

The Legislature of Rockland County



MICHAEL M. GRANT
LEGISLATOR – DISTRICT 2
CHAIR, BUDGET & FINANCE COMMITTEE

AGENDA
BUDGET & FINANCE COMMITTEE
THURSDAY, SEPTEMBER 12, 2013
7:15 PM

ROLL CALL

ADOPTION OF MINUTES FROM SEPTEMBER 3, 2013

1. BONDS/PUBLIC WORKS MATTER:

1PPW) REF. #7342 - APPROVING ACCEPTANCE OF INSURANCE RECOVERY FUNDS IN THE AMOUNT OF \$10,420.45 (NCTD) FOR REPAIRS TO THE SHERIFF'S MARINE UNIT METALCRAFT BOAT THAT WAS DAMAGED BY FIRE (OFFICE OF THE SHERIFF) (\$10,420.45)
(LOUIS FALCO, SHERIFF) DL#2013-03251

(SUBJECT TO APPROVAL OF PPW 9/12/13)

2PPW) REF. #5906 - APPROVING THE PURCHASES IN EXCESS OF \$100,000 FROM SLACK CHEMICAL CO., INC. FOR SODIUM BISULFITE SOLUTION FOR THE ROCKLAND COUNTY SEWER DISTRICT #1 UNDER RFB-RC-2011-030 FOR THE SECOND YEAR OPTION TERM IN A TOTAL AMOUNT NOT TO EXCEED \$100,500 FOR THE FULL PERIOD FROM MAY 31, 2011 THROUGH MAY 30, 2014 WITH TWO (2) REMAINING ONE (1) YEAR OPTION TERMS WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER (DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING) (\$100,500)
(GERRY WALSH, COMMISSIONER, DGS-PURCHASING) DL#2013-03296

(SUBJECT TO APPROVAL OF PPW 9/12/13)

2. GRANTS/DONATIONS:

2A) REF. #3977 – APPROVING THE SUBMISSION OF THE SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED/ACTION PLAN FOR FY2013 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND APPROVING EXECUTION OF BY COUNTY EXECUTIVE OF ALL NECESSARY INSTRUMENTS AND DOCUMENTS (OFFICE OF COMMUNITY DEVELOPMENT) (\$171,814.00)
(MARIA FRANK, ACTING DIRECTOR, COMMUNITY DEVEL.) DL#2013-03487

3. BUDGET ITEMS:

- 3A) REF. #6704 - APPROPRIATION OF FEDERAL FORFEITURE FUNDS REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY TO PURCHASE PORTABLE/VEHICLE MOUNTED RADIOS AND OTHER ITEMS/SERVICES RELATED TO THESE RADIOS AND TO COVER VARIOUS EXPENSES CONNECTED TO CRIMINAL INVESTIGATIONS (OFFICE OF THE DISTRICT ATTORNEY) (\$50,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY) DL#2013-03398
- 3B) REF. #6704 - APPROPRIATION OF FORFEITURE FUNDS REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY TO PURCHASE SUPPLIES FOR OFFICE OPERATIONS AND TO COVER ALTERNATIVES TO INCARCERATION CASE MANAGEMENT SERVICES, LOCAL TRAVEL, INTERPRETERS, COURT REPORTERS, EXPERTS AND CONSULTANTS (OFFICE OF THE DISTRICT ATTORNEY) (\$100,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY) DL#2013-03460
- 3C) REF. #9481 - ABOLISHING CERTAIN POSITIONS AS OUTLINED IN SCHEDULE "A" ATTACHED HERETO, AND TRANSFERRING THE RESULTING SALARY SAVINGS TO THE BUDGET SALARY SAVINGS IN EACH APPROPRIATE ORGANIZATION CODE FOR 2013
(HON. ALDEN H. WOLFE, LEGISLATURE) LG#3259

4. AUTHORIZATIONS:

- 4A) REF. #8593 - AUTHORIZING THE COUNTY OF ROCKLAND TO SHARE THE COST OF LEGAL SERVICES PERFORMED BY DANIEL P.DUTHIE AS PART OF THE MUNICIPAL CONSORTIUM IN SUPPORT OF REASONABLE WATER RATES
(HON. ILAN S. SCHOENBERGER, LEGISLATURE) LG#3251
(SUBJECT TO APPROVAL OF ENVIRONMENTAL 9/12/13)

5. CONTRACTS/AGREEMENTS:

- 5A) REF. #5614 - APPROVAL OF AMENDED AND RESTATED PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT BETWEEN MILLENNIUM PIPELINE COMPANY, L.L.C., TOWN OF RAMAPO, RAMAPO CENTRAL SCHOOL DISTRICT, COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY FOR PROPERTY CONSISTING OF A RIGHT-OF-WAY APPROXIMATELY FIFTY (50) FEET WIDE AND 23,047 FEET LONG WITH IMPROVEMENTS THEREON COLLECTIVELY CONSTITUTING AN APPROXIMATELY 23,047 LONG, 30-INCH DIAMETER NATURAL TRANSPORTATION PIPELINE AND RELATED EQUIPMENT AND FACILITIES ASSESSED ON THE SPECIAL FRANCHISE PORTION OF THE ASSESSMENT ROLLS OF THE TOWN OF RAMAPO, DESIGNATED AS TAX MAP PARCEL #89/500-0-486-0-0-0 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE (DEPARTMENT OF FINANCE) (PILOT)
(S. DEGROAT, COMMISSIONER, FINANCE) DL#2013-03320
(SUBJECT TO APPROVAL OF ECONOMIC DEVELOPMENT 9/12/13)

6. ALLOCATION/RECLASSIFICATION OF POSITIONS:

6A) REF. #7253 - RECLASSIFYING ONE POSITION IN THE DISTRICT ATTORNEY'S OFFICE
(C. SCOTT VANDERHOEF, COUNTY EXECUTIVE) DL#2013-03712

7. BIDS: NONE

8. TRANSFER OF FUNDS/OTHERS: NONE

9. TAX ITEMS: NONE

9A) REF. #7070 - RESOLUTION NO. OF 2013 OF THE LEGISLATURE OF THE COUNTY OF
ROCKLAND, AMENDING RESOLUTION NO. 850 OF 1983, AS LAST AMENDED
BY RESOLUTION NO. 394 OF 2011, TO IMPOSE AN ADDITIONAL RATE OF
SALES AND COMPENSATING USE TAXES
(S. DEGROAT, COMMISSIONER, FINANCE) DL#2013-03472

9B) REF. #8055 - REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL A.7775 -
AN ACT TO EXEMPT COMMUNITY COLLEGES FROM THE IMPOSITION OF
THE METROPOLITAN COMMUTER TRANSPORTATION MOBILITY TAX;
THAT THE NEW YORK STATE SENATE TO INTRODUCE AND PASS
SIMILAR LEGISLATION AND THAT THE GOVERNOR SIGN SAID
LEGISLATION
(HON. EDWIN J. DAY, LEGISLATURE) LG#3254

(SUBJECT TO THE APPROVAL OF ECONOMIC DEVELOPMENT 9/12/13)

9C) REF. #8055 - REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL A-1443 -
A LAW TO PHASING OUT THE METROPOLITAN COMMUTER TRANSPORTATION
MOBILITY ACT AND AN ACT TO AMEND THE TAX LAW, VEHICLE AND
TRAFFIC LAW AND PUBLIC AUTHORITIES LAW IN RELATION TO THE
METROPOLITAN COMMUTER TRANSPORTATION MOBILITY TAX AND
THAT THE NEW YORK STATE SENATE INTRODUCE AND PASS SIMILAR
LEGISLATION AND THAT THE GOVERNOR SIGN SAID LEGISLATION
(HON. EDWIN J. DAY, LEGISLATURE) LG#3255

(SUBJECT TO THE APPROVAL OF ECONOMIC DEVELOPMENT 9/12/13)

10. PUBLIC HEARINGS: NONE

11. LOCAL LAWS/HOME RULES: NONE

12. PRESENTATIONS/DISCUSSIONS:

12A) REF. #9209 - *DISCUSSION ITEM:* BOARD OF ELECTIONS - CLARIFICATION ON THE
CERTIFICATION OF ELECTION EXPENSES AND APPORTIONMENT TO
TOWNS
(HON. MICHAEL M. GRANT, LEGISLATURE)

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| 13. <u>MISCELLANEOUS:</u> | NONE |
| 14. <u>RECEIVE & FILE:</u> | NONE |
| 15. <u>CORRESPONDENCE – REVIEW AND DISCUSSION:</u> | NONE |

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B&FAGENDA09/12/13 :SED

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-SHF-3113-E4090

Fees for Services, Non-Employee

10,421

Increase Est. Rev. Acct. (Debit):

A-SHF-3113-R2680

Insurance Recoveries

10,421

MB:lo

2013-03251

8/8/13

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 from Slack for sodium bisulfite solution, which is to be delivered in bulk to the Rockland County Sewer District #1, during the second year option term for a total amount not to exceed \$100,500 for the full period from May 31, 2011 through May 30, 2014, with two (2) remaining one (1) year option terms; and

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

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

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

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 from Slack Chemical Co., Inc., 465 So. Clinton Street, Carthage, New York 13619, for sodium bisulfite solution, which is to be delivered in bulk to the Rockland County Sewer District #1, during the second year option term for a total amount not to exceed \$100,500 for the full period from May 31, 2011 through May 30, 2014, with two (2) remaining one (1) year option terms, and with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

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

BB:lo
2013-03296
8/6/13

Introduced by:

Referral No. 3977

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**RESOLUTION NO. OF 2013
APPROVING THE SUBMISSION OF THE
SUBSTANTIAL AMENDMENT TO THE
CONSOLIDATED/ACTION PLAN FOR FY2013
TO THE U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT AND APPROVING
EXECUTION OF BY COUNTY EXECUTIVE
OF ALL NECESSARY INSTRUMENTS AND DOCUMENTS
[OFFICE OF COMMUNITY DEVELOPMENT]
(\$171,814.00)**

WHEREAS, By Resolution 207 of 2013 the County of Rockland approved the submission of the Consolidated/Action Plan for FY 2013 to the U.S. Department of Housing and Urban Development (HUD) and approved the execution by the County Executive of all necessary instruments and documents related thereto; and

WHEREAS, The County Executive executed and submitted the County's Consolidated/Action Plan for FY2013 as recommended by the County Consortium, to the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, At that time the County of Rockland was advised by the Department of HUD that its Community Development allocation for the Program Year 2013 would be approximately \$4,700,000; and

WHEREAS, By Resolution 373 of 2013 the County of Rockland approved the submission of the final Consolidated/Action Plan for FY 2013 to the U.S. Department of Housing and Urban Development (HUD) and approved the execution by the County Executive of all necessary instruments and documents related thereto in an amount equal to \$4,796,571; and

WHEREAS, The County of Rockland has recently been advised by HUD that the County of Rockland is eligible for a reallocation amount that will be available on or about August 26, 2013;

WHEREAS, The County of Rockland can become eligible for an additional distribution of CDBG funds in the amount of \$171,814.00 to be awarded to the County in excess of the current funding;

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WHEREAS, 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 _____ of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution and submission by the County Executive of the Substantial Amendment to the County's Consolidated/Action Plan for FY2013, as recommended by the County Consortium, to the U.S. Department of Housing and Urban Development (HUD), and be it further

RESOLVED, That, upon approval of the Substantial Amendment to the County's Consolidated/Action Plan for FY2013 to HUD, the Legislature of Rockland County hereby approves, generally and pursuant to Local Law No. 18 of 1996, the execution by the County Executive of the grant agreement and of any and all necessary instruments and documents with respect to the federal funds in furtherance of the Plan submission and program, subject to the approval of the County Attorney, and be it further

RESOLVED, That, upon approval of the submitted Substantial Amendment to the Consolidated/Action Plan for FY2013 by HUD and upon execution of the grant agreement by the County Executive and by HUD, the Commissioner of finance of the County of Rockland be and is hereby authorized, empowered and directed to establish new accounts for the FY2013 Community Development funds.

AFR:mf
2013-03784
9-6-13

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A -DA -1165 -FA02 -E3500	Forfeiture Funds - Supplies	25,000
-E4500	Forfeiture Funds - Services	25,000

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Designated for the DA - Federal Proceeds)	50,000
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MB:lo
2013-03398
8/15/13

DRAFT

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A -DA -1165 -FA03 -E3500	Forfeiture Funds - Supplies	25,000
-E4500	Forfeiture Funds - Services	75,000

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Reserved for the DA - Crime Proceeds)	100,000
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MB:lo
2013-03460
8/16/13

DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No. 9481

RESOLUTION NO. OF 2013
ABOLISHING CERTAIN POSITIONS AS OUTLINED IN SCHEDULE "A"
ATTACHED HERETO, AND TRANSFERRING THE RESULTING SALARY
SAVINGS TO THE BUDGET SALARY SAVINGS IN EACH APPROPRIATE
ORGANIZATION CODE FOR 2013

WHEREAS, Rockland County adopts an annual budget each year which contains therein vacant positions that the County Executive has the authority to fill or not fill; and

WHEREAS, the allocated costs of each vacant position is appropriated in the budget; and

WHEREAS, the 2013 budget contains a provision for a salary savings of approximately four million dollars, which is achieved by not expending a portion of the funds appropriated for budgeted positions; and

WHEREAS, in the exercise of prudence and good fiscal stewardship, this Legislature has deemed it necessary to lock-in salary savings by eliminating unfilled positions and/or vacant positions and post the salary savings related to these eliminated permanent positions where appropriate; and

WHEREAS, it now appears that that targeted salary savings for 2013 will not be fully achieved and the Legislature must abolish the positions as set forth in the annexed Schedule "A" to lock in the salary savings for such positions; and

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

RESOLVED, that the positions as outlined in Schedule "A" attached hereto, are hereby abolished and the savings from those abolishments transferred to the budget Salary Savings in each appropriate organization code for 2013.

LG3259
RM/AW:cs
9/5/13
9/9/13 AHW

SCHEDULE A

vacancies as of the 8/26/2013 payroll report

Decrease Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
A	DA	1165	1100	8928	Crimminal Investigator	\$	83,596 1
A	DOH	4010	1100	1092	Public Health Nurse	\$	73,078 2
A	DOH	4010	1100	5716	Public Health Nurse	\$	73,078 3
A	DOH	4010	1100	6839	Super PH Nurse	\$	80,312 4
A	DSS	6010	1100	6968	Sr. Social Welfare Exam	\$	69,700 5
A	DSS	6010	1100	6971	Sr. Social Welfare Exam	\$	60,610 6
A	DSS	6010	1100	8185	Auditor Child Care	\$	84,670 7
A	DSS	6010	1100	8632	Sr. Caseworker	\$	76,702 8
A	DSS	6010	1100	8773	Record Mgt Specialist	\$	66,353 9
A	DSS	6010	1100	8895	Accounting Specialist	\$	55,132 10
A	DSS	6010	1100	8963	Program Aide	\$	33,040 11
A	DSS	6010	1100	2239	Caseworker (Sp)	\$	80,312 12
A	DSS	6010	1100	6254	Sr. Caseworker	\$	76,702 13
A	DSS	6010	1100	3840	Sr. Caseworker	\$	83,348 14
A	DSS	6010	1100	7473	Community Svc Worker	\$	39,780 15
A	DSS	6010	1100	7717	Account Clerk	\$	33,044 16
A	DSS	6010	1100	5320	Municipal Aide	\$	38,000 17
A	DSS	6010	1100	6816	Sr Typist	\$	43,572 18
A	SHF	3112	1100	8392	Patrol Officer	\$	88,792 19
A	SHF	3110	1100	7033	Deputy Sheriff	\$	59,055 20
A	YB	1250	1100	8400	Prog Coord Youth Em	\$	66,610 21
						\$	<u>1,365,486</u>

Increase Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
A	DA	1165	1101	Z999	Salary Savings	\$	83,596
A	DOH	4010	1101	Z999	Salary Savings	\$	226,468
A	DSS	6010	1101	Z999	Salary Savings	\$	840,965
A	SHF	3112	1101	Z999	Salary Savings	\$	88,792
A	SHF	3110	1101	Z999	Salary Savings	\$	59,055
A	YB	1250	1101	Z999	Salary Savings	\$	66,610
						\$	<u>1,365,486</u>

Decrease Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
D	CRF	5110	1100	7257	Highway Main Mech	\$	65,404 22

Increase Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
D	CRF	5110	1101	Z999	Salary Savings	\$	65,404

Decrease Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
EH	DMH	M001	1100	5375	Asst Head Nurse	\$	97,106 23
EH	DMH	M020	1100	3812	Mental Health Wrk	\$	41,844 24
EH	DMH	M020	1100	0611	Asst Head Nurse	\$	66,416 25
EH	DMH	M020	1100	0646	Reg Nurse Inst	\$	69,636 26
EH	DMH	M020	1100	5288	Mental Health Wrk	\$	45,610 27
EH	DMH	M020	1100	3098	Psych Soc Wkr II	\$	69,700 28
EH	DMH	M020	1100	7262	Psych Soc Wkr I	\$	73,048 29
EH	DMH	M020	1100	3084	Reg Nurse Inst	\$	55,220 30
EH	DMH	M020	1100	3808	Psych Soc Wkr I	\$	69,700 31
EH	DMH	M422	1100	5288	Mental Health Wrk	\$	41,844 32
EH	DMH	M812	1100	5477	Chauffeur	\$	50,260 33
EH	DMH	M812	1100	5551	Chauffeur	\$	50,260 34
EH	HSP	4080	1100	3068	Reg Nurse Inst	\$	66,416 35
EH	HSP	E304	1100	7653	Head Nurse	\$	106,896 36
EH	HSP	E510	1100	9079	Nurse Practitioner	\$	73,204 37
EH	HSP	E628	1100	1226	Cleaner	\$	34,506 38
EH	HSP	E628	1100	2214	Cleaner	\$	39,662 39
EH	HSP	E628	1100	5760	Cleaner	\$	34,506 40
EH	HSP	E901	1100	8710	Admin Secretary	\$	60,610 41
EH	HSP	E908	1100	7421	Activities Aide	\$	43,636 42
EH	HSP	E922	1100	1464	Nurse Aide Inst	\$	43,636 43
EH	HSP	E922	1100	1456	Reg Nurse Inst	\$	41,844 44
EH	HSP	E922	1100	1760	Nurses Aide Inst	\$	39,662 45
EH	HSP	E922	1100	2587	Nurses Aide Inst	\$	40,753 46
EH	HSP	E928	1100	0979	Sr Nurses Aide Inst	\$	50,260 47
EH	HSP	E928	1100	2982	Nurses Aide Inst	\$	41,844 48
EH	HSP	E928	1100	3005	Nurse Aide Inst	\$	41,844 49
EH	HSP	E928	1100	8931	Practical Nurse	\$	45,610 50
EH	HSP	E934	1100	7801	Sr Medical Technologist	\$	97,106 51
EH	HSP	E950	1100	6190	Pastoral Assistant	\$	41,664 52
						\$	1,674,303

Increase Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
EH	DMH	M001	1101	Z999	Salary Savings	\$	97,106
EH	DMH	M020	1101	Z999	Salary Savings	\$	491,174
EH	DMH	M422	1101	Z999	Salary Savings	\$	41,844
EH	DMH	M812	1101	Z999	Salary Savings	\$	100,520
EH	HSP	4080	1101	Z999	Salary Savings	\$	66,416
EH	HSP	E304	1101	Z999	Salary Savings	\$	106,896
EH	HSP	E510	1101	Z999	Salary Savings	\$	73,204
EH	HSP	E628	1101	Z999	Salary Savings	\$	108,674
EH	HSP	E901	1101	Z999	Salary Savings	\$	60,610
EH	HSP	E908	1101	Z999	Salary Savings	\$	43,636
EH	HSP	E922	1101	Z999	Salary Savings	\$	165,895
EH	HSP	E928	1101	Z999	Salary Savings	\$	179,558
EH	HSP	E934	1101	Z999	Salary Savings	\$	97,106
EH	HSP	E950	1101	Z999	Salary Savings	\$	41,664
						\$	1,674,303

Decrease Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
M	DGS	I222		7285	Purchaser I	\$	69,700 53
M	DGS	I242		0199	Utilities Plant Foreman	\$	84,352 54
M	DGS	I243		0085	Maint Helper	\$	37,766 55
M	DGS	I248		0088	Main Mech (Gen)	\$	69,636 56
						\$	261,454

Increase Appropriation Account:

Fund	Agency	Org	Obj	Pos. No.			
M	DGS	I222	1102	Z999F	Salary Savings	\$	69,700
M	DGS	I242	1101	Z999	Salary Savings	\$	84,352
M	DGS	I243	1101	Z999	Salary Savings	\$	37,766
M	DGS	I248	1102	Z999F	Salary Savings	\$	69,636
						\$	261,454

Total for All Funds

\$ 3,366,647 56

DRAFT

Introduced by:
Hon. Ilan S. Schoenberger, Sponsor

Referral No. 8593

RESOLUTION NO. OF 2013
AUTHORIZING THE COUNTY OF ROCKLAND TO SHARE THE COST OF LEGAL SERVICES PERFORMED BY DANIEL P. DUTHIE AS PART OF THE MUNICIPAL CONSORTIUM IN SUPPORT OF REASONABLE WATER RATES

WHEREAS, United Water New York (UWNY) has made an application before the Public Service Commission (PSC) for a water rate increase of approximately 29% to compensate them for the costs of infrastructure improvement and increases in property tax liabilities (case number 13-W-0295); and

WHEREAS, the proposed increase would add approximately \$36 per household per quarter; and

WHEREAS, the Rockland County Legislature and the County of Rockland have intervened in the matter and have received "party status," as well as the Municipal Consortium on Support of Reasonable Water Rates representing various municipalities that would be affected by the rate increase; and

WHEREAS, the Rockland County Legislature considers it in the best interests of the County to join the Municipal Consortium in order to be represented with expert testimony at the PSC meetings to oppose this drastic rate increase; and

WHEREAS, Daniel P. Duthie, Esq. represents and is providing legal services to the Consortium in connection with the case before the PSC. Mr. Duthie is an attorney whom a number of towns have used in the past on PSC matters; and

WHEREAS, the greater the number of municipal corporations represented by the Consortium (Towns, Villages, School Districts, and Special Districts, as well as the County of Rockland), the more weight and credibility will be given to Mr. Duthie and his efforts on behalf of the many people impacted by this case, and the County of Rockland; and

WHEREAS, Mr. Duthie's fees are capped at \$90,000, and each municipal corporation joining the Consortium is being asked to share the costs of Mr. Duthie's legal fees to represent the Consortium in the pending case; and

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

RESOLVED, that the Rockland County Legislature hereby authorizes the County Executive to enter into an agreement with Daniel P. Duthie, Esq., in a form approved by the County Attorney, to represent it as part of the Municipal Consortium that has party status in United Water New York's case number 13-W-0295 before the Public Service Commission; and be it further

RESOLVED, that the County's share for his legal work shall not exceed the amount of \$_____; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to such persons as he, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3251
ELY
8/8/13
8/9/13
8/14/13

WHEREAS, Millennium Pipeline Company, L.L.C. wishes to enter into an Amended and Restated Payment in Lieu of Taxes Agreement with the Town of Ramapo, the Ramapo Central School District, the County of Rockland, and the County of Rockland Industrial Development Agency, for payment of monies in lieu of taxes pursuant to General Municipal Law 925-1, commencing with the applicable tax fiscal year immediately following the first taxable status date the Agency is the owner of record of the Project realty determined pursuant to the provisions of the Real Property Tax Law, and terminating on the fourteenth anniversary of the date of commencement, or earlier as provided in the agreement; and

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

WHEREAS, Millennium Pipeline Company, L.L.C. will essentially pay the amount of the County tax which they would have paid prior to the litigation and increase in assessed value; and

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

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the Amended and Restated Payment In Lieu Of Taxes (PILOT) agreement with Millennium Pipeline Company, L.L.C., the Town of Ramapo, Ramapo Central School District, County of Rockland and County of Rockland Industrial Development Agency for payment of monies in lieu of taxes in the amount set forth in the attached agreement, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and only upon the agreement of all parties.

AFR:dc
2013-03320
8-6-13

DRAFT

Introduced by:

Referral No. 7070

**RESOLUTION NO. OF 2013
OF THE LEGISLATURE OF THE COUNTY OF ROCKLAND,
AMENDING RESOLUTION NO. 850 OF 1983, AS LAST AMENDED BY
RESOLUTION NO. 394 OF 2011, TO IMPOSE AN
ADDITIONAL RATE OF SALES AND COMPENSATING USE TAXES**

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

SECTION 1. The first sentence of section two of Resolution No. 850, as enacted in 1983, and as amended by Resolution No. 394 of 2011, is amended to read as follows:

SECTION 2. Imposition of sales tax.

There is hereby imposed and there shall be paid a tax of three percent (3%), and for the period commencing March 1, 2002, and ending November 30, 2015, there is hereby imposed and there shall be paid an additional tax of five-eighths of one percent (5/8%), upon:

SECTION 2. Subdivision (h) of section three of Resolution No. 850, as enacted in 1983, and as amended by Resolution No. 394 of 2011, is amended to read as follows:

(h) With respect to the additional tax of five-eighths of one percent imposed for the period commencing March 1, 2002, and ending November 30, 2015, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be

read as referring to March 1, 2002, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 2001, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 2002. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 2002, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 850, as enacted in 1983, and as amended by Resolution No. 394 of 2011, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March 1, 2002, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7)

and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing March 1, 2002, and ending November 30, 2015, the tax shall be at the rate of three and five-eighths percent (3 5/8%), provided, however, on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 2002, and ending November 30, 2015, the tax shall be at the rate of three and five-eighths percent (3 5/8%), provided, however, on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing March 1, 2002, and ending November 30, 2015, the tax shall be at the rate

of three and five-eighths percent (3 5/8%), provided, however, on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing March 1, 2002, and ending November 30, 2015, the tax shall be at the rate of three and five-eighths percent (3 5/8%), provided, however, on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the

service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing March 1, 2002, and ending November 30, 2015, the tax shall be at the rate of three and five-eighths percent (3 5/8%), provided, however, on and after December 1, 2015, the tax shall be at the rate of three percent (3%), of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Section 4-A of Resolution No. 850, as enacted in 1983, and as amended by Resolution No. 394 of 2011, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-eighths of one percent rate of such sales and compensating use taxes, for the period beginning March 1, 2007, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions,

refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Paragraph (D) of subdivision (1) of section eleven of Resolution No. 850, as enacted in 1983, and as amended by Resolution No. 394 of 2011, is amended to read as follows:

(D)(i) With respect to the additional tax of five-eighths of one percent imposed for the period beginning March 1, 2002, and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to March 1, 2002.

(ii) With respect to the additional tax of three-eighths of one percent imposed for the period March 1, 2007, and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to March 1, 2007.

SECTION 6. Subdivision (c) of section fourteen of Resolution No. 850, as enacted in 1983, and as amended by Resolution No. 394 of 2011, is amended to read as follows:

(c) Notwithstanding any provision of this resolution to the contrary, and pursuant to the authority of section 1262-1 of the New York Tax Law:

(i) With respect to the additional five-eighths percent rate of tax imposed during the period beginning March first, two thousand two, and ending November thirtieth, two thousand fifteen, twenty percent of the net collections from such additional five-eighths percent rate shall be allocated and paid in cash, quarterly, directly to the towns in the county on the basis of the respective populations of the towns, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal

law completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county, to be used for any town purpose. However, where a town contains all or a part of one or more villages, the amount to be allocated quarterly to such town, as provided in the prior sentence, shall instead be further allocated and paid in cash, quarterly, directly to such town and to each such village or villages, on the basis of the respective populations of the portion of such town outside such village or villages and of each such village or portion thereof in the town, such populations determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county; in which case the town shall apply its share, first, to reduce taxes levied for part-town activities, and any balance remaining or portion thereof, in the discretion of the town board, may be applied to reduce general town taxes, county taxes levied in the area of the town outside of such villages or may be used for part-town activities or any combination thereof.

(ii) With respect to the additional three-eighths percent rate of tax imposed during the period beginning March first, two thousand seven, and ending November thirtieth, two thousand fifteen, sixteen and two-thirds percent of the net collections from such additional three-eighths percent rate shall be allocated and distributed to the general funds of towns and villages within the county of Rockland with existing town and village police departments from March first, two thousand seven, through December thirty-first, two thousand seven, and thirty-three and one-third percent of the net collections from such additional rate from January first, two thousand eight, through November thirtieth, two thousand fifteen. The monies allocated and distributed

pursuant to this paragraph (ii) shall be allocated and distributed to towns and villages with police departments on the basis of the number of full-time equivalent police officers employed by each police department and shall not be used for salaries heretofore or hereafter negotiated.

SECTION 7. This enactment shall take effect December 1, 2013.

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WHEREAS, Assembly Bill A.1443 further seeks to amend subdivisions 2 and 3 of section 1270-h of the Public Authorities Law, to require the MTA to deposit in the MTA finance fund all revenues resulting from limiting the growth of the MTA's total operating to the MTA finance fund and any excess savings to a separate sub-account with the finance fund for purposes of reducing the 2013 fare increase; and

WHEREAS, by curbing the out-of-control spending trends that have plagued the MTA since its inception in 1965, the MTA spending will be mitigated to 2 percent or 120 percent of the CPA, whichever is lower. This action will achieve billions in revenue generated through savings over the next several years; and

WHEREAS, this Legislature wishes to support this Assembly bill for the elimination of the Metropolitan Commuter Transportation Mobility Tax law and its efforts to control the excessive waste and spending of the MTA; and

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

RESOLVED, that the Legislature of Rockland County requests enactment of Assembly A.1443 by adopted by the New York State Assembly and that that the New York State Senate introduce similar legislation, and that the Governor sign such legislation; and be it further

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

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