustrated when certain items have been kind of skirted around committee.

I would like to point out that this legislation does not call for the repeal of the SAFE Act. It calls for the repeal of certain parts of the SAFE Act, which are very clearly mentioned. Also, as far as law enforcement, fifty-two plus Sheriff's in the State have already renounced the SAFE Act, and eighteen counties have already made a motion similar to this to repeal many portions of the SAFE Act.

I also agree that we should just vote on it. Vote it up or vote it down. It is a memorializing resolution and I don't want to waste your time at committee to go over this all again and have another three hour debate at the next Legislative meeting to go over the same stuff all again and make these people come out of their homes to go over it again. Let's just vote it up or down. Thank you.

Mr. Grant

An earlier speaker seemed incredulous that we didn't know where Legislator Day was. Honest to God I don't know where he is, but I wish he were here tonight. I am not sure why his resolution is being hijacked tonight, because I think it was very clear and spoke to the point and as Legislator Hood mentioned it was vetted in committee. Vetted in committee I think is the kind of conversation that you all wanted to have here tonight where Legislators could not only talk amongst themselves, but and back and forth with you and people could approach the podium without a time limitation like we have with public participation here. Legislator Day did do that. Again, I am not so sure why his resolution is being hijacked.

It was mentioned that fifty-two Sheriff's are opposed to the New York SAFE Act. I just want to read from what is the official response from the New York State's Sheriff's Association regarding the SAFE Act.

"Following passage of the SAFE Act by the State Legislature and approval by the Governor Sheriff's have now had an the opportunity to review language of the new law and wish to make our comments available. The Sheriff's of New York State support many of the provisions of the SAFE Act and believe that they will enhance public safety and help to shield citizens from gun violence. However, there are also some parts of the new law that need clarification and some that we think should be reconsidered and modified to meet the concerns of the law enforcement community and the public at-large."

And that was the effort that was brought forth by Legislator Day, vetted in Legislator Hood's committee and what we were considering tonight before it got hijacked. Legislator Day's resolution is very specific to the items that need to be amended and considered by the Legislature.

We have a very strong government with a very strong personality that doesn't hate to exercise his authority of his office and sometimes he gets things like bridges done and sometimes he rushes through legislation like this. Make no mistake about it, they may not have read all 78-pages, but these issues have been debated in the back rooms of Albany for the last ten years.

I think I will vote no on the amended resolution and I will vote yes on Legislator Day's original submission.

Mr. Sparaco

I just have to respond to my esteemed colleague Legislator Grant using the term "hijacked." I take offense to that word. I in no way shape or form, nor did Legislator Carey hijack his own legislation. Legislator Carey is a sponsor on the resolution so he did not hijack his own resolution.

Putting forth opposing ideas isn't hijacking and I am not even putting forth opposing ideas. What I am doing is expanding on their original concept and making it better. In no way shape or form did any of us hijack it. As a matter of fact, my name is on it, but there were many people that were involved in the creation of this resolution. There were Democrats and Republicans. This is not a Democrat – Republican issue and I believe that strongly. I don't believe this is a rightwing issue. There are twelve U.S. Democratic Senators that won't pass the reinstatement of the assault weapons ban. The resolution that failed here this evening failed, because Democrats voted against it. There are only four Republicans here. This is a bipartisan effort that is about protecting our rights. I would fight to protect somebody's right to freedom of religion and freedom of the press. I am proud to say that many of my colleagues here this evening, Republican or Democrat, agree with me on that.

Chairwoman Cornell

We are going to vote on the motion to amend the resolution with the new title:

Expressing Our Opposition To And Requesting The Repeal Of Certain Sections Of The NY SAFE Act And Requesting The New York State Legislature To Hold Public Hearings To Address The Issue Of Gun Violence In A Way That Will Produce Meaningful Results To Protect Public Safety And Welfare

Mr. Sparaco offered the amended resolution with the new title, which was seconded by Mr. Carey and passed.

The vote resulted as follows:

Ayes:	11	(Legislators Carey, Earl, Jobson, Meyers, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe)
Nays:	04	(Legislators Grant, Hood, Jr., Low-Hogan, Cornell)
Absent:	02	(Legislators Day, Moroney)

Mr. Meyers made a motion to amend the resolution to remove, "WHEREAS, this legislation severely impacts the possession and use of firearms by law abiding gun owners in Rockland County for defense of life, liberty, and property as well as recreational use", which was accepted by Mr. Sparaco.

Mr. Meyers made a motion to amend the resolution to remove from the first RESOLVED, "opposition to and request the repeal of the sections within the NY SAFE Act which infringe upon the constitution right of the people to keep and bear arms as set fourth above," and replace it with "RESOLVED, that the Rockland County Legislature hereby expresses its grave concern regarding certain provisions within the New York Safe Act as noted above and urges the state Legislature to repeal such provisions; and be further," which was accepted by Mr. Sparaco.

Mr. Wolfe

I took a look at this resolution earlier today and I did speak to Legislator Sparaco about my concerns. I think reasonable minds can disagree. There is a reason why we have a Supreme Court. The Supreme Court is the body that interprets the Constitution. In fact, there is the simple reality that we can have different interpretations of what is constitutional and what is unconstitutional. The Supreme Court that desegregated schools is the same body that sent Dred Scott back to a slave state in the 1800's. I think we have to recognize our positions will change. I read through this resolution earlier. I was not really in favor of a lot of the things in it. I tried to read it with an eye toward amending it to make it satisfactory to my own personal sensibilities. There are a lot of things in here that I really don't agree with. I don't have the ability to offer any amendment to this resolution as it is currently drafted that would make it satisfactory for me. I will be voting against it.

I have an issue with the Whereas Clause, which states that the State Legislators were forced to vote on it. I don't think that anyone is forced to do anything. If they didn't like what was in it they could have voted no. After political pressure or public opinion or otherwise they voted yes on a bill that was flawed and had issues or wasn't thought-out well enough they certainly had the opportunity to vote no. The majority of the Legislators chose not to so I don't think that is a fair statement.

I happen to think that registering firearms is a good thing. You may disagree, and that is fine, you are entitled to your opinion. I don't think it is unnecessarily burdensome, my opinion. This whole concept of the number of rounds, while I recognize the issue with current law enforcement officers that are serving and there should have been an exemption in there for current law enforcement officers, the conclusion here that limiting the number of rounds to seven verses ten is arbitrary and capricious and has no correlation to public safety; who is to say that ten isn't arbitrary and capricious or maybe twelve is arbitrary and capricious. Who decided that 2% is a reasonable tax increase? It is a number. So who knows if that wasn't arbitrary and capricious by itself? I don't think the statement with regards to background checks is a true statement. I certainly think that reasonable minds can disagree.

I will not be voting in favor of this. I think that at the end of the day it took a targeted resolution that Legislator Day had created that had a full and fair opportunity to be heard and discussed and tweaked and I think that this amendment turns the resolution into something much more divisive. I could have gotten behind Legislator Day's resolution, because I understood the rationale. It avoided all of these larger Second Amendment type issues. It was more practical. This has been blown up into a philosophical debate, which is a good thing to have and talk about in an open manner, but based on the fact I can't get behind it I will be voting against it tonight.

Mr. Grant

Similarly, I agree with Legislator Wolfe, but I find the resolution that we are presented with now to be verbose, ambiguous and lacking in clarity of the original submission by Legislator Day. For those reasons and all of the reason enumerated by Legislator Wolfe I am not going to vote for it either.

Mr. Meyers

I support this resolution and I will be voting for it. The amendments that I offered made it clearer as to what we were resolving to do in terms of the very specific items and issues that the resolution has with the proposed law.

I think that the State Legislators were forced to vote for it. Knowing how government works, there are leaders and if you don't agree, do what they say and if you make trouble they can make trouble for you. So I think that people can be forced to do things. I don't agree that nobody is forced to do anything, that is pie in the sky.

Although I am a Democrat and I do by in large support Democratic principals and policies, this is not just a gratuitous job, I just have to mention that the Governor we have now I notice that he does a lot of things so that he can say that he is doing things and if could change the number of bullets you can have in a gun from ten to seven then he can say in his reelection that he made gun laws tougher. He will do that just so that he can say that, because I think that is just the kind of politician he is. I think that it is possible that some things are being done, that they are just a number and it is a number that is somewhat arbitrary so that he can say that he improved the number.

This is a decent resolution and worthy of support. Thank you.

Mr. Jobson

I think we were let down by both parties in Albany, because both of them got together so they didn't miss an opportunity to exploit this tragedy. In the dark of night they are going to make their little postcard for their next election and whatever higher office they are running for they will have something to run on. By the time the people wake up and realize what happened it will be too late and the new law will have passed. I think we may have caught them by surprise this time.

Chairwoman Cornell

Let me say a few words about Governor Cuomo. I don't know many people in political life who don't like to do things with strength. He just happens to have more strength than most people. If the State Legislators were forced to vote, why do we have a resolution here that says that, "This Legislature is requesting that each member of the New York State Legislature, Senate and Assembly who represent all or part of Rockland County have to reply in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act." I think that is an embarrassing thing to be calling for. I think any of us can certainly make our opinions known to the State Legislators and to the Governor.

As a matter of fact, whenever we pass memorializing resolutions they go down the hall to the County Executive's office for him to sign, veto or take no action. On these memorializing resolutions he takes no action, but it takes thirty days for him to take no action. When it comes back to Mr. Toole at which point within minutes it is sent to Albany, to the State Legislature, to the Governor and to others. So thirty days are going to go by, all of this would be faster if people just took their pens and wrote directly to the Governor and State Legislators and that is what I do very often.

The vote resulted as follows:

Ayes:	10	(Legislators Carey, Earl, Jobson, Meyers, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder)
Nays:	05	(Legislators Grant, Hood, Jr., Low-Hogan, Wolfe, Cornell)
Absent:	02	(Legislators Day, Moroney)

Chairwoman Cornell called for a recess at 9:56 p.m. The meeting reconvened at 10:18 p.m. with all members in attendance.

Introduced by:

Referral No. 8960

Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Harriet D. Cornell, Co-Sponsor
Hon. Christopher J. Carey, Co-Sponsor
Hon. Edwin J. Day, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO. 91 OF 2013
URGING THE NEW YORK STATE LEGISLATURE AND GOVERNOR
TO KEEP THE RESPONSIBILITY FOR THE PISTOL PERMIT RECERTIFICATION
PROCESS PURSUANT TO THE RECENTLY ENACTED SAFE ACT WITH THE
STATE AND NOT PASS IT DOWN TO THE COUNTIES**

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

WHEREAS, on January 15, 2013, Governor Cuomo signed into law the Secure Ammunition and Firearms Enforcement (SAFE) Act. According to the memo that accompanied the Assembly bill, the purpose of the Act was to reduce the availability of assault weapons and deter the criminal use of firearms while promoting a fair, consistent and efficient method of ensuring that sportsmen and other legal gun owners have full enjoyment of the guns to which they are entitled; and

WHEREAS, one of the provisions of the SAFE Act requires all pistol licensees to be recertified every five years after receiving their pistol permit, with those licensed before the effective date of the SAFE Act getting recertified in 2017; and

WHEREAS, the SAFE Act currently requires the State Police to oversee the recertification process. However, there have already been discussions in Albany and other places to shift this responsibility to the local municipalities issuing the original license; and;

WHEREAS, the New York State Association of County Clerks strongly believes that shifting the responsibility for the recertification process to the counties would be yet another unfunded mandate requiring the counties to expend significant sums of money for additional personnel and administrative costs to oversee a program foisted upon them by the State Legislature; and

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

RESOLVED, the Rockland County Legislature strongly urges the New York State Legislature and Governor to keep the responsibility for the pistol permit recertification process pursuant to the recently enacted SAFE Act with the state and not pass it down to the counties, and; be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, 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.

Debate:

Mr. Hood, Jr.

The Sheriff would need an untold, whether it is two or three positions, to research all of the 16,000 gun permits. It would be an incredible expense to the County.

Mr. Meyers

If the certification is done at the Clerk's office to begin with how could the recertification be done somewhere else if the Clerk is the one that has the information?

Mrs. Yeger

From what I understand right now, after you go through the initial licensing process here then the registration and all the information is forwarded to the State Police, they maintain it. Part of the recertification, I believe, is just updating your information and sending it to the State Police. The State Police shall now do this. What the County Clerk's were worried that if you pass it down, like they currently do in Westchester, which has recertification program, that every year they have to send out these letters to people and when they come back returned they send out Detectives looking for the people. It involves and expenditure both in law enforcement and for personnel within the County Clerk's office.

Mr. Jobson

Joe, regardless if we do the legwork or not they want to hit us with the whole bill to pay for the whole program at the local level.

Introduced by:

Referral No. 9481

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

**RESOLUTION NO 92 OF 2013
 APPROPRIATING THE SUM OF \$1,500 TO AMERICAN LEGION
 FRED ELLER POST 1447, MONSEY, NEW YORK
 FOR PATRIOTIC OBSERVANCES IN 2013**

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

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

WHEREAS, the American Legion Fred Eller Post 1447, Monsey, New York, is contracting with the County of Rockland to conduct patriotic observances in 2013, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

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

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

GENERAL FUND

<u>Increase Approp. Acct.:</u>		
A-CA- 7589-5010	American Legion Fred Eller Post 1447 Post Office Box 127 Monsey, New York 10952	\$1,500
<u>Decrease Approp. Acct.:</u>		
A-LEG-1010-5042	Patriotic Observances	\$1,500

Introduced by:

Referral No. 9481

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

**RESOLUTION NO. 93 OF 2013
 APPROPRIATING THE SUM OF \$1500 TO LEO LADERS
 AMERICAN LEGION POST 130, THIELLS, NEW YORK
 FOR PATRIOTIC OBSERVANCES IN 2013**

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

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

WHEREAS, the Leo Laders American Legion Post 130, Thiells, New York is contracting with the County of Rockland to conduct patriotic observances in 2013, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

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

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

GENERAL FUND

<u>Increase Approp. Acct.:</u>		
A-CA-7581-5010	Leo Laders Post 130 P.O. Box 500 West Haverstraw, NY 10993	\$1,500
<u>Decrease Approp. Acct.:</u>		
A-LEG-1010-5042	Patriotic Observances	\$,1500

RESOLUTION NO. 94 OF 2013

REVENUE ANTICIPATION NOTE RESOLUTION DATED FEBRUARY 19, 2013. 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 2013, 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. Grant offered the following Revenue Anticipation Note resolution, which was seconded by Mr. Jobson 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, 2013;

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 2013, 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, 2013; (b) no revenue anticipation notes have previously 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, 2013, 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:	15	(Legislators Carey, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	2	(Legislators Day, Moroney)
EXCUSED:	0	

The resolution was declared adopted.

Roll Call:

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

RESOLUTION NO. 95 OF 2013

**TAX ANTICIPATION NOTE RESOLUTION DATED FEBRUARY 19, 2013.
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 2013, 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 2013.**

Mr. Grant offered the following Tax Anticipation note resolution, which was seconded by Mr. Earl and Mr. Jobson 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 2013 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, 2013; (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, 2013, 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:	15	(Legislators Carey, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	2	(Legislators Day, Moroney)
EXCUSED:	0	



Roll Call:

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by:

Referral No. 7070

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

**RESOLUTION NO. 96 OF 2013
REQUESTING THAT THE NEW YORK STATE LEGISLATURE INTRODUCE
HOME RULE LEGISLATION EXTENDING THE ADDITIONAL
FIVE-EIGHTHS OF ONE PERCENT (5/8%) AND EXTENDING THE ADDITIONAL
THREE-EIGHTHS OF ONE PERCENT (3/8%) FOR A COMBINED
ONE PERCENT (1%) OF SALES AND COMPENSATING USE TAXES
SET TO EXPIRE NOVEMBER 30, 2013**

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

WHEREAS, By Resolution 139 of 2003, the Legislature of Rockland County requested home rule relief to extend the authorization to impose an additional five-eighths (5/8) of one (1%) percent sales and compensating use taxes; and

WHEREAS, Said five-eighths of one percent (5/8%) sales and compensating use taxes is shared with the towns and villages of Rockland County, which receive one-eighth of one percent (1/8%) and the County which receives one-half (1/2) of one (1%) percent; and

WHEREAS, By Resolution 302 of 2003 the Legislature of Rockland County requested enactment of said Home Rule Legislation; and

WHEREAS, By Resolution No. 444 of 2003, the County of Rockland imposed the five-eighths of one percent (5/8%) additional sales tax, which began on March 1, 2002 and expired on November 30, 2005; and

WHEREAS, By Resolution No. 444 of 2003, the Legislature of Rockland County extended the imposition of the County's sales tax at three (3%) percent until February 28, 2007; and

WHEREAS, By Resolution No. 423 of 2005, the Legislature of Rockland County extended the imposition of the County's additional sales tax of five-eighths of one percent (5/8%) until November 30, 2007; and

WHEREAS, By Resolution No. 57 of 2007, the Legislature of Rockland County extended the imposition of the County's additional sales tax of five-eighths of one (5/8%) percent until November 30, 2009; and

WHEREAS, In the law enacted by the State Legislature, the additional sales tax of five-eighths of one percent (5/8%) was set to expire on November 30, 2009; and

WHEREAS, By Resolution No. 57 of 2007, the Legislature of Rockland County imposed a base sales tax at three (3%) percent for an indefinite period; and

WHEREAS, By Resolution No. 57 of 2007, the County of Rockland imposed the three-eighths of one percent (3/8%) additional sales tax, which began on March 1, 2002 was set to expire on November 30, 2009; and

WHEREAS, By Resolution No. 419 of 2009 the Legislature of the County of Rockland imposed a tax of three percent (3%), and for the period originally commencing March 1, 2002 extended the imposition of an additional tax of five-eighths of one percent (5/8%) to November 30, 2011; and further extended the imposition of an additional three-eighths of one percent (3/8%) for the period originally commencing on March 1, 2007 and ending November 30, 2011; and

WHEREAS, By Resolution No. No. 394 of 2011 the Legislature of the County of Rockland imposed a tax of three percent (3%), and for the period originally commencing March 1, 2002 extended the imposition of an additional tax of five-eighths of one percent (5/8%) to November 30, 2013; and further extended the imposition of an additional three-eighths of one percent (3/8%) for the period originally commencing March 1, 2007 and ending November 30, 2013; and

WHEREAS, It is requested that the additional one percent (1%) rate be effective from December 1, 2013 through November 30, 2015, which is the date all additional sales tax rates throughout New York State will expire; and

WHEREAS, It has been determined that an extension of the five-eighths of one percent (5/8%) is required to keep that portion of the sales tax in effect; and

WHEREAS, It has been determined that an extension of the three-eighths of one percent (3/8%) is required to keep that portion of the sales tax in effect; and

WHEREAS, In order to increase the local portion of the sales tax above three percent (3%), a Home Rule request is required; and

WHEREAS, The Rockland County Legislature must by home rule, request that the authorization to impose said additional taxes be extended to continue past November 30, 2013; and

WHEREAS, The County Executive has requested that the Legislature of Rockland County request that the New York State Legislature introduce legislation, in the model to be provided by the New York State Tax Department, which would permit Rockland County to continue to impose the current five-eighths of one percent (5/8%), and the three eighths of one percent (3/8%) for a combined total of one percent (1%) to be used for the general expenses of the County of Rockland to take effect December 1, 2013 or as soon thereafter as possible; and

WHEREAS, It is further requested that the thirty-three and one-third (33-1/3%) percent of the net collections from the additional rate of three-eighths of one percent (3/8%) from December 1, 2013 through November 30, 2015 shall be allocated and distributed to towns and villages with police departments on the basis of the number of full-time equivalent police officers employed by each police department and shall not be used for salaries heretofore or hereafter negotiated; 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 requests that the New York State Legislature introduce Home Rule legislation which would permit the County of Rockland to continue to impose the current five-eighths of one percent (5/8%), and the three eighths of one percent (3/8%) for a combined total of one percent (1%) to be used for the general expenses of the County of Rockland to take effect December 1, 2013 or as soon thereafter as possible; and be it further

RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Legislature introduce Home Rule legislation which would extend the authorization for the County to impose the additional five-eighths of one percent (5/8%) sales and compensating sales taxes, beyond its current expiration date of November 30, 2013 for a period of two (2) years, to be shared by the County of Rockland, receiving 1/2 of 1% and the towns and villages of Rockland County receiving 1/8 of 1%; and be it further

RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Legislature introduce Home Rule legislation which would extend the authorization for the County to impose the additional three eighths of one percent (3/8%) sales and compensating sales taxes, beyond its current expiration date of November 30, 2013 for a period of two (2) years, and County of Rockland shall allocate and distribute thirty-three and one-third (33-1/3%) percent of the net collections from such additional rate from December 1, 2013 through November 30, 2015; said monies shall be allocated and distributed to towns and villages with police departments on the basis of the number of full-time equivalent police officers employed by each police department and shall not be used for salaries heretofore or hereafter negotiated; and be it further

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

Introduced by:

Referral No. 7070

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

**RESOLUTION NO. 97 OF 2013
 REQUESTING THAT THE NEW YORK
 STATE LEGISLATURE INTRODUCE
 HOME RULE LEGISLATION AUTHORIZING THE
 COUNTY OF ROCKLAND TO FINANCE A CERTAIN
 DEFICIT BY THE ISSUANCE OF BONDS**

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

WHEREAS, Rockland County is currently facing a critical fiscal situation; and

WHEREAS, In order to address the growing deficit, it has been determined that it is in the best interest of the County to issue serial bonds for the specific objective of liquidating actual deficits in the County's budget; and

WHEREAS, In order to obtain Home Rule relief, the Legislature of Rockland County requests that the New York State Legislature introduce legislation, in the model as provided herein, which would permit Rockland County to finance its deficit by issuing bonds; 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 requests that the New York State Legislature introduce Home Rule legislation substantially in the form attached herein which would permit the County of Rockland to finance its deficit by issuing bonds; and be it further

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Hon. Ellen C. Jaffee, Hon. James Skoufis, Hon. 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.

The vote resulted as follows:

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

AN ACT to authorize the county of Rockland to finance a certain deficit by the issuance of bonds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

Section 1. The county of Rockland is hereby authorized to issue bonds on or before December 31, 2014 in an aggregate principal amount not to exceed ninety-six million dollars (\$96,000,000) for the specific object or purpose of liquidating the projected accumulated deficit in the general fund of such county for the fiscal year ended December 31, 2012. In anticipation of the issuance of the bonds authorized to be issued by this act, the issuance and sale of bond anticipation notes are hereby authorized.

S 2. Notwithstanding any provision of this act to the contrary, the county of Rockland shall not issue any bonds for the purpose of liquidating the projected deficits unless and until the amounts thereof are reviewed and determined by the state comptroller. The county of Rockland shall prepare a report detailing the amount and cause of such deficits and submit such report together with the county's independent audit report for its last completed fiscal year, if any such audit report has been or is to be prepared, and such other information as the state comptroller may deem necessary, to the state comptroller, as well as the chairs of the senate finance committee and the assembly ways and means committee, at least thirty days prior to the issuance of any bonds pursuant to this act. Within thirty days after receiving such report, the state comptroller shall perform such reviews as may be necessary to determine the amount of such deficits and report the same to the chairs of the senate finance committee and the assembly ways and means committee, the county executive and the legislature of the county of Rockland. Bonds to liquidate each such deficit shall not be issued in an amount exceeding such deficit as determined by the state comptroller. Nothing provided in this act shall prevent the county of Rockland from authorizing the issuance of bonds or bond anticipation notes, and issuing bond

anticipation notes, prior to the determination of the state comptroller of the amount of such deficits. In the event bond anticipation notes are issued in an amount in excess of the amounts determined by the state comptroller, the county of Rockland shall redeem from funds other than the proceeds of the bonds or bond anticipation notes, such bond anticipation notes in the amount by which the amount of bond anticipation notes exceeds the amount of such deficits as determined by the state comptroller.

S 3. It is hereby determined that the financing of the deficits hereinbefore described is a purpose of the county of Rockland for which indebtedness may be incurred, the period of probable usefulness of which is hereby determined to be twenty years, computed from the date of such bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. Such bonds and/or bond anticipation notes shall be general obligations of the county of Rockland to which the faith and credit of the county is pledged, and the county shall make an annual appropriation sufficient to pay the principal of and interest on such obligations as the same shall become due.

S 4. Except as provided in this act, the provisions of the local finance law shall be applicable to the authorization, sale and issuance of the bonds and bond anticipation notes authorized to be issued by this act.

S 5. (a) For each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the county executive of the county of Rockland or such other officer or officers as he or she may designate shall prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget rather than individual line items. Such budgetary reports shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All such quarterly budgetary reports shall be accompanied by recommendations of the county executive setting forth any remedial action necessary or desirable to resolve any unfavorable budget variance including the over-estimation of revenues

and the under-estimation of expenditures. Each such quarterly budgetary report shall be completed within thirty days after the end of each quarter and shall be submitted to the legislature of the county of Rockland, the director of the division of the budget, the state comptroller, and the chairs of the senate finance committee and the assembly ways and means committee.

(b) For each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the county executive of the county of Rockland or such other officer or officers as he or she may designate shall also prepare a quarterly trial balance of general and special fund ledger accounts. Each such quarterly trial balance shall be prepared in accordance with generally accepted accounting principles. Each such quarterly trial balance shall be completed within thirty days after the end of each quarterly period and shall be submitted to each member of the legislature of the county of Rockland, the director of the division of the budget, the state comptroller, and the chairs of the senate finance committee and the assembly ways and means committee.

(c) For the fiscal year beginning January 1, 2013 and for each fiscal year thereafter during which such debt or any debt incurred to refund such debt is outstanding, the county executive of the county of Rockland or other officer or officers responsible for the preparation of the tentative budget shall submit the tentative budget for the next succeeding fiscal year to the state comptroller simultaneously with submission of such budget to the county legislature on or before the twenty-third day of October in accordance with the charter of the county. Submission of such budget to the state comptroller in electronic form shall be sufficient for compliance with this section. The state comptroller shall examine such proposed budget and make such recommendations as deemed appropriate thereon to the county legislature no more than twenty days after the date of submission of such budget to the state comptroller. Such recommendations shall be made after examination into the estimates of revenues and expenditures of the county of Rockland. The legislature of the county of Rockland, no later than five days prior to the

adoption of the budget, shall review any such recommendations and may make adjustments to its proposed budget consistent with any recommendations made by the state comptroller. Any recommendations that the legislature rejects shall be explained in writing to the state comptroller. The action or inaction of the state comptroller under this section shall not be construed to affect the legal validity of the budget of the county of Rockland nor to affect the powers or duties of the county of Rockland with respect to the local budget; provided, however, that the county of Rockland may not issue bonds for any object or purpose unless and until adjustments to its proposed budget, consistent with any recommendations made by the state comptroller, are made, or any such recommendations that are rejected have been explained in writing to the state comptroller.

(d) Within ninety days of the issuance of any debt pursuant to this act and for each fiscal year thereafter during which such debt or any debt incurred to refund such debt is outstanding, the county executive of the county of Rockland or other officer or officers responsible for the preparation of the tentative budget of the county of Rockland, within thirty days after the final adoption of the budget for the next succeeding fiscal year, shall prepare a three-year financial plan covering the next succeeding fiscal year and the two fiscal years thereafter. The financial plan shall, at a minimum, contain the information required to be provided in a three-year financial plan as prescribed by subdivision 10 of section 54 of the state finance law. Copies of the financial plan shall be provided to the county executive and chief fiscal officer of the county of Rockland, the director of the budget, the state comptroller, the chair of the assembly ways and means committee and the chair of the senate finance committee. This financial plan requirement shall not apply to the extent the county of Rockland is subject to a different multi-year financial plan requirement under state or local law.

(e) For each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the chief fiscal officer of the county of Rockland shall notify the state comptroller at least fifteen days prior to the issuance of any bonds or notes or

entering into any installment purchase contract and the state comptroller may review and make recommendations regarding the affordability to the county of Rockland of any such proposed issuance or contract. The state comptroller may require the submission by the county of Rockland of such information as the state comptroller shall deem necessary to complete his or her review.

S 6. To facilitate the marketing of the bonds and/or bond anticipation notes authorized to be issued by this act, the county of Rockland may, notwithstanding any limitations on the private sales of bonds otherwise provided by law, and subject to approval by the state comptroller of the terms and conditions of such sales, arrange for the underwriting or other sale of its bonds and/or bond anticipation notes at private sale upon negotiated terms and conditions which may include reasonable underwriting or placement fees or discounts. The costs of such underwriting or sale shall be deemed preliminary costs for purposes of section 11.00 of the local finance law.

S 7. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 8. This act shall take effect immediately.

Debate:**Mr. Carey**

We talked about this being roughly \$96,000,000. I feel strongly that we should be combining this with an up or down vote on the LDC. I don't think that we are sending the right message to both the State and the rating agencies that we are addressing the behaviors that got us into this problem in the first place. For that reason I will not be supporting this tonight.

Mrs. Low-Hogan

This is for, I guess, the \$96,000,000 deficit, however that is not our current deficit. I know that Commissioner DeGroat said that he got some very good rate quotes, but I don't think the questioned was raised about aren't we paying some high amount for insurance that actually could make that rate a lot higher. I just thought I would mention that.

Chairwoman Cornell

The \$96,000,000 is the amount we need to use, because it was the audited amount for 2011. In terms of the insurance issue I do not have an answer to that.

Mr. Wolfe

I just want to make sure that the point is well made and I am going to try and do it. Financing our deficit is not chasing debt with debt. Financing our deficit is refinancing something that we already owe and it really is a very important step. It is the only way that we can have an immediate improvement to our balance sheet. It is something that will save us a tremendous amount of money in interest expense over the next period of time. I chose not to govern based on what the rating agencies will do or not do. I think we have to recognize that if we get it, it will enable us to really take a tremendous step forward, improve our balance sheet and hopefully experience significant improvement in our bond rating.

Chairwoman Cornell

With regard to Legislator Carey's comment, we still do not have the resolution from the County Executive. I have word that they are going to be sending an amended resolution and I do not know what is in that. We certainly will be moving ahead.

Mr. Schoenberger

With reference to Legislator Carey's remarks, I think what you stated would be preferable, but absent the ability to do that we should not hold these matters up, because the State has a limited window of time to put in Home Rule requests and we should move forward particularly on this one, which the Assembly put in, but the Senate didn't until the window period had past where it could not be introduced by a member of the Senate last year. Then it had to get permission of the Chair of the Rules Committee, and they would not put it on. We do not want to be the cause for the delay, but preferably I would do what you said. It doesn't look like it is going to happen that quickly and that is the problem.

Legislator Low-Hogan, our 2011 calendar audit, which ended December 31, 2011, is the most recent one we have. We will not have an audit for calendar year for 2012 for several months yet. We have to rely on the 2011 audit, which showed a deficit of \$96,000,000. However, that \$96,000,000 included a deficiency bond of \$18,000,000 from the PBC, which was actually paid off in cash in June of 2012. Now, we all acknowledge that for various reasons, and I think they are operational reasons by the administration during the course of 2012, that the deficit probably went up during 2012, but we are reducing \$18,000,000 off the top.

If the State allows us to have a deficit bond for the last audit amount of \$96,000,000, then the State Comptroller will do an actual calculation, which will determine how large our deficit is. If it is only \$90,000,000 we will then have to immediately pay back that \$6,000,000. The only logical and professional way to do this is to ask to bond the deficit for the amount that has been audited and approved, but there will be a subsequent process after that happens with the State Comptroller's office, which will review our deficit to determine what our bond should be.

I think all of us share the same concerns, which are a) How big is our deficit really? b) When will we know what it is? c) What can we do on a day-to-day basis to make sure it doesn't increase?

Thank you.

Mr. Carey

To Legislator Schoenberger's point, I was only looking to extend this to our next meeting at which time I would hope that the resolution would catch up to us. Legislator Wolfe, I totally agree that bonding makes sense. I am in favor; I am just trying to link those two together. I think that is a much better way to manage this issue. I hear my colleague's points.

Mr. Wieder

I just want to clarify that this is unlike Revenue Anticipation Bonds. Revenue Anticipation Bonds are done a couple of times a year and they have nothing to do with the deficit. This is something that will deal with the deficit. I do not want people to confuse the two of them. I believe the Revenue Anticipation Bonds passed unanimously. It is done throughout municipalities. This resolution is specifically to bond the deficit.

Is this the exact same resolution that was passed last year?

Chairwoman Cornell

The amount is different.

Mr. Wieder

Other than the amount.

Chairwoman Cornell

As far as I know it is a standard Home Rule legislation. There is no request for a sales tax increase, which was the first Home Rule resolution.

Mr. Wieder

It has the part where we ask the Comptroller to certify that our budget is going to be balance.

Mr. Wolfe

This is the same language that was passed by this Legislature last year. If you are asking if it has those protections that we had built in, yes it does. This is the bill that Assemblywoman Jaffee and Assemblyman Zebrowski introduced and passed the assembly, but could not get passed the Senate. It got a bill number, but never advocated for in the Senate.

Mr. Wieder

The other thing I want to have on record, those remarks that I made at that time should reflect on this same resolution since it is the same. I hope that it has the portion where we have the Comptroller certifies that the budget is balanced.

Mr. Schoenberger

That is State law. Under New York State law there are certain provisions when you apply for a deficit bond and those State law provision require the State Comptroller to certify the deficit.

Mr. Wolfe

Are you referring to the language that lets the Comptroller review the County Executive's proposed budget and make recommendations?

Mr. Wieder

Yes.

Mr. Wolfe

That is in there.

Mr. Schoenberger

It says that the bonds to liquidate each such deficit shall not be issued in an amount exceeding such deficit as determined by the State Comptroller.

Mr. Wieder

Then we have that the submission of such budget to the State Comptroller in electronic form shall be sufficient for compliance with this action.

The reason why I point this out is because while this resolution talks about the reduction bond it also addresses the problems why we go to our deficit. So if we were to have the Comptroller certify that our budgets are balanced I think it goes a long way towards addressing why we got here in the first place. Thank you.

Mr. Schoenberger

There is a difference in Section 3. We are asking for the probable usefulness of the deficit bond to be twenty years. I think last years we had it for ten years.

Introduced by:

Referral No. 8896

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

**RESOLUTION NO. 98 OF 2013
 APPROVING AN AMENDMENT TO AGREEMENT IN EXCESS OF \$100,000
 WITH USA CENTRAL STATION ALARM CORPORATION
 TO PROVIDE CENTRAL ALARM SERVICES TO 44 CONTROL
 FOR AN ADDITIONAL AMOUNT OF \$93,000
 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$236,892.16
 FOR THE PERIOD FROM
 JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [OFFICE OF FIRE AND EMERGENCY SERVICES]
 (\$236,892.16)**

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

WHEREAS, In 2009, the Director of Purchasing requested bids for central alarm services for 44 Control under RFP-RC-09-016 (the "RFP"); and

WHEREAS, Two hundred twenty-eight 228 vendors were notified of the RFP, sixty-six (66) vendors viewed it and four (4) vendors responded to it; and

WHEREAS, The Director of Purchasing determined that USA Central Station Alarm Corporation, 28 Willett Avenue, Port Chester, New York 10573, submitted a proposal that met all of the proposal specifications; and

WHEREAS, Thereafter, the County of Rockland entered into an agreement with USA Central Station Alarm Corporation, 28 Willett Avenue, Port Chester, New York 10573 to provide central alarm services to 44 Control in the amount of \$85,892.16 for the period for February 18, 2011 through December 31, 2011 with the option to renew for four (4) additional one year terms; and

WHEREAS, By Resolution 92 of 2012 the Rockland County Legislature approved an amendment in excess of \$100,000 with USA Central Station Alarm Corporation to provide Central Alarm Services to 44 Control for an additional amount of \$58,000 for the period from January 1, 2012 through December 31, 2012; and

WHEREAS, The Director of the Office of Fire and Emergency Services requests that the County Executive and the Legislature of Rockland County approve an amendment to the agreement with USA Central Alarm Corporation for an additional amount of \$93,000 a total contract sum not to exceed \$236,892.16 and exercise the first option to renew for the period between January 1, 2013 through December 31, 2013 with two (2) additional one year terms; 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 exists for this amendment to the agreement in the 2013 Adopted Budget of the Office of Fire and Emergency Services; and

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

RESOLVED, That the Legislature of Rockland County approves an amendment of an agreement with USA Central Alarm Corporation, 28 Willett Avenue, Port Chester, New York 10573 to provide central alarm services to 44 Control for an additional amount of \$93,0000 for a total contract sum not to exceed \$236,892.16 for the period between January 1, 2013 through December 31, 2013 with two (2) additional one year terms; and be it further

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

RESOLVED, That sufficient funding exists for this amendment to the agreement in the 2013 Adopted Budget of the Office of Fire and Emergency Services.

Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 99 OF 2013
 APPROVING PURCHASES IN EXCESS OF \$100,000
 IN AN AMOUNT NOT TO EXCEED \$218,700
 FROM EAC, INC. FOR MISDEMEANOR DRUG COURT
 CASE MANAGEMENT AND EVALUATION SERVICES
 PER THE DEPARTMENT OF JUSTICE ADULT DRUG COURT GRANT
 FOR THE PERIOD FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2015
 [DISTRICT ATTORNEY'S OFFICE]
 (\$218,700)**

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

WHEREAS, The District Attorney recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 to EAC, Inc., 50 Clinton Street, Suite 107, Hempstead, New York 11550 for Misdemeanor Drug Court Case Management and Evaluation services per the Department of Justice Adult Drug court grant in an amount not to exceed \$218,700 for the period from October 1, 2012 through September 30, 2015; and

WHEREAS, Attached is schedule "A" which will describe what these services provide; and

WHEREAS, Sufficient funding for these purchases exist in the 2013 Budget of the District Attorney's Office, DA-GA20-E4090; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 to EAC, Inc., 50 Clinton Street, Suite 107, Hempstead, New York 11550 for Misdemeanor Drug Court Case Management and Evaluation services per the Department of Justice Adult Drug court grant in an amount not to exceed \$218,700 for the period from October 1, 2012 through September 30, 2015, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases exist in the 2013 Budget of the District Attorney's Office, DA-GA20-E4090.

Schedule A

EAC, Inc is the designated partner for this Department of Justice Adult Drug Court grant. EAC, Inc. will provide the following:

A Senior Advisor who will be responsible for EAC staff supervision, liaison with the Rockland County District Attorney's Office on programmatic and policy issues, and reporting as needed.

A full-time Forensic Case Manager will provide initial assessments and implement the treatment plan in all its aspects, support the client throughout the treatment process, and provide regular reports on client progress. The Forensic Case Manager will liaison with service providers and Assistant District Attorneys.

The part-time Senior Court Liaison for the project will be responsible for directly supervising initial screening and assessment of clients, will liaison with service providers and Assistant District Attorneys. The Senior Court Liaison will oversee day-to-day administration of the EAC staff in Rockland.

An Evaluator will provide data analysis using SPSS; administering the Stakeholder Feedback Survey; training staff on the screening instruments; and preparing the evaluation report.

Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 100 OF 2013
APPROVING AMENDMENT AND EXTENSION TO AGREEMENT
IN EXCESS OF \$100,000 WITH STEVEN HEUBECK
IN THE ADDITIONAL AMOUNT OF \$75,900, FOR
A TOTAL CONTRACT SUM NOT TO EXCEED \$227,700
FOR IN-SERVICE AND SPECIALIZED TRAINING COORDINATOR AT
THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY
UNDER RFP-RC-2010-23
FOR THE PERIOD FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$227,700)**

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

WHEREAS, The Director of Purchasing let bids for services at the Rockland County Police and Public Safety Academy under RFP-RC-2010-23 for management, training and consultant services; and

WHEREAS, The award for In-Service and Specialized Training Coordinator was made to Steven Heubeck, 185 Old Kings Highway North, Darren, CT 06820; and

WHEREAS, The County entered into an agreement with Steven Heubeck, 185 Old Kings Highway North, Darren, CT 06820, for said services, on February 16, 2011 in an amount not to exceed \$75,900, for the period from January 1, 2011 through December 31, 2011; and

WHEREAS, By Resolution 167 of 2012 the Legislature approved an amendment and extension with Steven Heubeck in the additional amount of \$35,030 for a total contract sum not to exceed \$110,930 for in-service and specialized training coordinator at the Rockland County Police & Public Safety Academy under RFP-RC-2010-23 fro the period from January 1, 2012 through June 15, 2012; and

WHEREAS, By Resolution 362 of 2012 the Legislature approved an amendment and extension with Steven Heubeck in the additional amount of \$32,111 for a total contract sum not to exceed \$143,041 for in-service and specialized training coordinator at the Rockland County Police & Public Safety Academy under RFP-RC-2010-23 fro the period from June 16, 2012 through November 16, 2012; and

WHEREAS, By Resolution 30 of 2013 the Legislature approved an amendment and extension with Steven Heubeck in the additional amount of \$8,759 for a total contract sum not to exceed \$151,800 for in-service and specialized training coordinator at the Rockland County Police & Public Safety Academy under RFP-RC-2010-23 fro the period from November 16, 2012 through December 31, 2012; and

WHEREAS, The Sheriff recommends that the County enter into an amendment and extension to the agreement with Steven Heubeck, 185 Old Kings Highway North, Darien, CT 06820, for the, in an additional amount of \$75,900, for a total contract sum not to exceed \$227,700 period from January 1, 2013 through December 31, 2013 for In-Service and Specialized Training Coordinator at the Rockland County Police and Public Safety Academy; and

WHEREAS, Sufficient funding for this agreement exists within the 2013 budget of the Sheriff's Department 3120-E4090; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the amendment and extension to the agreement, in excess of \$100,000 Steven Heubeck, 185 Old Kings Highway North, Darien, CT 06820, in an additional amount of \$75,900, for a total contract sum not to exceed \$227,700 for the period from January 1, 2013 through December 31, 2013, for In-Service Specialized Training Coordinator at the Rockland County Police and Public Safety Academy, 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 2013 Budget of the Sheriff's Department 3120-E4090.

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 101 OF 2013
APPROVING ACCEPTANCE OF CONTINUATION GRANT
IN THE AMOUNT OF \$380,000 (NCTD) FROM THE NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES (NYSDCJS)
CRIMES AGAINST REVENUE PROSECUTION (CARP) PROGRAM
FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013
AND AUTHORIZING THE EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$380,000)**

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

WHEREAS, The Office of the District Attorney has informed the County Executive and the Rockland County Legislature that it has been awarded a \$380,000 Crimes Against Revenue Prosecution (CARP) continuation grant from the New York State Division of Criminal Justice Services (NYSDCJS) for the period January 1, 2013 through December 31, 2013; and

WHEREAS, The purpose of this grant is to enhance crimes against revenue prosecution in order to investigate and prosecute those who violate tax laws, help in the pursuit of revenue lost due to these violations and increase voluntary compliance with applicable laws by developing a revenue crimes enforcement strategy for the County in collaboration with relevant local, state and federal agencies; and

WHEREAS, \$172,500 of this grant is for salaries and fringe benefits, as well as grant revenue, that was already budgeted in the Office of the District Attorney's 2013 Budget and, therefore, only remaining \$207,500 can be appropriated and estimated as revenue in this resolution's funding clause; and

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

WHEREAS, It is necessary to appropriate these funds to the proper accounts; and
WHEREAS, The Public Safety and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of the County of Rockland hereby approves the acceptance of a \$380,000 continuation grant from the New York State Division of Criminal Justice Services (NYSDCJS) for the Crimes Against Revenue Prosecution (CARP) program for the period January 1, 2013 through December 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 \$172,500 of this grant is for salaries and fringe benefits, as well as grant revenue, that was already budgeted in the Office of the District Attorney's 2013 Budget and, therefore, only remaining \$207,500 can be appropriated and estimated as revenue in this resolution's funding clause; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A - DA -1165 -GA22	-E3130 Office Supplies	3,000
	-E3290 Operational Supplies	4,500
	-E4090 Fees for Services, Non-Employee	200,000

Increase Est. Rev. Acct. (Debit):

A - DA -1165 -GA22	-R3380 Public Safety Grant(s)	207,500
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Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 102 OF 2013
 APPROVING PURCHASES IN EXCESS OF \$100,000
 IN AN AMOUNT NOT TO EXCEED \$233,910 FROM EAC, INC.
 FOR MENTAL HEALTH ATI CASE MANAGEMENT
 AND EVALUATION PER THE US DEPARTMENT OF JUSTICE'S
 JUSTICE AND MENTAL HEALTH COLLABORATION
 PROGRAM (JMHCP) GRANT FOR THE PERIOD FROM
 OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2014
 [DISTRICT ATTORNEY'S OFFICE]
 (\$233,910)**

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

WHEREAS, The District Attorney recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 to Education & Assistance Corp., 50 Clinton Street, Suite 107, Hempstead, New York 11550 for Mental Health ATI Case Management and Evaluation per the US Department of Justice's Justice and Mental Health Collaboration Program (JMHCP) Grant in an amount not to exceed \$233,910 for the period from October 1, 2012 through September 30, 2014; and

WHEREAS, Attached is schedule "A" which will describe what these services provide; and

WHEREAS, Sufficient funding for these purchases exist in the 2013 Budget of the District Attorney's Office, DA-GA19-E4090; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 to Education & Assistance Corp., 50 Clinton Street, Suite 107, Hempstead, New York 11550 for Mental Health ATI Case Management and Evaluation per the US Department of Justice's Justice and Mental Health Program (JMHCP) Grant in an amount not to exceed \$233,910 for the period from October 1, 2012 through September 30, 2014, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases exist in the 2013 Budget of the District Attorney's Office, DA-GA19-E4090.

Schedule A

EAC, Inc is the designated partner for this Department of Justice/SAMHSA grant. EAC, Inc. will provide the following:

A Senior Advisor to the project at 5% time (supported through matching funds). The Senior Advisor will be responsible for EAC staff supervision, liaison with the Rockland County District Attorney's Office on programmatic and policy issues, and reporting as needed.

The EAC Medical Director who will provide forensic psychiatric services to the project and will provide clinical support and guidance to project staff, including psychiatric consultations on individual cases as needed.

A part-time Psychologist will provide initial assessments and treatment planning, and will provide clinical support to the Forensic Case Manager. Clinical triage for placement in the range of alternative to incarceration programs and membership on the SPOA Committee is included.

A full-time Forensic Case Manager will provide initial assessments and implement the treatment plan in all its aspects, support the client throughout the treatment process, and provide regular reports on client progress. The Forensic Case Manager will liaison with service providers and Assistant District Attorneys.

The part-time Senior Court Liaison for the project will be responsible for directly supervising initial screening and assessment of clients, will liaison with service providers and Assistant District Attorneys. The Senior Court Liaison will oversee day-to-day administration of the EAC staff in Rockland.

Bookkeeping duties, including payroll, purchasing, accounts receivable and payable, claims and fiscal reporting for EAC staff will be covered.

An Evaluator will provide data analysis using SPSS; administering the Stakeholder Feedback Survey; training staff on the screening instruments; and preparing the evaluation report.

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 103 OF 2013
 APPROPRIATION OF FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
 TO COVER THE COST OF VEHICLE LEASES, CONSULTANTS,
 PROFESSIONAL ORGANIZATION DUES, STAFF TRAINING, ETC.
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$100,000)**

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

WHEREAS, The Office of the District Attorney has requested that \$100,000 of forfeiture funds in balance sheet account A-8896 (Reserved for the DA - Crime Proceeds) be appropriated to the District Attorney's 2013 Budget to cover the cost of vehicle leases, consultants, professional organization dues, staff training, etc.; and

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

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$100,000 appropriation exists within said balance sheet account; and

WHEREAS, This is an authorized use of forfeiture funds under applicable rules: and

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DA-1165-FA03-E4500	Forfeiture Funds - Services	100,000
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Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Reserved for the DA - Crime Proceeds)	100,000
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Introduced by:

Referral No. 9263

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

**RESOLUTION NO. 104 OF 2013
 APPROVING ACCEPTANCE OF CONTINUATION GRANT
 IN THE AMOUNT OF \$139,899 (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, 2013 THROUGH JANUARY 31, 2014
 AND AUTHORIZING EXECUTION OF ALL GRANT
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$139,899)**

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

WHEREAS, The County Executive has been advised that a \$139,899 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, 2013 through January 31, 2014; 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 Public Safety and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of the County of Rockland hereby approves the acceptance of a \$139,899 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, 2013 through January 31, 2014, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A - DA - 1165 -GA21	-E3030	Medical Supplies	100
	-E3130	Office Supplies	5,000
	-E3290	Operational Supplies	10,000
	-E4020	Rental of Equipment	6,000
	-E4040	Travel	10,000
	-E4090	Fees for Services, Non-Employee	90,000
	-E4140	Conferences & Seminars	10,000
	-E4380	Maintenance Agreements	299
	-E4600	Telephone	8,500

Increase Est. Rev. Acct. (Debit):

A - DA - 1165 -GA21	-R3380	Public Safety Grant(s)	139,899
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Introduced by:

Referral No. 6760

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

**RESOLUTION NO. 105 OF 2013
 APPROVING ACCEPTANCE OF GRANT
 IN THE AMOUNT OF \$622,356 [NCTD]
 FROM THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES
 TO IMPROVE THE QUALITY OF LEGAL SERVICES PROVIDED TO INDIGENT
 CLIENTS UNDER ARTICLE 18-B OF THE COUNTY LAW BY ESTABLISHING A SOCIAL
 WORKER COORDINATOR (PUBLIC DEFENDER) POSITION;
 ESTABLISHING A RECEPTIONIST ½ POSITION;
 REIMBURSING THE COUNTY FOR VARIOUS ITEMS, SERVICES AND
 TRAINING COSTS RELATED TO IMPROVING INDIGENT LEGAL SERVICES
 FOR A THREE (3) YEAR PERIOD BEGINNING WITH THE
 DATE OF SAID POSITIONS BEING FILLED;
 RENAMING PREVIOUSLY ESTABLISHED BUDGET LINE 1169 THE
 “INDIGENT LEGAL SERVICES PROGRAM”
 IN ORDER TO IMPLEMENT THIS GRANT;
 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 [PUBLIC DEFENDER]
 (\$622,356)**

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

WHEREAS, The Public Defender has advised the County Executive and the Legislature of Rockland County that the New York State Office of Indigent Legal Services has awarded his department a grant in the amount of \$622,356; and

WHEREAS, The purpose of this grant is to improve the quality of legal services provided to indigent clients under Article 18-B of the County Law by establishing a Social Worker Coordinator (Public Defender) position who will work directly with these clients to identify and address such issues as housing, mental health, substance abuse, medical and financial problems; establishing a Receptionist ½ position to perform various clerical duties to help improve the overall operation of the Public Defender’s Office; and reimbursing the County for various items, services and training costs related to improving indigent legal services; and

WHEREAS, Although grant was originally awarded for the period June 1, 2012 through May 31, 2015, said NYS office has stated that grant period will be changed to start on the first day of said positions being filled and end three (3) years after said positions are filled; and

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

WHEREAS, Previously established budget line 1169 will be renamed the “Indigent Legal Services Program” in order to implement this grant; and

WHEREAS, Budget line 1169 was previously the “Aid to Defense Program” but said program was incorporated into Dept. 1170 (Public Defender) in the 2013 Adopted Budget; and

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

WHEREAS, The Public Defender is requesting the establishment of two positions in connection with this grant from the New York State Office of Indigent Legal Services; and

WHEREAS, The Department of Personnel has reviewed job descriptions and has made appropriate civil service classifications; and

WHEREAS, The Public Defender is requesting no additional funds to establish these positions as full funding is provided by the New York State Office of Indigent Legal Services; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant in the amount of \$622,356 from the New York State Office of Indigent Legal Services, 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 the purpose of this grant is to improve the quality of legal services provided to indigent clients under Article 18-B of the County Law by establishing a Social Worker Coordinator (Public Defender) position who will work directly with these clients to identify and address such issues as housing, mental health, substance abuse, medical and financial problems; establishing a Receptionist 1/2 position to perform various clerical duties to help improve the overall operation of the Public Defender’s Office; and reimbursing the County for various items, services and training costs related to improving indigent legal services; and be it further

RESOLVED, That although grant was originally awarded for the period June 1, 2012 through May 31, 2015, said NYS office has stated that grant period will be changed to start on the first day of said positions being filled and end three (3) years after said positions are filled; and be it further

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

RESOLVED, That previously established budget line 1169 will be renamed the “Indigent Legal Services Program” in order to implement this grant; and be it further

RESOLVED, That budget line 1169 was previously the “Aid to Defense Program” but said program was incorporated into Dept. 1170 (Public Defender) in the 2013 Adopted Budget; and be it further

RESOLVED, That one position of Social Worker Coordinator (Public Defender), position #9091 (SG 22 - \$69,697- \$84,257), be hereby established in the Indigent Legal Services Program - 1169; and be it further

RESOLVED, That one position of Receptionist (1/2), position #9092 (SG 6 - \$33,044 - \$39,779) be hereby established in the Indigent Legal Services Program - 1169; and be it further

RESOLVED, That the title of Social Worker Coordinator (Public Defender) be allocated to salary grade 22 (\$69,697 - \$84,257) as provided in the contract between the County of Rockland and the Civil Service Employees’ Association; and be it further

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A -PDF -1169	-E1100	Salaries, Employees	348,000
	-E1910	Health	126,000
	-E1911	Dental	9,000
	-E1912	Vision	1,800
	-E1920	Retirement	57,000
	-E1930	Social Security	20,622
	-E1940	Unemployment Insurance	600
	-E1950	Workers’ Compensation	650
	-E1980	MTA Mobility Tax	1,184
	-E5060	Program Costs	57,500
	-E6600	Appropriation Reserve	42,500

Increase Est. Rev. Acct. (Debit):

A -PDF -1169	-R1211	Allocation-Employee Health Insurance Reimb.	42,500
	-R3380	Public Safety Grant(s)	622,356

UNEMPLOYMENT FUND - 2013

Increase Approp. Acct. (Credit):

Q -PER -9050	-E8010	Employee Benefits	600
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Increase Est. Rev. Acct. (Debit):

Q -PER -9050	-R2809	Interfund Revenues	600
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and be it further,

RESOLVED, That should outside funding be reduced and/or eliminated, positions created under this grant shall automatically terminate without further action of this Legislature.

Introduced by:

Referral No. 5614

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

**RESOLUTION NO. 106 OF 2013
 APPROVAL OF PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT
 BETWEEN BASE REALTY LLC AND CAMBRIDGE SECURITY SEALS, LLC,
 TOWN OF HAVERSTRAW, NORTH ROCKLAND CENTRAL SCHOOL DISTRICT,
 COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL
 DEVELOPMENT AGENCY FOR PROPERTY LOCATED AT
 ONE CAMBRIDGE PLAZA, POMONA, TOWN OF HAVERSTRAW,
 IN THE NORTH ROCKLAND CENTRAL SCHOOL DISTRICT,
 TAX MAP SECTION 25.20, BLOCK 2, LOT 2
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF FINANCE]
 [PILOT]**

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

WHEREAS, Base Realty LLC and Cambridge Security Seals, LLC have requested that the County of Rockland Industrial Development Agency finance the acquisition of an existing building and renovations thereof and the acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for a manufacturing, distribution, warehousing facility and administrative office, which Project is located at One Cambridge Plaza, Town of Haverstraw, in the North Rockland Central School District being shown and designated on the Tax Map of the Town of Haverstraw as Tax Map Section 25.20 Block 2, Lot 2; and

WHEREAS, Base Realty LLC and Cambridge Security Seals, LLC wish to enter into an agreement with the County of Rockland, for payment of monies in lieu of taxes pursuant to General Municipal Law 925-I, commencing with the applicable tax fiscal year immediately following the first taxable status date the Agency is the owner of record of the Project realty determined pursuant to the provisions of the Real Property Tax Law, and terminating on the tenth anniversary of the date of commencement, or earlier as provided in the agreement; and

WHEREAS, The County is a party to the Payment in Lieu of Taxes Agreement solely for notice and collection/payment purposes; and

WHEREAS, Base Realty LLC and Cambridge Security Seals, LLC will continue to pay the full amount of the County tax which they would have paid if the County of Rockland Industrial Development Agency were not involved in the Project; and

WHEREAS, The Town of Haverstraw, the North Rockland Central School District and the Rockland County Industrial Development Agency have approved the agreement; and

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

RESOLVED, That the Legislature of Rockland County hereby approves a Payment In Lieu Of Taxes (PILOT) agreement with Base Realty LLC and Cambridge Security Seals, LLC, the Town of Haverstraw, the North Rockland Central School District, County of Rockland and County of Rockland Industrial Development Agency for payment of monies in lieu of taxes in the amount set forth in the attached agreement, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and only upon the agreement of all parties.

Execution Copy

PAYMENT IN LIEU OF TAXES AGREEMENT

THIS AGREEMENT (the "Agreement"), dated as of November 4, 2011 by and between **BASE REALTY LLC**, a New York limited liability company with offices at One Cambridge Plaza, Pomona, New York 10970 ("Lessee"), and **CAMBRIDGE SECURITY SEALS, LLC** a New York limited liability company with an office at One Cambridge Plaza, Pomona, New York 10970 ("Sublessee"), the **TOWN OF HAVERSTRAW**, 1 Rosman Road, Garnerville, New York 10923 (the "Town"), the **NORTH ROCKLAND CENTRAL SCHOOL DISTRICT**, 65 Chapel Street, Garnerville, New York 10923 (the "School District"), the **COUNTY OF ROCKLAND**, 11 New Hempstead Road, New City, New York 10956 (the "County") and the **COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY**, a New York public benefit corporation with offices at Two Blue Hill Plaza, Pearl River, New York 10965 (the "Agency").

WITNESSETH

WHEREAS, the New York State Industrial Development Agency Act, constituting Title I of Article 18-A of the General Municipal Law of the State of New York, Chapter 24 of the Consolidated Laws of the State of New York, as amended (the "Enabling Act") authorized and provides for the creation of industrial development agencies in the several counties, cities, and towns in the State of New York and empowers such agencies, among other things, to acquire, construct, reconstruct, lease, improve, maintain, equip, furnish and dispose of one or more projects for the purpose of promoting, developing, encouraging and assisting in the acquisition, construction, reconstruction, improvement, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, civic, research, and commercial facilities, thereby advancing the job opportunities, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, pursuant to and in accordance with the provisions of the Enabling Act and Chapter 564 of the 1980 Laws of New York, as amended (together with the Enabling Act, hereinafter referred to as the "Act"), the County of Rockland Industrial Development Agency which has been created and established pursuant thereto for the benefit of the County of Rockland proposes to undertake the acquisition and financing of the project described below; and

WHEREAS, to accomplish the purposes of the Act, the Agency has entered into negotiations with Lessee for a commercial "project" within the meaning of the Act (the "Project"); and

WHEREAS, the Project will consist of the Lessee's acquisition of an existing building and renovations thereof and the Lessee's acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for a manufacturing, distribution, warehousing facility and administrative offices, which Project is located at One Cambridge Plaza, Pomona, Town of Haverstraw, in the North Rockland Central School District, being shown and designated on the Tax Map of the Town of Haverstraw as Section 25.20, Block 2, Lot 2 (the land and the

building and site improvements, together constituting the "Project Realty") (said land being more fully described on Exhibit "A" attached); and

WHEREAS, to facilitate the Project, the Agency has entered into a "straight lease transaction" pursuant to the Agency's uniform tax exemption policy by which the Agency acquired a leasehold interest in and to the Project Realty ("Head Lease") and the Agency leased to Base Realty, LLC, as Lessee, the Agency's interest in the Project (the "Lease Agreement"); and

WHEREAS, Cambridge Security Seals, LLC, has, simultaneous with the execution of the Lease Agreement, entered into a Sublease Agreement with Lessee whereby Sublessee shall lease from Lessee all of Lessee's interest in the Project; and

WHEREAS, pursuant to Section 874(1) of the Act and Section 412-a of the Real Property Tax Law, the Agency is exempt from the payment of taxes and assessments imposed on real property and improvements owned by it; and

WHEREAS, pursuant to Section 925-1 of the Act, as amended, projects promoted, developed and assisted by the Agency shall be liable for, in lieu of real property taxes and school taxes, payment of a sum equal to the full amount thereof, or such lesser amount as agreed to among the County, Town, School District, and Lessee (collectively, the "Affected Taxing Jurisdictions") which sum shall be paid by Lessee to the Affected Taxing Jurisdictions ("PILOT Payments"); and

WHEREAS, the Agency has determined that it is both necessary and desirable that this Agreement be entered into in connection with the transfer to the Agency of a leasehold interest in the Project Realty and the Agency entering into a "straight lease" transaction (the "Straight Lease Transaction") with Lessee and Sublessee.

NOW, THEREFORE, in consideration of the foregoing, and the actions to be taken by the Agency, Lessee and Sublessee with respect to the Project, Lessee, Sublessee, the County, Town, School District and the Agency hereby formally agree as follows:

1. Lessee and Sublessee hereby covenant and agree to pay or have paid on their behalf, so long as the Agency is the lessee of the Project, PILOT Payments to the County, Town and School District and to any other taxing entity on whose behalf any of the foregoing may levy and collect real property taxes, including fire districts, special benefit districts, and any other districts now or hereinafter created ("Special District Taxes"), as they now pay or would pay in accordance with the Real Property Tax Law.

2. The Project is to be assessed in the same manner as other similar properties in the Town, by the Town Assessor for the Town and/or for the School District and/or for the County in accordance with the applicable provisions of the Real Property Tax Law of the State of New York. Such assessment will or may appear upon the tax rolls under the category "Exempt Properties".

3. Lessee and Sublessee acknowledge, agree and accept the present assessed valuation of the Project Realty constituting part of the Project and shall not commence any legal proceedings whether by tax certiorari or otherwise to alter the assessed valuation of the Project Realty, except as to the assessment adjustments to be made as of March 1, 2012 as hereinafter set forth in Paragraph 6 of this Agreement, so long as the assessed valuation does not change, using as a basis the 2011 assessed value of the Project Realty, as adjusted and modified by Paragraph 6 of this Agreement, pursuant to the provisions of Article 19 of the Real Property Tax Law for each current parcel of the Project Realty as published in the assessment roll of the Town of Haverstraw. For the purposes of this paragraph, a change in assessed valuation as a consequence of the Town or County-wide revaluation shall not be considered a change in the assessed valuation as long as the assessed valuation of the subject property does not increase relative to the total non-homestead taxable assessment base in the Town of Haverstraw. Any change in assessed valuation reflecting "additional construction", as provided for in Paragraph 18 of this Agreement, shall not be considered a "change in assessment" for the purposes of this Paragraph.

4. Lessee and Sublessee agree to pay all amounts due hereunder in the same manner and within the same time periods as is applicable to other taxpayers in the County, Town and School District subject to real property taxes and school taxes, which is currently thirty (30) days after the date such taxes are due. The County, Town and School District shall notify or cause Lessee or Sublessee to receive notice from each thereof or from any one thereof acting on behalf of any of the others of the amount of any payment due. In the event Lessee or Sublessee shall fail to make any PILOT Payments within the time period required and/or special district charges, the amount or amounts so in default shall continue as an obligation of Lessee and Sublessee until fully paid and Lessee and Sublessee agree to pay the same to the Affected Taxing Jurisdiction or its designee, as the case may be. PILOT Payments which are delinquent under this Agreement shall be subject to a late payment penalty and shall bear interest, in accordance with the provisions of Section 874(5) of the General Municipal Law of the State of New York.

5. Notwithstanding any other provision of this Agreement, the Lessee and Sublessee acknowledge and agree that the County is a party to this Agreement solely for notice and collection/payment purposes. Lessee and Sublessee agree to pay the full amount of the County tax which Lessee and Sublessee would have paid if the Agency were not involved in the project. Lessee and Sublessee further agree that if the County PILOT payment is not paid when due, it shall be subject to a late payment penalty and shall bear interest in accordance with the provisions of paragraph 4 of this Agreement.

6. Lessee and Sublessee agree to make PILOT Payments for each applicable tax fiscal year for the period commencing with the applicable tax fiscal year immediately following the first taxable status date the Agency is the lessee of record of the Project Realty determined pursuant to the provisions of the Real Property Tax Law (the "PILOT Commencement Date") expiring on the PILOT Termination Date (as hereinafter defined) in the amounts and manner as set forth herein. The period beginning on the PILOT Commencement Date and ending on the PILOT Termination Date is hereinafter referred to as the "PILOT Period".

7. (a) Commencing on the PILOT Commencement Date, Lessee and Sublessee shall make PILOT Payments for each applicable tax fiscal year, with respect to the Project Realty, using as a basis the assessed value of \$1,500,000.00 which shall remain at \$1,500,000.00 throughout the term of this PILOT Agreement for years one (1) through ten (10) of the Pilot Period, which assessed value, for the purposes of this Agreement is to be reduced as follows:

TOWN TAX

Year of PILOT Period	Percent Reduction of Assessed Value
2013	30%
2014	27%
2015	24%
2016	21%
2017	18%
2018	15%
2019	12%
2020	9%
2021	6%
2022	3%

SCHOOL TAX

Year of PILOT Period	Percent Reduction of Assessed Value
2012/13	30%
2013/14	27%
2014/15	24%
2015/16	21%
2016/17	18%
2017/18	15%
2018/19	12%
2019/20	9%
2020/21	6%
2021/22	3%

(b) Lessee and Sublessee agree that the amounts payable by them or on their behalf as PILOT Payments for each year of the PILOT Period, of ten (10) consecutive years from the PILOT Commencement Date to the PILOT Termination Date, shall be determined by multiplying the tax rate for the then current tax levy by the assessed valuation of the Project Realty as reduced pursuant to the formulae set forth in Paragraph 6(a) above.

8. For the purposes of this Agreement, the applicable tax fiscal year for the State, County and Town Tax shall be the calendar year, January 1 through December 31, commencing January 1, 2013, and the applicable tax fiscal year for the School Tax shall be September 1 through August 31, commencing September 1, 2012. All PILOT payments shall be applied, apportioned and prorated as if paid in annual installments in advance in the same manner as real property taxes are paid for in connection with similar properties in the Town and School District.

9. For the purposes of this Agreement, the term PILOT Termination Date shall mean the earlier of (i) the occurrence of an Event of Default (as hereinafter defined) after the expiration of any applicable cure period or (ii) the tenth (10th) anniversary of the PILOT Commencement Date or (iii) the date the Agency no longer has a leasehold interest in the Project Realty.

10. For the purposes of this Agreement, any one or more of the following events shall constitute an "Event of Default" hereunder:

(a) Failure of Lessee or Sublessee to make any PILOT payments or any other payments required hereunder as and when due pursuant to this Agreement; or

(b) Failure of Lessee or Sublessee to comply with the terms of the PILOT Escrow Agreement pursuant to Paragraph 21 of this Agreement; or

(c) An Event of Default under the Head Lease, Lease Agreement or any other agreement executed by Lessee or Sublessee in connection with the Straight Lease Transaction.

11. Prior to the PILOT Termination Date, the PILOT Escrow Agent (as hereinafter defined) shall notify the parties to this Agreement of the date upon which the PILOT Period is scheduled to terminate (the "PILOT Termination Notice"). The PILOT Escrow Agent, if required, shall calculate and apply that portion of the PILOT Payments to each of the Affected Taxing Jurisdictions (State, County, Town and School District) and then shall apportion and adjust the PILOT Payments to be paid with respect to the balance of the tax fiscal year to each of the Affected Taxing Jurisdictions to an amount equal to the full real property and school taxes that Lessee and Sublessee would have been required to pay as the owner of the Project Realty. The PILOT Termination Notice shall set forth such calculations and apportionments. After the PILOT Termination Date and until such time as the Project Realty is recorded on the tax rolls of the Town as no longer being leased by the Agency, Lessee and Sublessee agree to make PILOT Payments in such amounts and at such times as would be due if the Project Realty were privately owned by a for-profit entity with no Agency participation. If this Agreement is terminated prior to the tenth (10th) anniversary of the PILOT Commencement Date, Lessee and Sublessee shall receive a credit from the appropriate taxing authority toward the amount due in such year equal to that portion of the PILOT Payments allocable to the period of time following the PILOT Termination Date. Notwithstanding anything to the contrary contained in the foregoing, with respect to the last year of the PILOT Period, Lessee and Sublessee may prorate its PILOT Payments on the basis of the actual period the Agency is the lessee so that there shall exist no period of time for which Lessee or Sublessee is obligated to make PILOT Payments in addition to actual tax payments to which the Project Realty is subject under current law, at the time of reconveyance to the Lessee.

12. The parties agree that the Agency shall have the authority to appoint a PILOT Escrow Agent to perform the duties and obligations contained herein. The Agency hereby appoints the Rockland Economic Development Corporation ("REDC"), to act as the PILOT Escrow Agent. Lessee and Sublessee agree to pay the PILOT Payments when due to the PILOT Escrow Agent, by check or bank draft payable at a bank in Rockland County, New York or via

the automatic clearing house ("ACH") or such other expedient automatic electronic deduction from the Lessee's bank account. The County, Town and School District consent to and agree that REDC, shall act as their PILOT Escrow Agent pursuant to this Agreement, and shall allocate and pay to the School District, County and Town their respective payments as and when received. The Agency shall have the right, in its sole discretion, upon thirty (30) days prior written notice to REDC and the parties to this Agreement to appoint a successor PILOT Escrow Agent, provided such successor PILOT Escrow Agent agrees to be bound by the terms, conditions and covenants of this Agreement.

13. Lessee and Sublessee shall also make payments to the PILOT Escrow Agent in respect of Special District Taxes from the date the Agency acquires a leasehold interest in the Project Realty as required by the Affected Taxing Jurisdictions or Special District. Nothing contained herein shall exempt Lessee and Sublessee from paying all fire district taxes, special district benefits assessments or user charges, including sewer and water rents relating to the Project, solid waste charges, and other assessments or fees imposed on the Project Realty or which may subsequently be imposed on the Project Realty in the future.

14. It is agreed that Lessee or Sublessee shall receive notice in advance in the same manner as any other taxpayer for any change in assessment and shall be entitled to protest administratively and judicially, any change in assessment or any other matter relating to the Project Realty as if the taxes were levied against Lessee and Sublessee as a property owner not exempt from taxation, subject, however, to the provisions of Paragraph 3 and Paragraph 7. Lessee and Sublessee shall in all other respects have the same administrative and legal rights and remedies with respect to the amounts they hereby obligate themselves to pay in lieu of taxes, including judicial appeal thereof, as if they were a property owner not exempt from taxation. The Agency shall join in any proceeding for obtaining relief under this paragraph to the extent that the Agency's consent is required for Lessee and Sublessee to undertake such procedure provided, however, that Lessee and Sublessee shall continue to make PILOT Payments required hereunder.

15. The benefits and obligations of Lessee and Sublessee under this Agreement shall not be assigned without the written consent of the County, Town, School District and the Agency.

16. In the event any part of the Agency's interest in the Project Realty is transferred from the Agency to Lessee or another party, the provisions of New York State Real Property Tax Law §520 shall apply.

17. It is understood and agreed by the parties to this Agreement that the Agency, the County, Town and School District are entering into this Agreement in order to provide financial assistance to Lessee for the Project and to accomplish the public purposes of the Act. In consideration therefor, Lessee and Sublessee hereby agree that if there shall occur a Recapture Event (as defined below) prior to the expiration of the PILOT Period, Lessee and Sublessee shall pay to the PILOT Escrow Agent as a return of public benefits conferred by the Agency as follows ("Recapture of Benefits"):

- (a) one hundred percent (100%) of the Benefits (as defined below) if the Recapture Event occurs within the first four (4) years after the PILOT Commencement Date;
- (b) eighty percent (80%) of the Benefits if the Recapture Event occurs during the 5th or 6th year after the PILOT Commencement Date;
- (c) sixty percent (60%) of the Benefits if the Recapture Event occurs during the 7th or 8th year after the PILOT Commencement Date;
- (d) forty percent (40%) of the Benefits if the Recapture Event occurs during the 9th year after the PILOT Commencement Date;
- (e) zero percent (0%) of the Benefits if the Recapture Event occurs during the 10th year or thereafter after the PILOT Commencement Date.

The PILOT Escrow Agent shall then allocate and pay to the County, Town and School District their respective share of the Benefits when received.

The term "Benefits" shall mean, collectively all real estate tax benefits which have accrued to the benefit of the Lessee and Sublessee during such time as the Agency was the lessee of the Facility, such tax benefits to be computed by subtracting the PILOT payments paid under and pursuant to the terms of this PILOT Agreement and any other assessments or payments from those payments which the Lessee and Sublessee would have been required to pay if they had been the owner of the Project Realty with no Agency participation, together with a late fee of five (5%) percent of the amount not timely paid for each month or part thereof that any payment due hereunder is delinquent and interest at the rate of one percent (1%) per month on the amount calculated due hereunder from the PILOT Commencement Date of this Agreement to the date of Recapture of Benefits are paid. Said payment to include the expenses, costs and disbursements and reasonable attorneys' fees necessary to collect the amounts due hereunder.

The term "Recapture Event" shall mean any of the following events:

- (a) Lessee or Sublessee shall have liquidated its operations and/or assets (absent a showing of extreme hardship) as determined by the Agency in its sole reasonable discretion;
- (b) Lessee or Sublessee shall have ceased all or substantially all of its operations at the Project Realty (whether by relocation to another facility, or otherwise or whether to another location, either within or outside of the County);
- (c) Lessee or Sublessee shall have transferred all or substantially all of its employees to a location outside of the County;
- (d) Lessee or Sublessee shall have effected a substantial change in the scope and the nature of the operations of Lessee or Sublessee at the Project Realty, as determined by the Agency in its sole discretion;

(e) Lessee or Sublessee shall have subleased all or any portion of the Project Realty without the prior written consent of the Agency, except in connection with a sublease to any corporation or other entity which shall be an affiliate, subsidiary or parent of Lessee;

(f) Lessee or Sublessee shall have sold, leased, transferred or otherwise disposed of all or substantially all of its interest in the Project Realty, except in connection with a transfer or other disposition to any corporation or other entity into or with which Lessee may be merged or consolidated or to any corporation or other entity which shall be an affiliate, subsidiary, parent or successor of Lessee;

(g) Lessee or Sublessee shall have defaulted under the terms of the Head Lease, Lease or Sublease Agreements or under any document executed by Lessee or Sublessee in connection with the Straight Lease Transaction; or

(h) An Event of Default shall have occurred.

(i) Lessee or Sublessee fail to make PILOT Payments as required by the PILOT Escrow Agreement.

For purposes of subparagraphs (e) and (f), an affiliate, subsidiary or parent shall mean any corporation or other entity which, directly or indirectly, controls or is controlled by or is under common control with Lessee. A successor of Lessee shall mean (i) a corporation or other entity into which or with which Lessee, its corporate successors or assigns, is merged or consolidated, provided that by operation of law or by effective provisions contained in the instruments of merger or consolidation, the liabilities of the entities participating in such merger or consolidation are assumed by the entities surviving such merger or created by such consolidation, or (ii) a corporation or other entity which acquires all or substantially all of the property and assets of Lessee and assumes all the obligations and liabilities of Lessee under any promissory notes issued in connection with the Project and under the Lease.

Notwithstanding the foregoing, a Recapture Event shall not be deemed to have occurred if the Recapture Event shall have arisen as a direct, immediate result of (i) a taking or condemnation by governmental authority of all or substantially all of the Project Realty, or (ii) the inability at law of Lessee and Sublessee to rebuild, repair, restore or replace the Project Realty after the occurrence of a Loss Event (as that term is defined in the "Lease Agreement") to substantially the same condition prior to such Loss Event, which inability shall have arisen in good faith through no fault on the part of Lessee or any affiliate.

Lessee and Sublessee covenant and agree to furnish the Agency with written notification upon any Recapture Event or disposition of the Project Realty or any portion thereof, which notification shall set forth the terms of such Recapture Event and/or disposition.

In the event a Recapture of Benefits event shall occur, the Lessee shall pay to the Agency a sum equal to one percent (1%) of the Benefits recaptured as a result of the early termination of this Agreement.

The provisions of this Paragraph 16 shall survive the termination of this Agreement for any reason whatsoever, notwithstanding any provision of this Agreement to the contrary.

18. Lessee and Sublessee specifically understand and agree that the benefits provided in this Agreement apply to the Project. Any additional construction by Lessee, any sublessee or any third party upon the Project Realty shall not be entitled to the benefits of this Agreement and upon the happening of such event without the prior written consent of the Agency, School District, Town and County, the additional construction on the Project Realty shall no longer be entitled to the Benefits provided in Paragraph 7 of this Agreement and Lessee and Sublessee shall thereafter make PILOT Payments for the additional construction in the manner and amounts as provided for in Paragraph 1 of this Agreement.

19. The County, Town and School District will provide all services to the Project which they would provide if the Project were subject to the payment of full taxes and all assessments and not exempt from any thereof.

20. Obligations arising out of this Agreement are solely the responsibility of Lessee and Sublessee and not the Agency and are payable out of receipts, funds or other monies of Lessee and Sublessee

21. As security for the PILOT Payments or other payments required pursuant to this Agreement, Lessee has entered into a PILOT Escrow Agreement with the Agency and the Rockland Economic Development Corporation ("REDC") pursuant to which Lessee and/or Sublessee shall deposit with REDC amounts as set forth in the PILOT Escrow Agreement sufficient to pay fire district taxes, special district benefits or user charges, sewer and water rents, solid waste charges and other assessments or fees imposed on the Project Realty (collectively "Special District Taxes") and the PILOT Payments. Lessee and Sublessee hereby authorize (a) the County, Town and School District and the PILOT Escrow Agent to send notices of all payments due for PILOT Payments and Special District Taxes to REDC, and (b) REDC to pay such PILOT Payments and Special District Taxes with funds deposited with REDC pursuant to the PILOT Escrow Agreement. In the event Lessee or Sublessee shall fail to make the payments required pursuant to the PILOT Escrow Agreement, this Agreement shall terminate upon notice from REDC as set forth in the PILOT Escrow Agreement.

22. (a) Lessee and Sublessee shall at all times protect and hold the Agency, the County, Town and School District, and any director, member, officer, employee, servant or agent thereof and persons under the control or supervision of the Agency, County, Town and School District (collectively, the "Indemnified Parties" and each "Indemnified Party") harmless of, from and against any and all claims (whether in tort, contract or otherwise), demands, expenses and liabilities for losses, damage, injury and liability of every kind and nature and however caused, and taxes (of any kind and by whomsoever imposed), other than, with respect to each Indemnified Party, losses arising from the gross negligence or willful misconduct of such Indemnified Party, resulting from, arising out of, or in any way connected with the execution and delivery by the Indemnified Party or Lessee, Sublessee, or performance by the Indemnified Party

or Lessee, Sublessee of any of its duties and obligations under this Agreement, or the enforcement of any of the terms hereof or the transactions contemplated hereby.

(b) Lessee and Sublessee agree to indemnify and hold the Indemnified Parties harmless against any expense, loss, damage, injury or liability incurred because of any lawsuit commenced as a result of action taken by any Indemnified Party with respect to any of the matters set forth in this Agreement, including enforcement of any of the provisions of this Agreement.

23. This Agreement may not be modified, amended, supplanted or changed without the written consent of Lessee, Sublessee, the County, Town, School District and the Agency.

24. This Agreement may be executed by one or more parties in two or more counterparts each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

25. All notices, certificates or other communications hereunder shall be sufficient if sent (i) by registered or certified United States mail, postage prepaid, (ii) by a nationally recognized overnight delivery service, charges prepaid or (iii) by hand delivery, addressed, as follows:

- (a) if to the Agency, to the Chairperson, County of Rockland Industrial Development Agency, Two Blue Hill Plaza, Pearl River, New York 10965 with a copy to the Executive Director of the Agency at the same address, and
- (b) if to Lessee, to Mr. Elisha Tropper, Base Realty LLC, One Cambridge Plaza, Pomona, New York 10970,
- (c) if to Sublessee, to Mr. Elisha Tropper, Cambridge Security Seals, LLC, One Cambridge Plaza, Pomona, New York 10970.
- (d) if to School District, to North Rockland Central School District, 65 Chapel Street, Garnerville, New York 10923, Attention: Superintendent
- (e) if to Town, to Town of Haverstraw, 1 Rosman Road, Garnerville, New York 10923, Attention: Supervisor.
- (f) if to County, to County Office Building, 11 New Hempstead Road, New City, New York 10956, Attention: County Executive.
- (g) if to PILOT Escrow Agent, to Rockland Economic Development Corporation, Two Blue Hill Plaza, Pearl River, New York 10965, Attention: President.

The Agency, County, Town, School District, Lessee and Sublessee may, by like notice, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent. Any notice, certificate or other communication hereunder shall, except as may expressly be provided herein, be deemed to have been delivered or given (i) five (5) Business Days following posting if transmitted by mail, (ii) one (1) Business Day following sending if transmitted by a nationally recognized overnight delivery service, or (iii) upon delivery if given by hand delivery; provided that refusal by an Authorized Representative of the intended recipient party to accept delivery of a notice given as prescribed above shall constitute delivery hereunder. Notices may also be given in compliance with this Agreement by telecopy, provided that the recipient party consents to the use of telecopy transmissions for giving of notices hereunder and receipt of any such telecopy transmission is confirmed by the transmitting party.

26. This Agreement shall be governed by, and construed in accordance with, the Laws of the State of New York, without regard of giving effect to the principles of conflicts of law thereof.

27. The parties do hereby expressly waive all rights to trial by jury on any cause of action directly or indirectly involving the terms, covenants or conditions of this Agreement or any matters whatsoever arising out of, or in any way connected, with this Agreement and the venue for any such action shall be the Supreme Court of the State of New York, County of Rockland.

(SIGNATURE PAGES TO FOLLOW)

EXHIBIT A

LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Haverstraw, County of Rockland, State of New York, more particularly that parcel of property shown and designated as part of Lot 1 on a certain subdivision plat known as "HILTOR CORPORATE PARK", which said subdivision map was filed in the Rockland County Clerk's Office on May 3, 1984 in Book 101 of Maps at page 56 as Map No. 5599; and being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Route 202-NYS Highway 1660, as widened by as shown on NYS DOT Right of Way taking map no. 190 parcel 214 where the same is intersected by the westerly line of land now or formerly of Van Den Heuvel (tax map designation Section 25.20 Block 2 Lot 3) with the easterly line of the herein described premises;

RUNNING THENCE westerly along the aforesaid northerly side of Route 202-NYS Highway-1660 as widened the following four (4) courses and distances;

- 1) North 74 degrees 32' 12" West 6.00' to a point;
- 2) North 66 degrees 11' 42" West 69.82' to a point;
- 3) North 86 degrees 58' 13" West 233.40' to a point and;
- 4) South 87 degrees 10' 46" West 14.65' to other land now or formerly of Cahnman Holding Corp. (tax map designation Section 25.20 Block 2 Lot 1) part of Lot 2 on map no. 5599;

RUNNING THENCE northerly along the aforesaid other land now or formerly of Cahnman Holding Corp. on a curve to the right having a radius of 25.00' and a distance of 22.61' to a point and North 04 degrees 59' 15" East 485.70' to land now or formerly of Soto (tax map designation Section 25.15 Block 2 Lot 42);

RUNNING THENCE easterly along the aforesaid land now or formerly of Soto and land now or formerly of Lugo (tax map designation Section 25.15 Blk. 2 Lot 41) and land now or formerly Minervi (tax map designation Section 25.15 Block 2 Lot 40), South 85 degrees 00' 45" East 329.31' to land now or formerly of Kaye (Section 25.16 Block 3 Lot 1);

RUNNING THENCE southerly along the aforesaid land now or formerly of Kay and the aforesaid land now or formerly of Van Den Heuvel South 04 degrees 59' 15" West 519.00' to the point or place of **BEGINNING**.

Introduced by:

Referral No. 9372

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

**RESOLUTION NO. 107 OF 2013
 APPROVING AMENDMENT AND EXTENSION TO A LEASE AGREEMENT
 BETWEEN DEPAULIS ENTERPRISES III, LTD. AND
 THE COUNTY OF ROCKLAND FOR PREMISES IN CONGERS, NEW YORK
 FOR AN ADDITIONAL \$33,949.20 FOR AN AMOUNT
 NOT TO EXCEED \$96,189.40 AND
 FOR AN ADDITIONAL PERIOD FROM JANUARY 1, 2013
 THROUGH DECEMBER 31, 2013 AND
 AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [SHERIFF'S DEPARTMENT]
 (\$96,189.40)**

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

WHEREAS, By Resolution No. 391 of 2011 the Legislature of Rockland County approved acceptance of a lease between Depaulis Enterprises III, LTD. and the County of Rockland for premises in Congers, New York consisting of multiple units for use by the Sheriff's Department from March 1, 2011 through December 31, 2011 at a monthly rental of \$2,829.10 for a total annual rental of \$28,291; and

WHEREAS, By Resolution No. 136 of 2012 the Legislature of Rockland County approved acceptance of a lease between Depaulis Enterprises III, LTD. and the County of Rockland for premises in Congers, New York consisting of multiple units for use by the Sheriff's Department from January 1, 2012 through December 31, 2012 at a monthly rental of \$2,829.10 for a total annual rental of \$33,949.20 for an amount not to exceed \$62,240.20 with cancellation permit upon 30 days notice, by County; and

WHEREAS, The Sheriff Department is requesting that the County approve an amendment and extension to the lease agreement with DePaulis Enterprises III, Ltd., P.O. Box 198, Chester, New York 10918, for premises in Congers, New York, consisting of multiple units for use by the Sheriff's Department for an additional amount of \$33,949.20 for an amount not to exceed \$96,189.40 and an additional period from January 1, 2013 through December 31, 2013 at; and

WHEREAS, During the term of the lease, the owner or owner's agent shall have the right to enter the premises at reasonable hours upon twenty-four (24) hours' notice for the purpose of showing the premises to prospective tenants; and at no time shall the owner or owner's agent have access to the "Wire Room" of the demised premises without the written consent of the tenant; tenant shall have the right to withhold consent at its sole discretion; and

WHEREAS, County Law §215(3) requires the Legislature of Rockland County to approve all leases of real property for county purposes; and

WHEREAS, Sufficient funding for this agreement exists in the 2013 Operating Budget of the Sheriff's Department; 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 an amendment and extension to the lease agreement with DePaulis Enterprises III, Ltd., P.O. Box 198, Chester, New York 10918, for premises in Congers, New York, consisting of multiple units, for use by the Sheriff's Department for an additional amount of \$33,949.20 an amount not to exceed \$96,189.40 for the additional period from January 1, 2013 through December 31, 2013 with cancellation permit upon 30 days notice, by County, 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 2013 Operating Budget of the Sheriff's Department.



Introduced by:

Referral No. 6546

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

**RESOLUTION NO. 108 OF 2013
 APPROVING THE PURCHASES IN EXCESS OF \$100,000
 FROM CARDINAL HEALTH 411 INC. D/B/A CARDINAL HEALTH
 OF PHARMACEUTICALS AND DISTRIBUTION SERVICES
 FOR THE DEPARTMENT OF HOSPITALS
 IN AN AMOUNT NOT TO EXCEED \$2,528,000
 FOR THE PERIOD JANUARY 1, 2013 THROUGH OCTOBER 31, 2013
 IN ACCORDANCE WITH NEW YORK STATE CONTRACT NO. PC65140
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
 (\$2,528,000)**

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

WHEREAS, The New York State Office of General Services (NYS OGS) has issued an award to Cardinal Health 411, Inc. d/b/a Cardinal Health ("Cardinal Health"), 6012 Molloy Road, Syracuse, New York 13211, under NYS OGS Contract No. PC65140 to provide pharmaceuticals and distribution services to all agencies and other entities authorized to use state contracts for the period June 25, 2010 through October 31, 2013; and

WHEREAS, The County is authorized to use New York State contracts for the procurement of such supplies and services; and

WHEREAS, The contract term shall be extended automatically when New York State extends, renews or enters into a new contract with Cardinal Health for these services, provided the contract meet the needs of the County of Rockland and the Department of Hospitals/Pharmacy; and

WHEREAS, Encumbrances and expenditures shall be made against the proper fiscal year appropriations; and

WHEREAS, The cost of this contract is affected by the census at Summit Park Hospital and any increases in the wholesale cost of pharmaceuticals during the contract year; and

WHEREAS, The Director of Purchasing requests that the County Executive and the Legislature of Rockland County approve the purchases of pharmaceuticals and distribution services for the Department of Hospitals in a total sum not to exceed \$2,528,000 from Cardinal Health in accordance with the terms and conditions specified in the NYS OGS Contract No. PC65140 for the period January 1, 2013 through October 31, 2013; and

WHEREAS, All purchases shall be made by the Director of Purchasing by formal purchase order, encumbering the funds in advance of the services provided; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2013 Budget of the Department of Hospitals in Account No. HSP E910-E3150; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 from Cardinal Health 411, Inc. d/b/a Cardinal Health ("Cardinal Health"), 6012 Molloy Road, Syracuse, New York 13211, of pharmaceuticals and distribution services for the Department of Hospitals in an amount not to exceed \$2,528,000 for the period January 1, 2013 through October 31, 2013 in accordance with the terms and conditions specified in NYS OGS Contract No. PC65140; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2013 Budget of the Department of Hospitals in Account No. HSP E910-E3150.

Introduced by:

Referral No. 8983

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

**RESOLUTION NO. 109 OF 2013
 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
 2013 BUDGET FOR FOSTER CARE SERVICES
 AND AUTHORIZING THE COUNTY EXECUTIVE
 TO EXECUTE THE AGREEMENTS ON BEHALF OF THE COUNTY
 [DEPARTMENT OF SOCIAL SERVICES]**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl 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 \$3,340,000; 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 2013 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 2013 Budget of the Department of Social Services, budget lines 6109, 6119 and 6123.

FOSTER CARE AGENCIES
2013

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. FAMILY SERVICES OF WESTCHESTER
11. GRAHAM WINDHAM
12. GREEN CHIMNEYS CHILDREN'S SERVICES
13. HILLCREST EDUCATIONAL CENTERS, INC.
14. HILLSIDE CHILDREN'S CENTER
15. JEWISH BOARD OF FAMILY AND CHILDREN'S SERVICES
16. JEWISH CHILD CARE ASSOCIATION
17. JULIA DYCKMAN ANDRUS MEMORIAL, INC.
18. KIDS PEACE NATIONAL CENTERS OF NORTH AMERICA, INC.
19. KIDS PEACE NATIONAL CENTERS, INC.
20. LASALLE SCHOOL FOR BOYS
21. LINCOLN HALL
22. MOUNTAIN LAKE CHILDREN'S RESIDENCE, INC.
23. OCCUPATIONS, INC.
24. OHEL CHILDREN'S HOME AND FAMILY SERVICES
25. PARSONS CHILD AND FAMILY CENTER
26. ST. ANNE INSTITUTE
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.

Debate:**Chairwoman Cornell**

In one of the committees it was amended to say that there was no local share, but subsequent to that the Commissioner contacted the Legislature and indicated that there could be a local share.

Introduced by:

Referral No. 9473

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

**RESOLUTION NO. 110 OF 2013
 AMENDING THE 2012 BUDGET
 BY APPROVING THE ACCEPTANCE OF ADDITIONAL FUNDS
 IN THE AMOUNT OF \$63,994 [NCTD]
 FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH
 TO BE DISTRIBUTED TO JAWONIO, INC.
 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE
 ALL NECESSARY DOCUMENTS INCLUDING
 THE APPLICABLE CONTRACT AMENDMENT
 [DEPARTMENT OF MENTAL HEALTH]
 (\$63,994)**

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

WHEREAS, The Commissioner of the Department of Mental Health has advised the County Executive and the Legislature of Rockland County that the New York State Office of Mental Health (OMH) has awarded the County additional funding in the amount of \$63,994 for the calendar year 2012, which is to be distributed to Jawonio, Inc.; and

WHEREAS, The funds are designated as Health Information Technology (HIT) funding related to the New York State Home Health initiative, and they must be used to upgrade current computer technology to ensure secure record sharing between Jawonio and the regional Health Home; and

WHEREAS, The acceptance of these funds will require an amendment in the amount of \$63,994 to the County’s 2012 contract with Jawonio, which was approved by Resolution No. 47 of 2012; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of additional funds from the New York State Office of Mental Health (OMH) in the amount of \$63,994 for the calendar year 2012, which is to be distributed to Jawonio, Inc. and must be used to upgrade current computer technology to ensure secure record sharing between Jawonio and the regional Health Home, and hereby authorizes the County Executive to execute all necessary documents related to the acceptance of these funds including the applicable contract amendment with Jawonio, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars [NCTD] are required to accept this additional funding; and be it further

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

GENERAL FUND - 2012

Increase Approp. Acct (Credit):

A-DMH-4303-E5010	CONTRACT AGENCY	63,994
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Increase Est. Rev. Acct (Debit):

A-DMH-4303-R3470	STATE AID – OMH	63,994
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Introduced by:

Referral No. 8270

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

**RESOLUTION NO. 111 OF 2013
 ESTABLISHING THREE POSITIONS
 AND ABOLISHING THREE POSITIONS
 IN THE DEPARTMENT OF HIGHWAYS**

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

WHEREAS, The Superintendent of Highways has requested the establishment of three positions in the Department of Highways in order to provide services in an effective manner, and

WHEREAS, The Department of Personnel has reviewed job descriptions for three positions and had made appropriate civil service classifications, and

WHEREAS, The Superintendent of Highways is requesting no additional funds to establish these positions, 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 following three positions be established in the Department of Highways – 5110

<u>Title</u>	<u>Salary</u>	<u>Position #</u>
Motor Equipment Operator I	UPSEU grade 2 \$44,766- \$56,611	9093
Motor Equipment Operator I	UPSEU grade 2 \$44,766 - \$56,611	9094
Motor Equipment Operator I	UPSEU grade 2 \$44,766 - \$56,611	9095

and be it further

RESOLVED, That the following three positions be hereby concurrently abolished:

<u>Title</u>	<u>Salary</u>	<u>Position #s</u>
Laborer II (3 positions)	UPSEU grade 2 \$44,766 - \$56,611	0410, 0417, 0420

**ADJOURNMENT IN MEMORY OF
SOPHIE PULOS**

Mr. Day 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 Sophie Pulos.

**ADJOURNMENT IN MEMORY OF
GEORGINA TAUB**

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 Georgina Taub.

**ADJOURNMENT IN MEMORY OF
YVONNECALISE AND BARBARA CALISE**

Chairwoman Cornell 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 YvonneCalise and Barbara Calise.

**ADJOURNMENT IN MEMORY OF
THOMAS ARGENTI**

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 Thomas Argenti.

**ADJOURNMENT IN MEMORY OF
CATHERINE DEVLIN**

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 Catherine Devlin.

**RESOLUTION NO. 112 OF 2013
ADJOURNMENT**

Mr. Murphy offered the following resolution, adjourning the Legislative meeting in memory of Barbara Calise, Yvonne Calise and Thomas Lawrence Argenti, which was seconded by Mr. Hood, Jr. and Mr. Jobson and unanimously adopted (10:50 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, March 5, 2013 at 7:00 p.m.

Respectfully Submitted,

DARCY SHAPIN - GREENBERG
Proceedings Clerk