

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 21, 2012 at 6:00 P.M., pursuant to the adjournment of the February 7, 2012 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 16th day of February 2012

The Legislature of Rockland County convened in regular session pursuant to the adjournment of the February 7, 2012 meeting.

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

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

Absent: Legislators Jay Hood, Jr. and Patrick J. Moroney

Mr. David C. Smith, Montebello, New York, led in the Salute to the Flag.

Reverend Raymond Calliman, Fairmont Baptist Church, Haverstraw, New York delivered the invocation.

Special Order of the Day:

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **21st day of February, 2012, at 6:05 P.M.**, prevailing time, to consider a local law amending local law number 11 of 2006 and local law number 2 of 2009, to extend the effective dates of the local mortgage recording tax on obligations secured by a mortgage on real property, and as codified in the laws of Rockland county as Section 355-80, et seq.

Dated: New City, New York
February 7, 2012

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

Statement by Chairwoman Harriet D. Cornell

I just want to be clear; this is an extension of an already existing local mortgage tax. It is a continuation and it will provide for the non-interrupted continuation of the mortgage recording tax.

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

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

**RESOLUTION NO. 62 OF 2012
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed.

**LOCAL LAW NO. 2 OF 2012
COUNTY OF ROCKLAND
STATE OF NEW YORK**

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

A local law amending local law number 11 of 2006 and local law number 2 of 2009, to extend the effective dates of the local mortgage recording tax on obligations secured by a mortgage on real property, and as codified in the laws of Rockland county as Section 355-80, et seq.

Be it enacted, by the Legislature of the County of Rockland, as follows:

STATUTORY AUTHORITY. New York State Tax Law, Section 253-f.

Section 1. The purpose of this local law is to extend the effective dates of the local mortgage recording tax and to continue the non-interrupted imposition of the mortgage recording tax.

Section 2. Section 355-82 Tax Imposed is amended as follows:

For the period commencing April 1, 2012, and ending March 31, 2015, there is hereby imposed in Rockland County a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within such county and recorded on or after the date upon which such tax takes effect and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 4. Effective date. Section 355-87.1.B. The date when Effective is amended as follows:

This article shall take effect April 1, 2012. A certified copy of this article shall be mailed by certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany. Certified copies of this article shall be filed with the Rockland County Clerk, the Secretary of State and the State Comptroller within five days after this article is enacted.

Special Order of the Day:

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **21st day of February, 2012, at 6:10 P.M.**, prevailing time, to consider a local law imposing a tax on the occupancy of hotel rooms, pursuant to article twenty-nine of the tax law of the state of New York.

Dated: New City, New York
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The Chairwoman opened the public hearing and the following persons spoke

- ❖ Al Samuels, Rockland Business Assoc., Opposed
- ❖ Like Higgins, Hilton, Pearl River, NY, Opposed
- ❖ Opie Pandya, Hilton Garden Inn, Nanuet, NY, Opposed
- ❖ Joe Ciardullo, Opposed
- ❖ Bob Dillon, Opposed

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

**RESOLUTION NO. 63 OF 2012
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed.

There was no vote on 5 B, Option A, Referral No. 9438- A local law imposing a tax on the occupancy of hotel rooms, pursuant to article twenty-nine of the tax law of the state of New York.

LOCAL LAW NO. 4 OF 2012**COUNTY OF ROCKLAND****STATE OF NEW YORK**

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

A local law imposing a tax on the occupancy of hotel rooms, pursuant to article twenty-nine of the tax law of the state of New York.

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

Section 1. Short title.

This local law shall be known as the Rockland County Hotel Room Occupancy Tax Law.

Section 2. Definitions.

When used in this local law the following terms shall mean:

- A. Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- B. Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel or a boarding house, whether or not meals are served.
- C. Occupancy. The use or possession, or the right to the use or possession, of any room in a hotel.
- D. Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreements, or otherwise.
- E. Operator. Any person operating a hotel in the county of Rockland, including but not limited to the owner or proprietor of such premises, lessee, sub-leases, mortgages in possession, licensee or any other person otherwise operating such hotel.
- F. Permanent Resident. Any occupant of any room or rooms in a hotel for at least thirty consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- G. Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.
- H. Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.
- I. Commissioner of Finance. The commissioner of finance of Rockland county.

Section 3. Imposition of tax.

On or after the 1st day of April, 2012, there is hereby imposed and there shall be paid a tax of three percent upon the rent for every occupancy of a room or rooms in a hotel in this county, except that the tax shall not be imposed upon a permanent resident.

Section 4. Transactional provisions.

The tax imposed by this local law shall be paid upon any occupancy on or after the 1st day of April, 2012, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on or after the 1st day of April, 2012, and such rent shall be apportioned on the basis of the ration of the number of days falling within said period to the total number of days covered thereby.

Section 5. Exempt organizations.

A. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:

- (1) The state of New York, or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada) or political subdivisions;
- (2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation;
- (3) The United Nations or any international organization of which the United States of America is a member;
- (4) Any corporation, association, trust, or community chest, fund, foundation, or limited liability company, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, (except as otherwise provided in subsection (h) of section five hundred one of the United States internal revenue code of nineteen hundred fifty-four, as amended), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;
- (5) A post or organization of past or present members of the armed forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization:
 - (a) organized in this state,
 - (b) at least seventy-five percent of the members of which are past or present members of the armed forces of the United States and substantially all of the other members of which are individuals who are cadets, or are spouses, widows, widowers, ancestors, or lineal descendants of past or present members of the armed forces of the United States or of cadets, and
 - (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual.
- (6) The following Indian nations or tribes residing in New York state: Cayuga, Oneida, Onondaga, Poospatuck, Saint Regis Mohawk, Seneca, Shinnecock, Tonawanda and Tuscarora, where it is the purchaser, user or consumer.

B. Where any organization described in paragraph (4) of subdivision "A" of this section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

Section 6. Territorial limitations.

The tax imposed by this local law shall apply only within the territorial limits of the county of Rockland.

Section 7. Administration and collection.

The tax imposed by this local law shall be administered and collected by the commissioner of finance or other fiscal officer of the county of Rockland by such means and in such manner as other taxes which are now collected and administered by such officers in accordance with the county charter or as otherwise may be provided by local law. All of the provisions under article twenty-eight of the tax law of the state of New York relating to or applicable to the administration and collection of the taxes imposed by that article shall apply to the taxes imposed by this local law, with the same force and effect as if those provisions had been incorporated in full into this local law except as otherwise provided in section twelve hundred fifty of the tax law.

Section 8. Returns.

1. Every operator shall file with the commissioner of finance a return of occupancy and of rents and of the taxes payable thereon for the periods ending the last day of February, May, August and November on and after January 1, 2012. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The commissioner of finance may permit or require returns to be made by other periods and upon such dates as he may specify. If the commissioner of finance deems it necessary in order to ensure the payment of the tax imposed by this chapter, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

2. The forms of return shall be prescribed by the commissioner of finance and shall contain such information as he may deem necessary for the proper administration of this chapter. The commissioner of finance may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

Section 9. Disposition of revenues.

All of the revenues resulting from the imposition of tax authorized by this local law shall be paid into the treasury of the county of Rockland and shall be credited to and deposited in the general fund of the county; and may thereafter be allocated at the discretion of the legislature of the county of Rockland for any county purpose.

Section 10. Penalties and interest

Any person failing to file a return or to pay or pay over any tax to the commissioner of finance within the time required by or pursuant to this local law shall be subject to a penalty of five percent of the amount of tax due. In addition to the aforementioned penalty, interest at the rate of one percent of such tax shall accrue for each additional month, not including the month when such return was required to be filed or such tax became due. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Any unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

Section 11. Construction and enforcement.

This local law shall be construed and enforced in conformity with articles twenty-eight and twenty-nine of the tax law of the state of New York pursuant to which the same is enacted and which are incorporated in this law by this reference.

Section 12. Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the commissioner of finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the commissioner of finance or his duly authorized agent or employee and shall be preserved for a period of three years, except that the commissioner of finance may consent to their destruction within that period or may require that they be kept longer.

Section 13. Promulgation of rules and regulations.

The commissioner of finance is hereby empowered to promulgate and amend suitable rules and regulations prescribing the necessary forms for carrying into effect the provisions of this article relating to tax on the occupancy of hotel rooms.

Section 14. Severability.

If any provision of this local law or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law but shall be confined in its operation to the provision thereof directly involved in the controversy in which such judgment shall have been rendered and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. Effective date.

This local law shall take effect on the first day of April, 2012, except that certificates of registration may be filed with the commissioner of finance, and certificates of authority to collect tax may be issued by the commissioner of finance prior to said date.

The vote resulted as follows:

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

Debate:

Mrs. Low-Hogan

Just for clarification, currently there is no occupancy tax.

Chairwoman Cornell

There is no County occupancy tax currently.

Mrs. Low-Hogan

Section 3. Imposition of tax" ...except that the tax shall not be imposed upon a permanent resident." That means that a person who lives here on a permanent basis would not be taxed?

Chairwoman Cornell

Yes, someone who lives here more than thirty days.

Mrs. Low-Hogan

Section 5. Exempt organizations (4). Is this standard language?

Mrs. Yeger

There are many jurisdictions and municipalities within New York State that have an occupancy tax and most of it is generic and is the same.

Mrs. Low-Hogan

Is it possible if we were to pass this tax to have a Sunset date on it?

Mrs. Yeger

I would say that it is, because when we pass Home Rule Legislation they pass in Albany authorizing us to impose that tax, which was done in 1990. We have not done it since then. Whether we choose to opt into that tax or not is the prerogative of this body. So, yes we can choose to end it any time we wish.

Mr. Sparaco

I realize that myself, and some of us, have been debating, arguing and fighting this tax since I got to this Legislature five years ago. We have had quite a few meetings with Al Samuels from the RBA where he has given us fantastic statistics. I remember one time he came in for a hearing and gave statistics about how the cleaning people and lower income people were going to be most affected by this by this. What just came to my attention when Legislator Low-Hogan was asking questions is, Aron Wieder, Nancy Low-Hogan, Toney Earl, Christopher Carey and Aney Paul were not here for any of those debates. Even this year when we debated this briefly during the budget process and I almost feel like they missed out on all of that information and they are getting shortchanged here with this being thrust upon them. I am not speaking for them I am just saying this was a long detailed four to five year debate that they kind of shortchanged on. I wish there was a way to maybe have a couple more committee meetings on this at the very least so that they can hear all sides of it.

As far as the tax, my opinion really has not changed. I do think it is anti-business. I think that in this tough economic climate the taxpayers and business owners are being racked over the coals enough. I am not going to be a part of leaning on them anymore and trying to balance our budget on the backs of the people that are actually providing jobs and paying for services. Some of the members we heard here tonight that pay a million dollars or half a million dollars in property tax and million dollars in sales tax. These people are giving enough. These corporations in spite of providing jobs and services they are giving more than their fair share to government. To lean on them now even more, because we lack the courage to make the necessary cuts is just not something I am going to be a part of. Thank you.

Mr. Meyers

Legislator Sparaco said that his position hasn't changed. Mine actually has on this. I have a few comments to make and a question at the end. For the benefit of the Legislators that weren't here I think that the public hearing was interesting, because I remember distinctly when the first public hearing was held on the issue the bent that the industry took and that Mr. Samuels took was that the competitive edge of the local hotels will be lost if we pass the tax. In other words, the travel people at the various corporations when they are looking where to send their travel business in this surrounding area that a competitive advantage the Rockland County hotels had was that we didn't have an occupancy tax where as other Lower Hudson Valley counties did and Bergen County did. So they were able to argue to businesses that they don't have an occupancy tax and that competitive advantage will be lost.

Tonight the talking points, I don't mean that in a negative way, were that the local businesses within Rockland would be hurt, which I understand also, but I am curious about the change in direction of the emphasis.

It is unpleasant to raise this tax and I don't think there is any doubt that local businesses will be hurt a little bit. I disagree with Mr. Dillon, who I respect immensely. Sales will not be hurt if this occurs, revenues maybe hurt. They could charge 3% less on the hotel room and absorb the cost of the tax, which would affect the bottom-line revenue, but I don't think it necessarily means that sales would be lost. The bottom-line revenue might decrease.

When we are in a fiscal difficulty like we are no choices are pleasant. The revenue increasing choices are not pleasant. The revenue enhancements are not pleasant. The cuts are not pleasant. In the broad range of things that we have to do, whereas I understand the arguments of the industry, I think imposing a 3% tax bringing us inline with other counties around the area when we desperately need the money is not such a terrible thing.

I have not changed my position about the fact that of the range of choices this is less pleasant, this is less of a disastrous choice of other choices in the menu of options available to us, but I really think that we have to have an overall game plan for how we are going to get our fiscal house in order. I don't think that we have that yet. Like many of us I do not like to raise taxes. I am not going to vote this tax until I have a good understanding of the various moving parts that are occurring lately as to where our revenues are coming from. If we are going to end up sharing some of our sales tax increase that was targeted for deficit reduction with towns and releasing them from the obligation that we put in the budget and then paying part of their election costs, because of a political deal, and I don't mean that in a negative way, that was struck to get the towns support for the deficit bond program – well that is a decision that has been made by some people and they think that is the way to go and that is something that this body is going to have to discuss. That is part of the menu, this is part of the menu, the cell tax is part of the menu and how we are going to close the deficit is part of the menu. I want to see the entire package before I vote on the various options from the different menu of choices. I don't want to do this piecemeal, because the ground is shifting on certain things and I am uncomfortable with the ground shifting.

I am going to vote against this tonight, but not because I don't think that this would be one of the choices I would make. I think it would be one of the choices that I would make, but not tonight.

Mr. Day

It is important that we do not fall into a very simple trap that we are going to be taxing an entity. The reality is that while this is going to be a tax on a business in this community, it is truly a tax that ends up in the laps of our consumers; that is just a practical matter. This is much like the utility taxes – telephone – power - water, the MTA mobility tax, and adding into the fact that there will likely be an added sales tax in this County also. This is a hit on our local consumers, our citizens. There is also a market reaction and impact when we raise taxes no matter where we raise them. This will affect people and business directly in their pocketbooks. The results? There could be unemployment. There could be lay offs. I agree to some point with my colleague Legislator Meyers, but I will depart here – the issue of absorbing costs – that is one of the traps government falls into. As most know I do work in the private sector, I deliver a product by installing security systems and in business; many costs are to some degree fixed. These fixed costs include taxes, mortgages, utilities, and other things that you cannot reduce your costs on. What invariably happens when you start putting pressure on from both ends is the largest non-fixed cost gets impacted - personnel gets laid off and that is invariably the one thing that you are left to in a business setting to start reducing your costs for these kind of situations.

Legislator Sparaco brought up a very good point, in that a number of our colleagues did not have the benefit of the last debate a few years back. I find that very frustrating. This time out we basically got some commentary from the administration that they want to raise the tax to 3%. There is no detailed information here, no impact statements, and no workups. We had some detailed information last time. What I did his time was my own due diligence and looked at some of the old information and maybe it will make a point tonight. I looked at the occupancy rates that were available back then. New Jersey was around 63% and Rockland County 68%. I think it is important to recognize that for every dollar that is spent in our hotels roughly \$6.00 to \$7.00 comes back into the community, money spent on other items. That creates the revenues for government. The reality is it is not Rockland's fault that New York State is a more expensive place to do business than New Jersey. The reality is that the State tax is a large driver of the flight out of our County. I then took a look at the pricing structure between New Jersey and New York. In direct competition, without any taxes factored in, New York hotels were more expensive than the New Jersey locations. But New Jersey does something very helpful to us. All we have in taxation is an 8 3/8% sales tax. New Jersey has a 7% sales tax; they have a 3% municipal occupancy tax and a 5% occupancy tax for a total of 15%. Their in New Jersey eliminated their advantage over us, and now we here in Rockland have been competing head to head on the room cost, giving us here an opportunity to win those consumers here with good, old fashioned competition.

If we factor in a 3% Hotel tax here, you do the numbers up and now we come up with about a \$15.00 differential between the two municipalities. We then lose the competitive edge. Point of fact, we give that edge to New Jersey. Now there is going to be an impact.

What we truly are talking about here are very definable issues. Will this have an impact on business? Will it have an impact on revenues, ratables, employment, social services, and most importantly, people? I think that answer, and I am glad Bob Dillon is here tonight, is about as plain as the nose on your face as we look at what is going in our gas station industry. Taxes have closed up half of the service stations in our area. That is a reality of where we are, and what happens when we raise sales taxes with no true assessment of the impact.

The last comment about the game plan that Legislator Meyers spoke of is very important. We don't see a game plan on addressing the cost of government here yet. I have spoken to this before. I am not going to make decisions in a vacuum and I am not directing this to my colleagues either. I am not going to be a rubber stamp for the administration. Don't throw numbers at me and expect me to vote for it, because that is not going to happen. It is sheer frustration when I obtain more research on my own then I get from the administration that is actually looking for us to approve this new tax. Thank you.

Mr. Schoenberger

My recollection on the hotel/motel tax is that it was once imposed in Rockland County. It was imposed for a period of time and then it was lifted. It was discussed a number of times without being re-imposed and as recently as February of 2009 it was actually sent over by the County Executive to this Legislature asking us to impose this and the next item, which is the .30-cent surcharge per cell phone. In both, this item and the .30-cent surcharge per cell phone use, which money was dedicated to E-911, at the night of the public hearing that day we received letters from the County Executive basically withdrawing his proposal that we impose this tax. That was my recollection on these.

Under our Charter the Chief Economic Development Officer of Rockland County is the County Executive. He has proposed this tax in his budget. He sent it to us and asked us to impose it. Obviously by doing so he is communicating to us and to the world as the Chief Economic Development Officer of this County that he does not believe this would have an adverse affect on economic development otherwise he would not have sent it here.

I also remember that last year when this item was being discussed in the budgetary process the Director of the RBA, Mr. Samuels, had proposed an understanding/deal that we could impose a 3% tax and the RBA would not oppose it as long as half the money went to tourism. Now, he may have changed his position since then and everybody has a right to. And maybe the RBA changed their position since then and they have a right to also. It always struck me as a little strange that if the tax was so bad and so onerous upon the hotel/motel industry why is it okay if half went to tourism and half went to County government. That part I never understood and as I sit here today I have to believe that the tax in fact couldn't be that onerous and couldn't be that bad. If there is a question of the allocation of the money for the tax I would rather see it all allocated to County government and not have any outside body telling us we won't oppose it if you do it this way as compared to that way.

My wife and I just spent two nights at the Hilton New York, which is on Avenue of the Americas between 53rd and 54th Streets. I left there tonight instead of having dinner with friends and other people, because I have an obligation to be here and I was here by 6:00 p.m. for the meeting. A two-night stay, I have the bill here from the Hilton Hotel, there is a 14.75% per room per night tax and a \$2.00 per night secondary tax and \$1.50 per room per night tertiary tax. Our proposed tax for Rockland County on a room is 3%. Thank you.

Mr. Murphy

First I want to extend in the spirit of collegiality to the sponsors of the three tax resolutions that it is my intention to vote against the hotel/motel tax, but for the second and third resolutions. I offer you this information so the sponsors can plan their strategies to optimize their chances of a successful passage.

I have a unique case. I represent a Jersey boarder district. My district on the south side runs entirely from Route 303 west. Gas stations in my district have been driven out of business all of which goes to the neighboring gas stations and it is because of the tax difference. I have in my district one of the County's finest hotels, Hilton. The hotel supports one of the County's largest taxpayers, the Blue Hill Plaza and Golf Course. It also supports some of the County's largest international and national firms in the industrial park on the New Jersey boarder. Right now Blue Hill Plaza and most of those international and national industrial corporation headquarters uses the Pearl River Hilton, but they can just turn right and use a New Jersey hotel. Furthermore, there is a brand new hotel proposed in my district right on Route 303, which is in a stones throw of New Jersey.

I place my constituent businesses in harms way by lessening their competitiveness with New Jersey. I would be a poor representative of their interests if I voted for this hotel tax. It is very different when you live in a boarder district as opposed to living in Stony Point. Every little fluctuation in the gas prices impacts my resident gas stations. I will tell you that every fluctuation in a hotel rate will drive the Blue Hill Plaza residents and the Olympic Industrial Park just less than half a mile away to a New Jersey hotel. I think and hope everybody will take that into consideration.

Many of my neighbors work in the Pearl River Hilton. For many of them it is a job they had to take after losing positions in Manhattan and in schools and they will be the first to go if the Pearl River Hilton starts losing business. They have been very good about hiring second career people, but those are their most vulnerable employees. In may case I think it would be cruel for you to vote for this tax besides being economically unwise. I hope everybody will understand. I do know the financial crisis the County is in. I know it better than anybody else, because the financial crisis threaten the existence of the Nursing Home and there is nobody who has ever served with me who doesn't know in what esteem I hold our Nursing Home, because to me it is a religious place considering the job it does with the most frailest citizens we have.

I don't do this unthinkingly or not worrying about the County's financial desperation. I just don't think that this hotel tax is one of the smartest strategies out of that dilemma. Be advised that I won't vote for this, but I will vote for the next two tax resolutions. Thank you.

Mr. Soskin

Business is business. With a hotel you can't shrink a can from 16 ounces to 14 ounces and you can't reduce a package of spaghetti from one pound to three quarters of a pound and charge the same price, because with hotels you have a capital asset. Unless you are building a new hotel that has smaller rooms and less amenities you can't cut prices. Most of the hotels are dealing with big business. Many of them are dealing with small businesses also, but they are cutting the prices and the sizes of the canned goods that I just mentioned before.

The County needs the money and this is just a small step. I will probably vote for it although I am not that happy with the law itself. I am the one that proposed the other version. I was looking at our consumers and the Rockland residents who are going through rough economic times. Our young people who go to get married when you have a wedding why should they have to pay the extra 3% tax be it for the room or the room the bride and groom needs to dress in. If you have a Bar Mitzvah or any other type of event where you need to rooms I didn't want the local people who are really being affected in Rockland County to be affected by the tax so I proposed a change to the law. Likewise, I was looking at the hotels and motels economically it would give them a chance to develop their catering business. There would be no tax on the meetings room so therefore we were giving them a partial break especially when the Director of Finance of Rockland County stated to us that when he computed the amount of tax that would be saved by imposing the occupancy tax he really didn't check it out he just put numbers based upon occupancy. I was looking at it from the viewpoint of the hotel as well as the local people.

Business is business. My car died on me recently and I had to rent a car for one month and I paid almost 20% tax on the car rental. Wherever you go somebody is cutting back on us. We are printing money and everybody has to realize it. Every one of you, including those of you who own or work for hotels, knows the situation. You know prices are going up, because the value of the dollar is dropping. As much as I hate it and I wanted the other version I will go along with the way it is now and hope that down the line we can change the law as long as the hotels and the RBA won't fight us on it. Maybe if we had a guarantee at this point that they wouldn't fight us on it we could attempt to put through the law the way I had proposed it. No matter what we are doing we are talking 3%. We are talking .30-cents. We are talking a quarter of one percent to a certain point. We need the money. Do you want your real estate taxes to go up? I don't. I am sure you don't. Therefore as much as I hate it I am going to vote for it. Thank you.

Mr. Grant

Any time we raise tax or implement a tax it is an uncomfortable situation admittedly so. My understanding is based on the information that has been presented the hotel occupancy tax in Bergen County is a combined 8%, Orange County is 5%, Westchester County is 3% and Rockland County right now is zero and we are contemplating 3%. So those are the counties that surround us and are in direct competition for hotel rooms with us and it is important to know that. The other thing that is important to know is that the hotel/motel tax was sent over by the County Executive as part of the proposed budget in October. We made modifications to the budget at that time and this was not one of them. We included this so anyone who voted for the budget knew full well that this would be a part of that revenue stream and the expenses and I think everybody voted to appropriate all of the expenses in the budget, if I am not mistaken.

We made adjustments to the budget and among those were \$1,000,000 for an Intelligence Task force, \$1,000,000 for Narcotics Task Force and nearly \$1,000,000 for contract agencies that deliver health and human services to our community at to the least among us and some of the people working for them earn some of the lowest salaries in the County also.

Any one who is planning to vote against this revenue should show up at the next Budget and Finance meeting with an alternative, because we are going to have to reduce the budget by a comparable amount of money, \$1,000,000. I do this reluctantly. It is part of a greater package that included a number of different revenue items. It does not in my mind take us out of competition with those counties that are directly in our immediate area. Unfortunately, I do see it as a necessary item and I am going to vote for it. Thank you.

Mrs. Low-Hogan

I feel that it is part of a package. It is difficult, but there are a lot of different aspects to the package and there will be cuts in a variety of areas and this is just one of them. Thank you.

Mr. Sparaco

Legislator Schoenberger said that this 3% isn't onerous and I agree with him. The problem is that the proposed budget didn't have in a 30% property tax increase. So on top of the sales tax increase and on top of everything else it starts to become onerous. So just the 3% or the .30-cent cell phone tax alone, no it is not that big a deal, but we didn't become the highest tax County in the nation over night. It happened little by little and these little taxes start to add up. I hear where you guys are coming from, but I do believe the hotel owners, their representatives and Al Samuels when they tell us there are going to be lay offs. I understand that you didn't want to cut the hospital funding, you didn't want to lay anybody off and I respect you for that and I understand where you were coming from. Don't be fooled. There are some people in your districts that are going to lose their job, because of this non-onerous 3% hotel/motel occupancy tax. There is a cleaning lady, single mom with two kids that is living in your district that will lose her job, because of this tax.

Also just because New York City does it and just because San Francisco does it, personally when I hear those things I cringe and that is not a good guide to go on. They are obviously not going in the right direction so why should we follow in their footsteps.

As far as what Michael Grant said about appropriating expenses and stuff. To vote against that would be straight obstructionism. You can't pick out which part I want to support and what part I don't want to support on that particular vote and to say that I should just vote no on that too; you would shutdown County government completely. It would be ridiculous. I have made many proposals to reduce the budget and to make many politically incorrect cuts and many tough cuts. I did support the County Executive's proposal for closing the hospital. These were not popular things to do, but I did feel it was step in the right direction where we had to meet somewhere in the middle. Would I have supported a 3% hotel/motel tax if we didn't have an increase in sales tax and a 30% property tax increase? Sure I would have met you in the middle if we would have compromised and every bit of this deficit wasn't laid on the backs of the taxpayers. If we met in the middle somewhere and did an equal amount of cuts and an equal amount of tax increases I probably would have met you in the middle and compromised there also. But there were no compromise here at all. The taxpayers and businesses are taking this solely on their backs.

As far as saying that we are printing money Mr. Soskin, yes we are printing money, but we are doing that right now by raising taxes on these businesses and the working people who will probably lose their jobs so that we can keep somebody working in the hospital that is losing \$11,000,000 per year. It is circular. We are saving some jobs, but don't be fooled. You are not as much of a hero as you think, because there are people out there, cleaning or dishwasher people that will lose their job, because you guys raised the taxes tonight. Thank you.

Mr. Schoenberger

I feel I have to respond to my friend Frank Sparaco, and he is my friend. First, the County Executive's proposed budget did raise property taxes 30%. It proposed a 2% property tax increase plus an \$18,000,000 surcharge (28%). The County Executive's budget raised property taxes 30%. We did not enact the surcharge. We took that, what he proposed as a surcharge, and put it on the tax bill. It is the same 30%. I want to clarify that and correct that. If you remember, there were serious issues about the legality of the County Executive's proposed surcharge and its implementation unless we lifted the cap. So what we did was contact the State Comptroller's office, contact appropriate legal counsel, and get the advice to make sure that it was done correctly.

Now, I admire Frank's desire not to see one cleaning lady lose her job, but we have cleaning ladies, dishwashers and people like that who do very menial low paying jobs as well as other people who provide services every day up at our hospital. The County Executive's proposed budget was going to eliminate 568 bodies. A lot of us felt that even that proposed lay off of hospital employees couldn't be accomplished, because we need permission from the State and it wouldn't be obtained in the time period the County Executive projected. I wish that some of the people who are going to vote against this, because of their concern about the cleaning ladies and dishwashers, have as much concern for the cleaning ladies and dishwashers that we employee up at the hospital. Thank you.

Mr. Day

I have the utmost respect for my colleague Legislator Schoenberger. I marvel at the fact that earlier it was our County Executive who was so right for proposing this and saw no problem with this, but now he is so wrong for everything he did with the budget, for what he wanted to do, and how we fixed it in this Legislature.

As it relates to the folks who were almost laid off, the sales tax that has yet to be approved is the direct funding that are supposed to be going to that one-year extension to maintain the hospital and the facility. This \$1,000,000 projection here is not going to make a difference, because if that sales tax is not approved we will have a major problem in this County, tonight's vote notwithstanding. This is not going to be a lynchpin of that particular issue.

As for Legislator Grant's observation, I respect for his position, but I still respectfully disagree with the conclusion he renders. I spoke earlier about competition. When I mentioned competition, I wasn't talking merely about the different sales tax rates in different counties, which is a government. Government just does not get this. Competition is the full package. I spoke specifically about the pricing structures in the two States. Our major competitor is New Jersey. It is the same issue with gasoline. They don't make it any better in New Jersey they just make it cheaper because they tax it less than we do. It is the similar but obverse issue here. The cost of business in New York is much higher. When you compare the price of a room in New Jersey compared to the price of a room in New York without factoring in taxation in either location we would get crunched right off the bat. The only reason why we are pretty much at the same pricing structure right now is because New Jersey did a New York style move by charging 15% on top of their rooms. The 3% we contemplate tonight on rooms here in Rockland will alter that market and give New Jersey the edge, with a predictable effect on people, likely layoffs.

Legislator Schoenberger mentioned going to New York City. A 3% occupancy rate or a 30% occupancy rate is not probably going to change the habit of somebody going to see skyscrapers in New York City as we do not have that attraction here in Rockland. Not to mention the fact that if the level of New York City taxation is the bar we are trying to hit we have a major problem anyway. It is a different market there. Also, we are not dealing with the happenstance traveler; we are talking about planned, large-scale bookings handled by professionals looking at the entire picture for the best deal. These are planned events and the total price is what is being looked at in order to secure the hotel.

With respect to the relationship between the Executive and Legislative branches, we in this Legislature should expect efficiencies submitted during tough financial times and taxes are requested to be levied. We should expect a plan to deal with the financial issues in this County from both sides of the ledger. It should be hand and glove. What we are doing here tonight is looking at one end of the equation. I have not doubt that everyone here has the best of intentions trying to fix where we are, but throwing money at it is not going to work. We are going to be in the same boat next year if we don't do things differently, and starting now.

The bottom-line is when I hear about us voting "no" on this particular issue and then hearing things that are very near and dear to me like the Narcotics Task Force and the Intelligence Center are going to suffer, we all know that is a red herring being thrown. There is no connection between the two issues, and I don't buy that scare tactic, because the part of the debate that really does not get spoken about when it comes that funding issue, everyone in this community thought we were going to lose those cops. That was absolute nonsense. The issue here is which government entity was going to pay for it, or in plain speak, your left pocket or your right pocket. I take particular exception to having these debates crafted around this nonsense. And it is absolute nonsense. There is one Town in this County that gets 50% of the arrest activity and enforcement yet pays, what, 20% of the cost on a countywide basis? And there is a complaint about that? This is simply a matter of whether we will recognize that public safety crosses Town borders and whether Towns will agree to these initiatives for the good of everybody in the County. Again, which pocket it is coming out of, no more than that. This debate that goes on over this issue, over the sales tax and who is getting a cut of the sales tax, really has to be seen for what it is. A greedy, parochial approach that fails to recognize that the all the taxpayers of this County are paying for all of this. And they truly do not care which tax bill it is on, their County tax bill or Town tax bill.

I reject that rationale. I think the best thing we can do here in this body is to expect things to be done differently, because it should be obvious that the way it has been done has produced an \$80,000,000 hole right now.

Mr. Wieder

While I was not in this Legislature for the duration of the debate, true, I did however follow the various debates very closely. I clearly see a plan and that is to do something to address the fiscal crisis in the County. However, for the little that I have been here I didn't hear a single alternative plan. I heard people criticizing various aspects of what is being presented here, but I didn't hear an alternative plan or game plan to address the entire issue in the County. I will be voting affirmative and this is after much thought and agonizing over this issue. I believe no politician revels in the light of raising taxes, but I do see a plan. I am supporting a plan to attempt to address the harsh reality facing the County. Thank you.

Chairwoman Cornell

Thank you very much Legislative Wieder. I couldn't have said it better myself and I was going to say it just that way. It is a painful tax for me personally to vote for, but I am going to. I am going to watch what happens very carefully over the next year or two years to see what the affect is. I think that we have attempted to knit together a variety of revenue enhancements while at the same time making a variety of cuts and efficiencies and hopefully doing things so that we can implement the plan that will put Rockland County back into fiscal health.

Mr. Earl

Quite often we come with a problem, but there is hardly ever solution. We have been grappling with this problem here tonight for almost an hour. With respect for Legislator Sparaco, I am going to take the liberty to say that Legislator Wieder, Legislator Paul and myself got enough information to know that if we don't vote where will we come up with a solution to plug those holes. I am glad Legislator Schoenberger spoke about the New York City hotel. I too was down there and looked at my bill and it was the same as Legislator Schoenberger. Legislator Grant, out of those four counties around us Rockland County was the only one that registered zero. I am glad that you got those figures and thank you. Legislator Wieder, you couldn't have put it any better as far as getting this budget and getting it resolved. Legislator Schoenberger, like you said before, we are looking at possibly maybe a handful of people losing their jobs. We know for sure is that we did save 568 jobs over at the hospital. Thank you.

Mrs. Paul

Our residents are trying hard in this economy. By imposing this hotel/motel tax our hotels are going to be affected, the employees will be affected and our revenues will be affected. This is a painful situation, but what are we going to do. There is no other choice at this time. When you look at the fiscal situation of our County that is the only reason I have to vote yes on this.

Mr. Carey

I think we have to look at this in a comprehensive fashion over several years. I have heard time and again, and I totally agree, that we didn't get into this trouble over night. I think we have to look at the next three to five years and make incremental steps on the cuts side. I can go along with revenues if they were part of a complete package, but by themselves I can't be anti-business. I think part of our way out of this problem is by getting more businesses here. I do believe that this is a step in the wrong direction and I will not be supporting it.

Point of Order – Mr. Sparaco

I would like to make a motion to include a Sunset Clause for two years and include some relief set aside in the future for the businesses.

Mr. Schoenberger

It falls upon me, because I moved it, to reject or accept his Sunset Clause. I know that some of our colleagues feel the same way from the conversations I have had. If Legislator Sparaco says he is willing to support this with a Sunset Clause, and of course we value his support, but it would have to be something like a five year Sunset. We have to think beyond that. If we get the deficit bond and if the County is in better financial shape and you want to automatically terminate or Sunset it in five years I wouldn't have an objection to that. I think two years is unrealistic. If you are going to make a Sunset Clause for five years I will accept it. If you are going to make it for two years I won't. As long as I know you are supporting it.

Point of Order – Mr. Wolfe

The final version of the law has been laid on the desk in accordance with the requirements. I would ask counsel if we are permitted to make an amendment. Would that be a substantive amendment that would be impermissible? I am just trying to keep us honest here.

Mrs. Yeger, Legal Counsel

I don't believe that it is a substantive change. I think if we were trying to go the other way, supposing that the law already had a Sunset Clause in it and somebody wanted to remove that Sunset Clause and make it permanent; that would be a very substantive change. Lessening the affect of it and making it expire I don't feel would be a substantive change.

Mr. Schoenberger

I have stated my position. If Legislator Sparaco was willing to vote for the law and take a five year Sunset I will accept his amendment.

Mr. Sparaco

I will withdraw my motion. I don't think I can bring myself to go to the five years. Two years would be something I would be willing to agree to. I will formally withdraw my motion.

Special Order of the Day:

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **21st day of February, 2012, at 6:15 P.M.**, prevailing time, to consider a local law pursuant to New York state county law section 308-w imposing a surcharge in the amount of thirty cents (\$0.30) per month on each wireless communications device for which the primary place of use of such device is within Rockland county, which surcharge monies shall be used only for payment of eligible wireless 911 service costs as defined in New York state county law, as from time to time amended.

Dated: New City, New York
February 7, 2012

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

The Chairwoman opened the public hearing and the following person spoke

- ❖ Joe Ciardullo, Opposed

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

**RESOLUTION NO. 64 OF 2012
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed.

The vote resulted as follows:

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

LOCAL LAW NO. 3 OF 2012**COUNTY OF ROCKLAND****STATE OF NEW YORK**

Mr. Schoenberger offered the following Local Law, which was seconded by Mr. Murphy and adopted:

A local law pursuant to New York state county law section 308-w imposing a surcharge in the amount of thirty cents (\$0.30) per month on each wireless communications device for which the primary place of use of such device is within Rockland county, which surcharge monies shall be used only for payment of eligible wireless 911 service costs as defined in New York state county law, as from time to time amended.

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

Section 1.

A. Local law number 7 of 2001 requires all wireless telephone service suppliers doing business in Rockland county to route all 911 emergency calls to the Rockland county public service answering point (PSAP), which is the site designated and operated by the county of Rockland through its sheriff's office for the purpose of receiving emergency calls including those from a wireless telephone service and dispatching needed emergency services.

B. On July 11, 2009 the governor signed into law an act that added a new section, 308-w, to the New York state county law, authorizing Rockland county to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents per month on wireless communications service in Rockland county for payment of eligible wireless 911 service costs as defined in New York state county law section 325(16).

Section 2. Definitions.

A. "Wireless communications device" means any equipment used to access wireless communication service.

B. "Wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, which offer real time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

C. "Place of primary use" means the street address that is representative of where the customer's use of the wireless communications service primarily occurs, namely: (a) the residential street address or primary business street address of the customer (b) within the licensed service area of the wireless communications service supplier.

D. "Eligible wireless 911 service costs" means the costs defined in section 325(16) of the New York State county law.

Section 3. Effective January 1, 2012 a surcharge of thirty cents (\$0.30) per month shall be imposed on each wireless communications device for wireless communications service that is provided to each customer whose place of primary use is located in Rockland county.

Section 4. Beginning January 1, 2012 the surcharge imposed pursuant to section 3 above shall be reflected and made payable on billings rendered by the wireless communications service supplier for wireless communications service that is provided to such customer.

Section 5.

A. Each wireless communications service supplier serving Rockland county shall act as a collection agent for the county of Rockland and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this local law to the chief fiscal officer of the county of Rockland every month. Such funds shall be remitted no later than thirty days after the last business day of the month.

B. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2.0%) of its collections of a surcharge imposed under the provisions of this local law.

C. Any surcharge required to be collected by a wireless communications service supplier shall be added to and stated separately in its billings to customers.

D. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the county of Rockland for the surcharge until it has been paid to the county of Rockland except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for such surcharge.

E. No wireless communications service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the county of Rockland, it shall also provide the county of Rockland with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this local law and shall state the amount of such surcharge remaining unpaid.

F. Each wireless communications service supplier shall annually provide to the county of Rockland an accounting of the surcharge amounts billed and collected.

Section 6. All surcharge monies remitted to the county of Rockland by a wireless communications service supplier shall be expended only upon authorization of the legislature of Rockland county for payment of eligible wireless 911 service costs as defined in section 325(16) of the New York State county law. The county of Rockland shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 7. The chief fiscal officer of Rockland county shall, no less than forty-five days prior to the date such provider is to begin adding such surcharge to the billings of its customers provide written notice to wireless communications service suppliers who are subject to the provisions of this local law of their obligation to collect the surcharge provided for herein

Section 8. This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home law rule.

The vote resulted as follows:

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



Debate:**Mr. Schoenberger**

I would like to clarify something. I think there is a misunderstanding and I take that from the gentleman that just spoke. I want to, as respectfully as I can, clarify the misunderstanding.

Right now in Rockland County, and we have had it for a number of years, there is a .30-cent tax per landline phone. What has happened over the course of the last several years is that more people are getting cell phones and a lot of people are not having landline phones anymore. That .30-cent tax for landlines went to pay for the E-911 system, which is a dedicated revenue that goes there. It doesn't go for general operating it goes for E-911. As the use of landlines decreases and the use of cell phones increase, and E-911 has to be run unless someone is advocating abolishing E-911 and then we don't need the tax at all, the cost of operating E-911 gets picked up by the general taxpayers of the County and not by the telephone users. This proposal was to tax the cell phones the same way the landline phones are being used with the same .30-cent tax and take that revenue and use it solely for E-911. That is what the proposal is tonight. It is to equalize cell phones and landline phones and the revenues obtained to be used for E-911.

I think that is a good idea, because if you are not going to abolish E-911 and you are going to have an E-911 system somebody has to pay for it. Nothing is free we all know that. What is happening is that unless we equalize landlines and cell phones the average taxpayer through their real property tax or through the sales tax or some other source of revenue is going to have to pick up the cost for E-911. This is a dedicated revenue. It is reserve fund that is dedicated to E-911. Thank you.

Mr. Wolfe

When you make a 911 call from your cell phone it goes to the County's Call Center. It will be routed to your local police station, but every single 911 call goes to our County's Call Center. We here all the time how they have been getting increasingly large numbers of calls especially with the recent events that we had over the end of the summer and into the fall. I don't even have a landline at home I use my cell phone as my home phone. I have had occasion to call 911. I think we have to recognize that this surcharge makes sense, because you are charging the user of the service and it is going into a dedicated fund. So I think the point needed to be made. Thank you.

Mr. Day

First of all I am going to have a different perspective on this, because I frankly view this as a public safety issue as opposed to a tax. That is just my background. The bottom line is that these are the kind of things that happened when we don't have an efficient E-911 cellular service. A lady was abducted from a suburban shopping mall and raped, shot and killed in 1993. These are real issues. Four young men died in a boating accident off the coast of Long Island Sound, because they had an inefficient cellular 911 service.

I would submit to anybody here who has a problem with cost, with what we are being charged to start taking and focusing responsibility on exactly where the problem is. If you look at your cellular service bill you will see a New York State E-911 \$1.20 fee per phone. Would you like to know how that got where it is? It was .70-cents in 1992 and increased to \$1.20 in 2002 and that is where it stood. All the counties felt that we would be in great shape and have an efficient 911 system. Where we are now we see approximately 6% of that \$1.20, which is about a dime. An elected official in Onondaga County said that if the State would have shared the surcharge completely with the counties it do more than fund what we are looking to do in the near future. I would suggest to everybody here tonight that tomorrow you send an email, write a letter or make a phone call to the Governor of New York State. Governor Patterson and Governor Spitzer were of no help with this matter. Demand that we get a fair cut of what you, I and we all pay to be protected here in Rockland County. A dime out of \$1.20 is just simply wrong. Fifty plus counties in the United States had to enact these types of fees in order to maintain a decent response to this particular critical law enforcement and public safety function.

Again, a lot of the information that I have here is from the last go around, which Legislator Schoenberger had mentioned. Again, I find it very frustrating, but I guess I will just have to use the numbers that apparently the Journal Newspaper was able to get, because I wasn't. So I will use that plus the old information. The numbers don't add up and this is the problem I have with this whole particular issue. In 2003 the landline revenue was about \$655,000. In 2008 it was down to \$275,000. In 2009 it was about \$340,000. So we went from \$655,000 in revenues from fees to about half of that. This is where the reference was to a few years ago. What has happened since then is that in 2010 and 2011 the VOIP carriers have finally been taken to the woodshed with this and now they are charging the fees too. Now we are bringing in about \$542,000.

According to the newspaper, our Acting Finance Director was quoted, "The tax that is being proposed tonight is supposed to bring in about \$600,000. The cost according to Gordon Wren to operate the program is about \$759,000." That means we need about \$200,000 in revenue in order to continue to function. I understand upgrading needs to be done too. I look at a proposal to take \$600,000 from all of you to fill a \$200,000 plus hole, which I think is a bit of an overreach. I also think that when you look at this it is not just .30-cents; it is .30-cents times every phone in your household. If you have a family of four it is a \$1.20 per month times twelve is \$14.40 per year. Again, it adds up. Businesses will pass it along to the consumer.

I am going to suggest, much like the landline in your home, that the only phone that has the fee is the primary phone in every home. If that is accomplished this evening I will support it. If it is not I will not. Thank you very much. I will make the motion whenever it is appropriate Madam Chair.

Mr. Meyers

Does the .30-cent tax that we are getting from landlines now go into a dedicated fund?

Chairwoman Cornell

I believe it does.

Mr. Meyers

Did general revenue supplement that fund in the 2011 budget and previously to balance that out?

Mr. Schoenberger

Yes, and the years that Legislator Day mentioned, as it decreases the general fund makes up that difference.

Mr. Meyers

When the fund has more then it needs in any given year what will happen then?

Chairwoman Cornell

Presumably it stays in the dedicated fund. It says it in the law.

Mr. Meyers

The revenues each year keep coming in and building up in a dedicated fund. If it is not all needed then what? The fund is just very rich.

Mr. Schoenberger

That is an assumption that may never happen. There is equipment that has to be purchased. There are things that have to be modernized and updated. I would respectfully suggest to Legislator Meyers that he go over to the Fire Training Center and look at the facilities, as it exists today. He can make his own analysis as to whether it is necessary to update and modernize the system.

Mr. Meyers

Okay. Even if the updated and modernized the system, Madam Chair, if we are not calculating this properly then what? We have these estimates that Legislator Day just provided from a public source that it would bring in \$600,000 when we have a \$200,000 shortfall so that is \$400,000 theoretically available to modernize. Then maybe next year you get another extra \$400,000; government has a way of spending money if they have it available. Is there a provision somewhere that once they have a certain amount of money then the tax goes down or something else happens with the money?

Chairwoman Cornell

I think Section 6 addresses what happens with the money. "...If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year."

If it becomes apparent that year after year there is excess and there has been an appropriate updating of the facilities then certainly this can be addressed, but I don't think that is an issue right now.

Mr. Meyers

I would suggest that obviously for any given the 911 initiative wants to budget money for expenditures for upgraded equipment they certainly can, but they shouldn't every have a reserve morn than "X" dollars. It should be returned to the general treasury of the County and not just build and build and have them find things that they can just spend money on.

Mrs. Low-Hogan

I am a little bit confused about the numbers. The costs of the 911 that Legislator Day quoted were \$759,000.

Chairwoman Cornell

That is from the Journal Newspaper - the Encyclopedia Britannica.

Mrs. Low-Hogan

The estimated revenues from the tax on cell phones are estimated to be \$600,000, but we have \$200,000 coming in from landlines.

Chairwoman Cornell

It seems to have been decreasing.

Mrs. Low-Hogan

How would we designate the primary cell phone in a household? I can see this eventually equalizing. We may be over this year by \$200,000, but next year we could only be over by \$100,000. I see the point that Legislator Day is making.

Mr. Day

The task at hand is to fund the function. There was a comment made that Legislator Meyers should maybe go visit the center. I have been to the center. I will also point out as far as the information is concerned I did formally request that we have somebody from Fire and Emergency Services here tonight to speak to this. It was basically said by the administration in the County Executive's office that they typically do not come to these public hearings. I asked how much information was given to us over this period of time as it related to the need and the details. Essentially the comments that were made were almost in passing as to the .30-cent fee. There was no detail submitted, nowhere near what it was in 2009. This gets back to the same thing; I have more information from a news article than I have from the Executive branch. I think it would have been a lot simpler if we had that. My point here is one Legislator on behalf of this Legislature did try to get some more information tonight and it is not here. An effort was made. Thank you.

Mr. Carey

The landline is going away. Legislator Day talked about the Voice Over IP, which was kind of looked at as a data service, but now probably is taxed the same way. The one point I want to make is that if you think back to the landline and everyone had three to four extensions you still had the one landline that fed those. It is a different world with cell phones. Each one of those cell phones now is going to be for the individual users in the house. Just keep that mind. The multipliers are probably higher now then they would be in the landline.

Mr. Schoenberger

I don't want to argue with Legislator Day's numbers. My recollection of numbers was different. I am not aware of the landline amounts having bounced back up in revenue after it decreased. I would agree with Legislator Day on two things. First, that if we pass this tonight we should over the next year or two going forward monitor the revenue we get and see how much is actually needed for operation and how much may be used for capital and make a determination if we want to spend it for capital or if we want to reduce it in the future. Number two, if this Legislature passed this law tonight as soon as Legislator Day gets the State of New York to share the \$1.20 with us at .30-cents per line I will be glad to vote with him to repeal it. Thank you.

Mr. Day

I know Fire and Emergency Services have had many meetings to try to get this done. This is something that needs to be driven by the administration. The primary phone can be identified, as it is on my bill if you have the Family Plan. If you have a Family Plan there is a lead phone so there is no reason why that one phone cannot be identified if you are in that provide. It is not in all cases, but I think it is an opportunity.

Mr. Day made a motion to amend that the tax be limited to the primary cellular phone in a household and a primary cellular phone in a business as opposed to each phone, which was not accepted by Mr. Schoenberger.

Mr. Schoenberger

First, while there maybe a provider like I have, Verizon, there are multiple other providers and I don't know if that can be effectuated or not with those other providers. Second, It may or may not be a substantial change so I will let somebody else rule on that. Thirdly, I am not sure what the revenue affect of that would be. I am afraid that the revenue affect of that would be a substantial decrease in revenue. We want to make sure we have enough revenue for operational purposes and in the event there is a need for capital that we have enough revenue for capital purposes. The system there is very old. Something needs to be done, which has been talked about for years.

So I won't accept the amendment. What I would do is I would agree that we should monitor this over the next several years; year 2, 3, 4 if that long, and see how much revenue comes in, how much is actually needed for employees, day-to-day operations to keep the system going and then see if we have surpluses and if it is necessary in the future to adjust the amount down.

Legislator Carey is right; it is a multiplier, which you don't have on landlines. We do have a multiplier affect on cell phones. I think that statement, the way he phrased it, is much clearer. I think that is what you are referring to when you asked for the mainline only to avoid the multiplier line affect. I think we have to see how that works out.

I will not accept the amendment at this time.

Chairwoman Cornell

The next order is to determine whether it is a substantive change. I personally believe it is, but I will ask counsel.

Mrs. Yeger

I agree Madam Chair that it is a substantial change. This is not like what we were discussing before where we are perhaps shorting the duration of an affect of a law. What you are talking about is changing the actual application of the law, whom it is going to apply to and whom it does not. That is an extremely substantial change and would require lying on the desk, new notice and new public hearing.

Mr. Meyers

It seems to me that a Sunset Provision on this law makes more sense than on the other law, because now we know it will come back to us after whatever set number of years is, we can see how much they have made from the .30-cent tax, how much extra money they have and we can adjust the tax accordingly. This Legislature can adjust the tax to give them the right amount of revenue. Why don't we do a Sunset on this one, which we know is not a substantial change and which actually makes some sense. I will leave it open as to how many years the Sunset would be, but I would make a motion that we do a Sunset for two to five years. Then we could see if revenue is really building up we know that it would come back to us at that point and we have a decision to make as to whether to adjust, eliminate or increase.

Mr. Meyers made a motion to add a Sunset Clause to the law, which was not accepted by Mr. Schoenberger.

Mr. Schoenberger

I am not going to accept that amendment, because there is a tie-in between the revenue and a specific that has to be provided. Until we know whether this revenue is more than adequate or not to provide that service I can't accept that kind of a Sunset. In the event that it turns out in the future that the revenue is higher than what is needed to provide the service we can always amend it at that time, but I am not going to put a Sunset in for fear that we won't have enough revenue to operate the service or what is needed to operate the service and then we have to go back to the rest of the County taxpayers to provide that service. I think every County taxpayer wants to have an E-911. When they call on their home phone or their cell phone and they need to reach an emergency situation they want to have that service and it has to be provided.

We have talked a lot about cuts. Where are you going to cut? Who are you going to cut? What are you going to cut? This is one of the things that I don't really think is on the table to be cut and therefore we have to make sure there is a sufficient revenue stream for it and therefore I will not accept the Sunset.

Mr. Meyers

Madam Chair, I make the motion and I would suggest my motion would be a three year Sunset, because that is just it, it comes back to this body. It only dies if we want to let it die, but it makes it very sure that it is on the agenda for this body. It won't go away. There is nothing draconian. It will be up to this body in three years so I make that motion.

Mr. Carey

I am not in favor of new taxes, but this is an essential service. I think what we are trying to do now is track an industry and a technology change. I think the three years is an adequate time for this to shake out to understand better what that multiplier has done. Landlines versus cell phones and Smart phones. I think three years is an adequate amount of time. My only concern is if there is no clause to come back to us to say we got it right or no we got it wrong it is just going to stay there forever. I support this amendment.

Mr. Day

I also think it is a good way to go. Legislator Schoenberger may or may not recall, in 2009 we had this same discussion about the potential about having the primary phone being the only phone. There was no argument at that time from Fire and Emergency Services. They thought that would be fine on an interim basis. My point is it is not a new idea. I agree, monitoring this and having it come back to us is not going to work. Unless somebody can tell me there has been a tax that has been literally stopped and pulled away, which I have yet to see. Once it is in place it is not going anywhere. As far as the time, I know this particular resolution was pulled a number of times over a period of time going into tonight. I would rather see us take the time to do it right. I think the next best step is to do what Legislator Meyers had moved and Legislator Carey seconded. Again, because this is an issue where we are looking at the public safety component. It is something that is focuses, narrow and it is critical that we do it. I don't like the idea of having it in every household times whatever, but to say no to it also at this juncture I think now we are playing it fast and loose with the safety of people. I like the idea of the Sunset Clause.

Mr. Sparaco

I disagree strongly with the notion that by voting against this you are playing with people's safety. We have a \$715,000,000 budget. You have all heard me say this before, so I will speak to the crowd and the press, we need to prioritize spending. E-911 service should be at the top of that priority list. So to hit here and tell me that you don't have enough money would be like my school board telling me they need to raise the school taxes, because we can't afford to turn the electricity on. To spend the money on music and art and all the other nonsense from dance clubs, and others and turn around and say we don't have enough money for E-911 services is ridiculous. In order for us to force the majority to come to the table to negotiate our cuts and to have their feet put to the fire, we cannot allow them to just continuously raise taxes and use the excuse that we are putting people in danger if we don't. I utterly reject that notion. We are not putting anybody in danger. 911 services is a priority. It is like saying you are not going to have money to salt the roads. These are basic functions of County government. These are the reasons we exist. Over the years we have delved into other areas that we can debate as to whether or not is the role of County government. Those are the areas where the money should come from when our priority spending is falling short. Thank you.

Mr. Schoenberger

I have to answer that. First, no one said that there is not enough money in the County to provide for this service. What was said is that this service should be paid for by the people who use it. As a matter of fact, if you are talking about Minority and Majority, I always thought that was a Republican point of view as compared to a Democratic point of view that we should tax people and make them pay for the services that are provided directly to them. If it is anti-smoking – tax the smoker. No one said that there was not enough money in County taxes. You want to raise County taxes to pay for the services? That is the question. Or do you charge it to the people who are directly using it and benefited by it? That is the question.

The second thing you said, "force the Majority." Let me tell you something, there is a Democratic Majority here, but the origin of this law came from the Republican County Executive. Your party leader. The head of your County Party. The guy who runs your County Party sent it over here. This is not a Majority – Minority issue. This is a people issue and I resent the fact that you are trying to politicize it. I know you are the Minority Leader and you think that is your job, but you have gone way out of line.

Mr. Meyers

Almost everybody has a telephone even if it is a prepaid cell phone for certain number of minutes. What we are doing by making it a separate dedicated tax on people who have telephones is actually probably expanding the number of people that will pay rather than just people who pay property taxes and renters. Even those people who don't have a telephone benefit from 911. If they don't have a telephone and they are in trouble somebody passing by will dial it for them. So everybody will benefit from this. I am not against the idea of a dedicated fund. I think it is a good idea. I think the genesis of it, being honest, came from our fiscal problems. We needed this, because it is another way money is fungible. Instead of us paying for part of this out of the general treasury let's do it this way and then we can use that general treasury money that has been subsidizing it this for something else. So it is part of our fiscal distress that we are in.

I am disappointed that Legislator Schoenberger did not accept my amendment, because government, even the 911 initiatives, has a way of using money that they are allocated. It does give us the ability to look at it in three years. It helps the 911 initiative to know that we are definitely taking a look at it in three year. Don't hire people you don't need, because you have the money. Don't buy equipment you don't need, because you have the money. The Legislature is going to be looking at this in three years and they are going to see how much extra money you have, see what you spent money on and they will see how many extra employees you have. It is just another little fire under them. I think it is a commonsense thing. One thing we know for sure is that .30-cents per phone cell phone tax was not something that was calculated to match the exact amount of money that the E-911 initiative suggested that they needed. It was just something that somebody came up with like so many ideas in County government. Yea, .30-cents that should do it. It is a good idea, not just because I came up with it. It is not a bad idea just because I came up with it either I might add. Thank you.

Mr. Meyers made a motion to add a Sunset Clause that would expire in three years to the law, which was seconded by Mr. Carey and failed.

The vote resulted as follows:

Ayes:	6	(Legislators Carey, Day, Jobson, Low-Hogan, Meyers, Sparaco)
Nays:	9	(Legislators Earl, Grant, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Absent:	2	(Legislators Hood, Jr., Moroney)

Mr. Sparaco

I have a procedural question. Legislator Meyers made a motion, which was seconded. Legislator Schoenberger refused to accept the amendment and yet we voted on it anyway. It was moved and seconded.

Chairwoman Cornell

He did not accept it and then it was moved and seconded and we had a vote.

Mr. Sparaco

Isn't that exactly what happened when Legislator Day made his motion? I seconded his motion, but we never had a vote.

Chairwoman Cornell

We never had a vote, because our counsel indicated that it was a substantial change.

Mr. Sparaco

Thank you.

Mr. Meyers

Although counsel ruled that Legislator Day's motion was a substantial change I don't think that means his motion dies. I think it means that procedurally we would have to send the matter back for another public hearing and re-notice. We could still propose a vote on it as a procedural matter and if it passed then another public hearing has to be scheduled.

Chairwoman Cornell

Thank you for assistance. It is time to take the vote providing for a .30-cent surcharge on each wireless communication device.

Roll Call

Legislator Grant – Yes.

I am going to vote yes. I just want to point out that the Sheriff's Department budget is a \$45,000,000 per year budget. \$43,000,000 of it is raised by local property taxes and sales taxes. The other \$2,600,000 is a combination of fees and grants and State and Federal aid. Included in this budget is the \$600,000 for cell phone charges so that if you are standing on the Parkway, your car is broken-down and your spouse is pregnant and you want to get to the hospital you could make that call. At the same time your other child who is down in Orangeburg at the Pearl River has an emergency they could use their cell phone. Just as your mother-in-law who is at the mall and is worried about the guy who is stalking her she can use her cell phone. I don't see the problem here.

The budget for the Division of Communications is over \$2,000,000 per year. I am not sure how the math works in the article that was published and the issues that are being debated today. The \$600,000 does not meet the \$2,000,000 requirement to fund the Department of Communication that provides the services. There are mobile phone services provided by GPS and the landline services that are located by your address on the database. There are two different systems that provide two different, but similar functions. I don't see the problem with this.

If you are going to vote no on the budget and vote no for a property tax increase how are you going to pay for these services. The gentleman in the back keeps asking where did you cut. We reduced the County workforce by nearly 600 people in the last five years. I will pick an average salary of \$50,000 with benefits that is \$45,000,000 the County taxpayers don't have to pay this year, next year and the next year. I vote yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – No.

I just want to point out in response to what Legislator Grant just said that yes we did reduce the workforce, but much of that was with incentive retirement, which cost us a bloody fortune. Our own consultants advised us that it really did not help overall as a result of the incentives that were granted. I vote no.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

If a year, two or three years from now any Legislator wants to look at the numbers and feels that we are collected too much and wants to reduce the amount they are welcomed to put in a local law, just like it has been done here. They are welcomed to go to committee and reduce the amount by putting their own request in to do so. The process is open to everybody. If it turns out that we are collecting too much money or it is not being spent the way they think it should be spent or they are accumulating a surplus or something else every Legislator can put in a local law to repeal this law. I am voting yes.

Legislator Soskin – Yes,

Legislator Sparaco – No.

Legislator Wieder – Yes.

Legislator Carey – No.

Legislator Day – No.

With all respect to my colleague on my right, no matter which way we went with this whether we Sunset it or not we would still have that same protection so your family would be protected on either end of the County. There are numbers that have been defined by the administration. We are looking at those numbers. We can get through a year, two or three and as a matter of fact if we saw that we weren't getting what we had to get we could do what Legislator Schoenberger suggested. We could, as any Legislator, go and submit a new law and change it. We could do that. That is a distraction in my view. The reality is that it is better for it to come back to us automatically as opposed to trying to take a tax off, because it just doesn't happen in government and people know it. There is absolutely no reason, in my view and opinion, that we couldn't have a Sunset in this law. I find it interesting that in 2006 this body tried to come to an understanding of the gas sales tax cap and the only way it got through this Legislature at that time was to Sunset it and that was a sales tax cut. Here we are initiating a tax and we can't find the common ground after debate to at least Sunset a tax and have it come back to us so we can take a look to see if we are overtaxing the residents. I think it is wrong and I am going to vote no.

Legislator Earl – Yes.

I really don't think we need a Sunset. I think we are going to automatically revisit this and it is a good thing Legislator Schoenberger opened the door for it. This equates out to \$600,000, which is a small amount, but I think it will stay on the radar for us to revisit it next year. I vote yes.

Vice Chairman Wolfe – Yes.

First, I want to make it very clear that this and the other items that we voted on tonight went through a full committee process. There was full opportunity to review, discuss and offer amendments more than once. This is not our first time through this and that includes all of the new Legislators. This just went through committee. This did just not suddenly pop up here.

I do want to correct an observation that was made by one of my colleagues and that is taxes sometimes are enacted and then they are repealed. In fact, one that we just vote on tonight, the hotel/motel tax was enacted and then later repealed. There is absolutely nothing that I would want more than to revisit these taxes when things change.

We have spent roughly an hour talking about a .30-cent per month, .30-cents per month, to a dedicated fund for E-911 services. I recognize there is a cumulative affect, but really .30-cents a month to make sure that your family member can reach a 911 center from their cell phone.

We will continue to do the heavy lifting and I vote yes.

Chairwoman Cornell – Yes.

The Chairwoman opened the public participation portion of the meeting at 8:23 p.m. and the following persons appeared and spoke:

- ❖ Raymond Smith, concerned with Indian Point
- ❖ Bob Dillon, In favor of extending comment period for Haverstraw water treatment plant
- ❖ Grant Valentine, Lyons Club, Nanuet, NY fundraiser
- ❖ Dwayne Penister, Lyons Club fundraiser charity basketball game

Public Participation ended at 8:30 p.m.

Comments from the Chairwoman:

Honorable Harriet D. Cornell

While my colleagues and I agree on some things, but there are other things we don't agree on. I don't agree that the music and art in our schools is nonsense. I believe that the music and art is extraordinarily important. We have been benefited from having the Nyack High School Chamber Music Group play here. We have had the East Ramapo Marching Band, or at least part of them, here at the first meeting in January. I have seen how what we call supplementary education helps children grow into productive adults. They become lifelong learners and using the language that I think Mr. Valentine used before, there are different ladders for success and for many young people the ability to learn music, art, dancing is very-very important. It is not nonsense.

Chairwoman Cornell called for a recess at 8:31 p.m. The meeting reconvened at 8:42 p.m. with all members in attendance.

Introduced by:

Referral No. 9325

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

**RESOLUTION NO. 65 OF 2012
APPROVING PURCHASES IN EXCESS OF \$100,000
WITH NAVISTAR INC. FOR THE PURCHASE OF TWO I
INTERNATIONAL 4 X 2 DUMP TRUCKS MODEL 7400 SFA
FOR THE DEPARTMENT OF HIGHWAYS BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
(\$229,033.40)**

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

WHEREAS, The Director of Purchasing is requesting that two International 4 x 2 dump trucks Model 7400 SFA for the Department of Highways be purchased under NYS OGS Contract Number PC62176; and

WHEREAS, Due to the increasing costs of fuel and steel, it is necessary to order the vehicles as soon as possible to hold the pricing under the state contract; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 of two (2) International 4 x 2 dump trucks Model 7400 SFA, from Navistar Inc., 399 Albany Shaker Road, Loudonville, New York 12211, in an amount not to exceed \$229,033.40; and

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

WHEREAS, That sufficient funds are currently provided for in the Adopted Capital Budget, Capital Project #3394, Five (5) Year Equipment Replacement Program Phase II – Year II; and

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

WHEREAS, The Planning and Public Works and Budget and Finance Committees of 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 of two (2) International 4 x 2 dump trucks Model 7400 SFA excess of \$100,000 with Navistar Inc., 399 Albany Shaker Road, Loudonville, New York 12211, in an amount not to exceed \$229,033.40, and authorizes the purchase to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funds are currently provided for in the Adopted Capital Budget, Capital Project #3394, Five (5) Year Equipment Replacement Program Phase II – Year II.

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 66 OF 2012
 APPROVING AGREEMENT IN EXCESS OF \$100,000
 WITH LEGACY VALVE LLC
 IN AN AMOUNT NOT TO EXCEED \$312,406.06
 FOR SEWER REPLACEMENT AND UPGRADE WORK
 ON ROBERT PITT DRIVE IN THE VILLAGE OF SPRING VALLEY
 CONTRACT 2011-08
 FOR A PERIOD OF 180 CONSECUTIVE CALENDAR DAYS
 FROM THE NOTICE TO PROCEED AND
 AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [ROCKLAND COUNTY SEWER DISTRICT NO. 1]
 (\$312,406.06)**

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

WHEREAS, The Robert Pitt Drive Sewer upgrade consists of replacing and testing of 365 linear feet of sanitary sewers and manholes, installation of laterals with cleanouts, repair of sink holes and repaving at the location of the sewer replacement; and

WHEREAS, Bids for Contract 2011-08, Robert Pitt Drive Sewer Upgrade Project were advertised and received on December 15, 2011; and

WHEREAS, In a memo dated December 15, 2011, Staff of the Sewer District has indicated that a total of seven (7) bids were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Legacy Valve, LLC	\$312,406.06
Montana Construction	\$412,065.00
Fourmen Construction Inc.	\$445,261.00
Victor P. Zugibe, Inc.	\$448,330.00
Precise Landscaping and Law Maint.	\$509,142.25
Cal Mart Enterprises, Inc.	\$549,740.00
Ben Ciccone, Inc.	\$1,057,075.00

and,

WHEREAS, The bids have been checked and tabulated by Staff of the Sewer District; and

WHEREAS, Legacy Valve, LLC has submitted the lowest bid for the work described in the contract documents; and

WHEREAS, Upon a thorough check of their references, they have completed similar projects in the past in a satisfactory manner, and

WHEREAS, By Resolution No. 83 of 2011, the Board of Sewer Commissioner's of the Rockland County Sewer District No. 1, has approved the award of Contract 2011-08, the Robert Pitt Drive Sewer Upgrade Project to Legacy Valve, LLC, 14 Railroad Avenue, Valhalla, New York 10595, in amount not to exceed \$312,406.06; and

WHEREAS, Local Law 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of \$100,000 entered into by the County; and

WHEREAS, Sufficient funding for the agreement with Legacy Valve, LLC, exists in the Rockland County Sewer District No. 1 2012 budget under line item SWR/G/8120/E4580; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of \$100,000 with Legacy Valve, LLC, 14 Railroad Avenue, Valhalla, New York 10595, in an amount not to exceed \$312,406.06, for Contract 2011-08 the Robert Pitt Drive Sewer Upgrade Project, for a period of 180 consecutive calendar days from the Notice to Proceed, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the agreement with Legacy Valve, LLC, exists in the Rockland County Sewer District No. 1 2012 budget under line item SWR/G/8120/E4580.

Introduced by:

Referral No. 8850

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

**RESOLUTION NO. 67 OF 2012
 APPROVING ACCEPTANCE OF GRANT
 IN THE AMOUNT OF \$49,121 (NCTD) FROM THE
 NEW YORK STATE ARCHIVES
 LOCAL GOVERNMENT RECORDS MANAGEMENT
 IMPROVEMENT FUND (LGRMIF)
 FOR THE PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012
 (PROJECT NO. 0580-12-2157) TO DIGITIZE 299,000 IMAGES OF
 BUSINESS CERTIFICATES AND INCORPORATIONS
 FROM 16MM MICROFILM AND HARD COPY
 AND AUTHORIZING EXECUTION OF THE NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 [ROCKLAND COUNTY CLERK]
 (\$49,121)**

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

WHEREAS, The County Clerk has advised the County Executive and the Legislature of Rockland County that his department has been awarded a \$49,121 Local Government Records Management Improvement Fund (LGRMIF) grant from the New York State Archives (Project No. 0580-12-2157) in the amount of \$49,121 for the period July 1, 2011 through June 30, 2012; and

WHEREAS, Said grant funds will be used to digitize 299,000 images of business certificates and incorporations from 16mm microfilm and hard copy; and

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

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a Local Government Records Management Improvement Fund (LGRMIF) grant from the New York State Archives (Project No. 0580-12-2157) in the amount of \$49,121 and authorizes execution of the necessary grant documents by the County Executive for the period July 1, 2011 through June 30, 2012, subject to the approval of the County Attorney; and be it further

RESOLVED, That said grant funds will be used to digitize 299,000 images of business certificates and incorporations from 16mm microfilm and hard copy; and be it further

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

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A-CLK-1460-GC10-E4090	Fees for Services-Non-Employee	49,121
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Increase Est. Rev. Acct. (Debit):

A-CLK-1460-GC10-R3060	Records Management	49,121
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Debate:

Mr. Schoenberger

The late Senator Thomas Morahan initiated this.

Introduced by:

Referral No. 8850

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

**RESOLUTION NO. 68 OF 2012
 APPROVING ACCEPTANCE OF GRANT
 NEW YORK STATE DEPARTMENT OF STATE
 SENATE MAJORITY INITIATIVE GRANT AWARD
 IN THE AMOUNT OF \$10,000 (NCTD)
 TO PURCHASE A SCANPRO 2000 IN THE YEAR 2012
 SO THAT MICROFILM IMAGES CAN BE CONVERTED
 INTO TEXT, PDF AND OTHER DIGITAL FORMATS
 AND AUTHORIZING EXECUTION OF THE NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 [ROCKLAND COUNTY CLERK]**

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

WHEREAS, The County Clerk has advised the County Executive and the Legislature of Rockland County that his department has been awarded a New York State Department of State Senate Majority Initiative Grant in the amount of \$10,000; and

WHEREAS, Said grant funds will be used to purchase a ScanPro 2000 in the year 2012 so that microfilm images can be converted into text, PDF and other digital formats; and

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

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a New York State Department of State Senate Majority Initiative Grant in the amount of \$10,000 and authorizes execution of the necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That said grant funds will be used to purchase a ScanPro 2000 in the year 2012 so that microfilm images can be converted into text, PDF and other digital formats; and be it further

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

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

GENERAL FUND - 2012

<u>Increase Approp. Acct. (Credit):</u>		
A-CLK-1410-E2050	Equipment	10,000
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-CLK-1410-R3089	State Aid - Gen'l Gov't	10,000



Introduced by:

Referral No. 2973

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

**RESOLUTION NO. 69 OF 2012
 AMENDING THE 2011 BUDGET APPROVING ACCEPTANCE OF
 ADDITIONAL FUNDS IN THE AMOUNT OF \$1,191 (NCTD) FROM THE
 NEW YORK STATE OFFICE OF PEOPLE WITH
 DEVELOPMENTAL DISABILITIES (OPWDD)
 FOR THE EPILEPSY SOCIETY OF SOUTHERN NEW YORK
 FOR THE CALENDAR YEAR 2011 AND AUTHORIZES EXECUTION
 OF ALL NECESSARY DOCUMENTS BY THE COUNTY EXECUTIVE
 THAT ARE RELATED TO THESE ADDITIONAL FUNDS
 [DEPARTMENT OF MENTAL HEALTH]
 (\$1,191)**

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

WHEREAS, The County Executive and the Legislature have been advised by the Commissioner of Mental Health that her department has been awarded additional funds in the amount of \$1,191 from the New York State Office of People With Developmental Disabilities (OPWDD) for the Epilepsy Society of Southern New York for the calendar year 2011; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby accepts additional funds from the New York State Office of People With Developmental Disabilities (OPWDD) in the amount of \$1,191 for the Epilepsy Society of Southern New York for the calendar year 2011; and

RESOLVED, That the Legislature of Rockland County hereby authorizes execution of all necessary documents by the County Executive that are related to these additional funds, subject to the approval of the County Attorney, and be it further

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

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

GENERAL FUND - 2011

<u>Increase Approp. Acct. (Credit):</u>		
A-DMH-4331-E5010	Epilepsy Society of Southern NY	1,191
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-DMH-4331-R3475	State Aid - OPWDD	1,191

Introduced by:

Referral No. 9473

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

**RESOLUTION NO. 70 OF 2012
 AUTHORIZATION TO PAY 2012 SALARIES OF
 EMPLOYEES IN GRANT DEPARTMENTS THAT ARE
 UNFUNDED IN THE 2012 PERSONNEL BUDGET
 BUT ANTICIPATED TO BE FUNDED FROM VARIOUS
 SOURCES DURING THE YEAR 2012
 [DEPARTMENT OF FINANCE]**

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

WHEREAS, The Commissioner of Finance is requesting the authorization to pay 2012 salaries of employees in grant departments that are unfunded in the 2012 Personnel Budget but anticipated to have their grant funding renewed from state and/or federal revenue sources to fully or partially cover their personnel expenses for the year 2012; and

WHEREAS, Any local share required to pay these employees was either already provided for in the 2012 Budget and/or will be derived from departmental revenue sources or existing available funds within the 2012 Budget; and

WHEREAS, These grants expire at various times during the year 2012 and, therefore, any eligible salary and fringe monies that remain in these departments at the end of 2011 will be "rolled over" into the year 2012; and

WHEREAS, This resolution shall not obviate the required notice of approved or anticipated funding from departmental, state and/or federal revenue sources by resolution, nor required resolutions for inter-departmental transfers, nor the sunset clause provision on created positions; and

WHEREAS, Anticipated salaries for positions tied to these employees are provided in the 2012 Personnel Budget for the following grant departments:

<u>Fund</u>	<u>County Agency</u>	<u>Grant Dept #</u>	<u>Grant Department Name</u>
A	Dept. of Health	4040	Ryan White Part A Program
		4041	HIV Reporting & Partner Notification Assistance Program
		4045	Early Intervention Program/Children with Special Health Care Needs Program
		4047	Tuberculosis Control Outreach Program
		4048	Healthy Neighborhoods Program
		4051	Bioterrorism
		4052	Childhood Immunization Program
		4058	Safe Drinking Water Program
		4064	Tobacco Control Program for Youth
		4082	Women, Infants & Children Program
A	Probation	3145	Offender Reentry Program
A	Public Defender	1169	Aid to Defense Program
A	Youth Bureau	1251	AmeriCorps Program

;and

WHEREAS, Salaries reflected in the 2012 Personnel Budget for said departments are:

<u>Fund</u>	<u>County Agency</u>	<u>Grant Dept #</u>	<u># of Positions</u>	<u>Grant Dept. Salary Amount</u>
A	Dept. of Health	4040	2	\$143,586
		4040	1 (Relief)	28,500
		4041	1	56,456
		4045	3	107,200
		4045	1 (Relief)	22,000
		4047	2	131,834
		4048	2	94,158
		4051	1	111,180
		4052	1	78,507
		4058	1	73,078
		4064	1	76,702
		4082	17	991,283
		4082	1 (Relief)	48,000
A	Probation	3145	1	69,700
A	Public Defender	1169	1	73,078
A	Youth Bureau	1251	1	66,610
		1251	1 (Relief)	120,000

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

RESOLVED, That the Commissioner of Finance is hereby authorized to pay 2012 salaries of employees in the aforementioned grant departments that are unfunded in the 2012 Personnel Budget since these departments are anticipated to have their grant funding renewed from state and/or federal revenue sources to fully or partially cover their personnel expenses for the year 2012; and be it further

RESOLVED, That any local share required to pay these employees was either already provided for in the 2012 Budget and/or will be derived from departmental revenue sources or existing available funds within the 2012 Budget; and be it further

RESOLVED, That these grants expire at various times during the year 2012 and, therefore, any eligible salary and fringe monies that remain in these departments at the end of 2011 will be "rolled over" into the year 2012; and be it further

RESOLVED, That this resolution shall not obviate the required notice of approved or anticipated funding from departmental, state and/or federal revenue sources by resolution, nor required resolutions for inter-departmental transfers, nor the sunset clause provision on created positions; and be it further

RESOLVED, That the Legislature of Rockland County shall receive quarterly updates as to the status of receipt of state and federal monies for the above county agencies and notification of where the County took the needed funds from to pay those employees of said agencies awaiting the receipt of grant funding.

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 71 OF 2012
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
 FOR ALTERNATIVE TO INCARCERATION
 CASE MANAGEMENT SERVICES PER RFP-RC-2011-025
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$140,000)**

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

WHEREAS, The Office of the District Attorney has requested that \$140,000 of federal forfeiture funds in balance sheet account A-8890 (Designated for the DA - Federal Proceeds) be appropriated to the District Attorney's 2012 Budget for alternative to incarceration case management services per RFP-RC-2011-025; 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 \$140,000 appropriation exists within said balance sheet account; and

WHEREAS, the expenditure of these forfeiture funds are authorized under federal forfeiture rules; and

WHEREAS, there is no direct hire of any individuals for incarceration case management services, and no individual salaries are being paid; 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 Acting Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2012

<u>Increase Approp. Acct. (Credit):</u>		
A-DA-1165-E4500	Forfeiture Funds - Services	140,000
<u>Increase Approp. Fund Bal. (Debit):</u>		
A-UNC-9990-R5990	(Designated for the DA - Federal Proceeds)	140,000



Introduced by

Referral No. 8281

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

**RESOLUTION NO. 72 OF 2011
 APPROVING AMENDMENT AND EXTENSION TO AGREEMENT
 IN EXCESS OF \$100,000 WITH DENTSERV DENTAL SERVICES, P.C. FOR THE
 FINAL YEAR OF A ONE-YEAR CONTRACT WITH FOUR RENEWALS
 IN THE ADDITIONAL AMOUNT OF \$60,000, TO PROVIDE SERVICES ON AN
 AS-NEEDED BASIS AND NOT TO EXCEED THE ADDITIONAL AMOUNT OF \$60,000,
 FOR A TOTAL CONTRACT SUM FOR ALL FIVE YEARS NOT TO EXCEED
 \$300,000 WITH ALL SERVICES TO BE BY FORMAL PURCHASE ORDER
 FOR DENTIST AND DENTAL CLINIC SERVICES FOR LONG TERM CARE FACILITY
 FOR THE PERIOD FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF HOSPITALS] (\$300,000)**

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

WHEREAS, The Director of Purchasing advertised for proposals for dentist and dental clinic services for long term care facility under RFP-RC-07-054 for a period of one year with four additional one year renewal options; and

WHEREAS, 177 dentists were notified and three dental practices downloaded the request; and

WHEREAS, Dentserv Dental Services, P.C., 15 Canal Road, Pelham Manor, New York 10803, submitted the sole proposal and is one of the few practices that provides dentist and dental clinic services to long term facilities; and

WHEREAS, On March 4, 2008, the County entered into an agreement with Dentserv Dental Services, P.C., 15 Canal Road, Pelham Manor, New York 10803, to provide dentist and dental clinic services for long term care facility under RFP-RC-07-054, for the period from January 1, 2008 through December 31, 2008 in an amount not to exceed \$55,000; and

WHEREAS, By Resolution No. 119 of 2009, the Legislature of Rockland County approved the first amendment to the agreement in the excess of \$100,000 with Dentserv Dental Services, P.C., 15 Canal road, Pelham Manor, New York 10803, to provide dentist and dental clinic services for long term care facility under RFP-RC-07-054, for the period from January 1, 2009 through December 31, 2009 in the additional amount of \$65,000, for a total contract sum not to exceed \$120,000; and

WHEREAS, By Resolution No. 82 of 2010, the Legislature of Rockland County approved the amendment to the agreement in the excess of \$100,000 with Dentserv Dental Services, P.C. 15 Canal Road, Pelham Manor, New York 10803, to provide dentist and dental clinic services for long term care facility under RFP-RC-07-054, for a period from January 1, 2010 through December 31, 2010 in the additional amount of \$60,000, for a total contract sum not to exceed \$180,000.

WHEREAS, By Resolution 143 of 2011 the Legislature of Rockland County approved the amendment to the agreement in the excess of \$100,000 with Dentserv Dental Services, P.C. 15 Canal Road, Pelham Manor, New York 10803, to provide dentist and dental clinic services for long term care facility under RFP-RC-07-054, for a period from January 1, 2011 through December 31, 2011 in the additional amount of \$60,000, for a total contract sum not to exceed \$240,000.

WHEREAS, The original contract pricing has been maintained over the five year contract with no price increases; and

WHEREAS, The Commissioner of the Department of Hospitals and the Director of Purchasing recommend that the County Executive and Legislature of Rockland County approve a fourth amendment to the agreement with Dentserv Dental Services, P.C., to provide dentist and dental clinic services for long term care facility under RFP-RC-07-054, for the period from January 1, 2012 through December 31, 2012 in the additional amount of \$60,000, for a total contract sum not to exceed \$300,000; and

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

WHEREAS, Sufficient funds for this amendment to agreement exist in the 2012 Budget of the Department of Hospitals; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves a fourth amendment to the agreement in excess of \$100,000 with Dentserv Dental Services, P.C., 15 Canal Road, Pelham Manor, New York 10803, to provide dentist and dental clinic services for long term care facility under RFP-RC-07-054, for the period from January 1, 2012 through December 31, 2012 in the additional amount of \$60,000, for a total contract sum not to exceed \$300,000; and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

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

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

BOND RESOLUTION NO. 73 OF 2012.

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, ADOPTED FEBRUARY, 2012, AUTHORIZING THE FINANCING FOR THE PREPARATION OF ENGINEERING STUDIES AND PRELIMINARY PLANS AND SPECIFICATIONS, AS WELL AS LAND AND RIGHTS-OF-WAY RELATING TO THE RECONSTRUCTION OF FORSHAY ROAD, STATING THE CURRENT ESTIMATED MAXIMUM COST THEREOF IS \$1,050,000, APPROPRIATING \$180,000 IN ADDITION TO THE \$870,000 HERETOFORE APPROPRIATED FOR SUCH PURPOSE IN RESOLUTION NO. 145 OF 2010, AND AUTHORIZING THE ISSUANCE OF \$180,000 BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

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

THE LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:

Section 1. Based upon the review of this action by the County of Rockland (herein called the "County"), the Legislature of the County is hereby authorized to continue existing Capital Project No. 3314 for the preparation of engineering studies, preliminary and detailed plans, specifications and estimates necessary for the proposed reconstruction of Forshay Road, consisting of a 1.25 mile section of Forshay Road (Rockland County Route 81) from Viola Road to Willow Tree Road, including acquisition of land and rights-of-way and consultants, all in and for the County. The current estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,050,000 and \$180,000 is hereby appropriated therefor in addition to the \$870,000 heretofore appropriated for such purpose in Resolution No. 145 of 2010. The plan of financing includes the issuance of \$180,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and if not paid from other sources, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of not to exceed \$180,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- a) The period of probable usefulness to the purpose for which said \$180,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law is five (5) years; and
- b) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax from all sources including all the taxable real property within the County subject to applicable statutory limitations. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 thereof relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 thereof relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 thereof, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

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

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

Section 8. This bond resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter, and the Clerk to the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "ROCKLAND JOURNAL NEWS," published in West Nyack, New York and the "ROCKLAND COUNTY TIMES," published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of said County for such publication, and such other newspapers designated by the Clerk to the Legislature, each of said newspapers having a general circulation in the County for such publication.

* * * * *

The adoption of the following resolution was seconded by Legislators Toney L. Earl, Philip Soskin and Alden H. Wolfe and duly put to a vote on roll call, which resulted as follows:

AYES: 15

NOES: 0

ABSENT: 02

The resolution was declared and adopted.

Roll Call:

Legislator Grant – Yes.

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 Day – Yes.

Legislator Earl – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by:

Referral No. 5474

- Hon. Harriet D. Cornell, Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Edwin J. Day, Co-Sponsor
- Hon. Douglas J. Jobson, Co-Sponsor
- Hon. Aney Paul, Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. 74 OF 2012
 APPOINTING HON. ANDREW STEWART TO THE VACANCY ON THE
 ROCKLAND COUNTY BOARD OF SEWER COMMISSIONERS CREATED
 BY THE EXPIRATION OF THE TERM OF OFFICE OF PAUL WHALEN AS
 SUPERVISOR OF THE TOWN OF ORANGETOWN**

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

WHEREAS, Paul Whalen is no longer the Supervisor of the Town of Orangetown and has resigned his position as a commissioner on the Rockland County Board of Sewer Commissioners; and

WHEREAS, Paul Whalen's expiration of term was effective on December 31, 2011, thereby creating a vacancy on the Rockland County Board of Sewer Commissioners; and

WHEREAS, Paul Whalen was appointed as a Commissioner representing the Town of Orangetown by Resolution 27 of 2010; and

WHEREAS, the succeeding appointee must be the Supervisor or his designee; and

WHEREAS, Hon. Andrew Stewart, Supervisor of the Town of Orangetown, shall be appointed to replace Paul Whalen; and

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

RESOLVED, that the Legislature of Rockland County hereby appoints Hon. Andrew Stewart, as a member of the Rockland County Board of Sewer Commissioners as the Supervisor of the Town of Orangetown; and be it further

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

Introduced by:

Referral No. 6394

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

**RESOLUTION NO. 75 OF 2012
 REQUESTING THAT THE NEW YORK STATE DEPARTMENT OF
 ENVIRONMENTAL CONSERVATION, IN ITS REVIEW OF UNITED WATER'S
 PROPOSED DESALINATION PLANT IN HAVERSTRAW, EXTEND THE PUBLIC COMMENT
 PERIOD FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT TO SIX MONTHS,
 HOLD MULTIPLE PUBLIC HEARINGS IN DIFFERENT LOCATIONS TO FACILITATE
 PUBLIC PARTICIPATION, AND RECOMMEND THAT UNITED WATER PROVIDE
 INTERVENOR FUNDING TO ENABLE MUNICIPALITIES AND CITIZEN GROUPS
 O CONDUCT THEIR OWN EXPERT REVIEW OF THE DESALINATION PROPOSAL**

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

WHEREAS, The NYS Department of Environmental Conservation (DEC) has accepted United Water's Draft Environmental Impact Statement (DEIS) for the proposed Haverstraw Water Supply Project as complete. This does not indicate the DEC's approval of United Water's plan, but that now, after 2 1/2 years of preparation, the proposal includes the information required for the public to now begin its review. The only public hearing currently scheduled will take place at 2pm and 6pm in the Haverstraw Town Hall on March 6, 2012. April 20th is the deadline for written comments on the DEIS to be submitted; and

WHEREAS, the Rockland Coalition for Sustainable Water made three requests of NYSDEC Region 3 (the lead agency) in connection with the environmental review for the Haverstraw Water Supply Project, the desalination plant that has been proposed to increase Rockland's water supply:

- 1) The coalition has requested a six-month public comment period for the newly complete DEIS. This would give experts and citizens adequate time to review the extensive document. Given the complexity of this project, the coalition believes it is not possible to do the independent analysis of the data needed for a proper assessment of this application in an abbreviated period of time;
- 2) The coalition has asked that multiple public hearings be held to accommodate participation in different locales; and
- 3) The coalition has also requested that the DEC recommend that United Water commit intervenor funding for municipalities and citizen groups to pay for independent expert review of the proposal. Though intervenor funds are not required by law, the DEC can make a strong recommendation to UW to provide funding to meet this request, as precedent for it was set with the NY Marine Rail solid waste transfer station in the Bronx, a project with regional significance like the Haverstraw Water Supply Project. Intervenor funding is actually mandated by law in cases involving the review of proposed siting of electrical public utilities;

and

WHEREAS, the Environmental Committee has met, considered and by a vote of four ayes and one nay, approved this resolution; now therefore be it

RESOLVED, the Rockland County Legislature hereby requests that the New York State Department of Environmental Conservation, in its review of United Water's proposed desalination plant in Haverstraw, extend the public comment period for the Draft Environmental Impact Statement to six months, hold multiple public hearings in different locations to facilitate public participation, and recommend that United Water provide intervenor funding to enable municipalities and citizen groups to conduct their own expert review of the desalination proposal; and be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

Introduced by:

Referral No. 4124

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

RESOLUTION NO. 76 OF 2012
REQUESTING THAT THE NEW YORK STATE LEGISLATURE PASS BILLS
A.2922, S. 425, A.2890, and A.2924 – ACTS TO AMEND THE ENVIRONMENTAL
CONSERVATION LAW WITH RESPECT TO HYDROFRACKING ISSUES

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

WHEREAS, New York is home to rich natural resources. In 2006, there were 6,213 active natural gas wells that generated a state record of 55.3 billion cubic feet of natural gas. The Marcellus formation that extends from the Southern Tier into Ohio, Pennsylvania and West Virginia is estimated to have \$1 trillion worth of natural gas, and is largely untapped. The rising price of natural gas has led to an increased demand for new sources and made formations like the Marcellus even more attractive; and

WHEREAS, the extraction of these resources is accomplished through a process known as hydraulic fracturing, or “hydrofracking,” or simply “fracking”; and

WHEREAS, hydrofracking is a well stimulation process used to maximize the extraction of underground resources – oil, natural gas and geothermal energy. It involves drilling deep horizontal wells into areas of shale, and infusing massive quantities of water and potentially toxic chemical additives into wells to fracture the shale and release natural gas. The fracturing fluids are then returned to the surface (flowback water); and

WHEREAS, the constituents of the flowback water from the hydrofracking operations may be unsuitable and unsafe for disposal at local wastewater treatment plants, resulting in potential holding ponds of toxic waste. Furthermore, the potential for contamination of municipal and individual well-based drinking water and the potential water quality impacts from the migration of chemicals and improper discharge of wastewater directly to watersheds are causes of deep concern; and

WHEREAS, due to the considerable risk to the environment that hydrofracking presents, the Assembly Environmental Conservation committee has held a series of hearings to examine the environmental protections needed in the Department of Environmental Conservation’s (DEC) natural gas and oil drilling regulatory structure in order to safeguard natural resources. In the course of these hearings, much expert testimony was presented on necessary steps to ensure the safety of New York’s precious water resources; and

WHEREAS, Bills A. 2922 and S. 425 seek to amend the Environmental Conservation Law by requiring greater regulation of the use of hydraulic fracturing fluids used for oil and gas drilling. The use of hydraulic fracturing fluids represents one of the most significant threats to New York’s environment, including water and soil resources. In light of the potential for such environmental and human exposure, it makes sense to ensure that the safest chemicals are used in such fluids and the contents are fully disclosed; and

WHEREAS, Bill A. 2890 seeks to amend the Environmental Conservation Law by providing greater oversight over natural gas drilling by prohibiting the on-site storage of flowback water. The use of on-site reserve pits for flowback water poses a potential hazard to humans and wildlife. The use of steel tanks will minimize such hazard and also decrease the risk of accidental releases. In addition, the storage limitations will ensure that flowback waters are not stockpiled on-site for unlimited periods of time; and

WHEREAS, Bill A. 2924 seeks to amend the Environmental Conservation Law by providing greater oversight over natural gas and oil drilling by requiring an environmental impact statement (EIS) for any natural gas or oil drilling involving the use of hydraulic fracturing fluid. Variations in water table levels, flood plains, and other site specific variables coupled with the potential risk of hydraulic fracturing fluid contamination make the preparation of a site-specific EIS a much more protective measure than a generic environmental impact statement or a permit condition; and

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

RESOLVED, the Rockland County Legislature hereby requests that the New York State Assembly and Senate pass Bills A. 2922, S.425, A.2890 and A. 2924, acts to amend the Environmental Conservation Law with respect to hydrofracking issues, that the New York State Senate introduce similar legislation to the Assembly bills with no Senate counterpart, and that the Governor sign such legislation; and be it further

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

Debate:

Mr. Carey

This is not a referendum on fracking. I really think we need to take a holistic look at this. What it means to the State? What it means to Rockland County? I think the jury is still out on this, but since this just really addressing tightening some of the environmental concerns I am going to support this.

Mr. Wolfe

Thank you Legislator Carey for your open-mindedness in recognizing that this resolution and the bills that it considers don't seek to prohibit hydrofracking. What they seek to do is to make sure that if this practice is going to happen in our State that it is properly regulated in terms of the use of the different fluids used for oil and gas drilling. It will prohibit the onsite storage of the flowback water, which just this week has been recognized as a real problem. It also would require an environmental impact statement for any drilling involving the use of hydraulic fracturing fluids. Thank you.

Chairwoman Cornell

The Congress commissioned a study by the United States Environmental Protection Agency and their conclusion was the same as one that was done at MIT, study on the future of natural gas. Basically it came down to the fact that additional time is needed to properly address the many outstanding, but very basic questions about water supply safety and waste water disposal among other issues and that is what this resolution is talking about.

**ADJOURNMENT IN MEMORY OF
VINCENT A. BARONE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Vincent A. Barone.

**ADJOURNMENT IN MEMORY OF
PHILLIP N. MATHANGANI**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Phillip N. Mathangani.

**ADJOURNMENT IN MEMORY OF
CAROL FURGANG**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Carol Furgang.

**ADJOURNMENT IN MEMORY OF
MICHAEL J. "MICKEY" SULLIVAN**

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 Michael J. "Mickey" Sullivan.

**ADJOURNMENT IN MEMORY OF
RALPH T. CERBONE, JR.**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Ralph T. Cerbone, Jr..

**ADJOURNMENT IN MEMORY OF
JOHN WHITE**

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

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

**ADJOURNMENT IN MEMORY OF
ATHENA SCHER**

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 Athena Scher.

**ADJOURNMENT IN MEMORY OF
JAMES P. GANNON**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of James P. Gannon.

**ADJOURNMENT IN MEMORY OF
DEBORAH GOLEMB A POTENZA**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Deborah Golemba Potenza.

**ADJOURNMENT IN MEMORY OF
QUINCY MARIE HEDGES**

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 Quincy Marie Hedges.

**ADJOURNMENT IN MEMORY OF
FREDERICK FIORE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Frederick Fiore.

**ADJOURNMENT IN MEMORY OF
SEAN DePATTO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Sean DePatto.

**ADJOURNMENT IN MEMORY OF
EUGENE ZEPPIERI**

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 Eugene Zeppieri.

**ADJOURNMENT IN MEMORY OF
JESSICA MARLA GOLDSTEIN**

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 Jessica Marla Goldstein.

**ADJOURNMENT IN MEMORY OF
DANILO CALMONTE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Danilo Calmonte.

**RESOLUTION NO. 77 OF 2012
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and unanimously adopted (8:54 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, March 6, 2012 at seven o'clock in the evening.

Respectfully Submitted,

DARCY M. GREENBERG
Proceedings Clerk