

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 2, 2016 at 7:00 P.M., pursuant to the adjournment of the January 19, 2016 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 29th day of January 2016

The Legislature of Rockland County convened in regular session pursuant to adjournment of the January 19, 2016 meeting.

A Roll Call being taken at 7:12 p.m., the following Legislators were present and answered to their names:

Christopher J. Carey
Harriet D. Cornell
Toney L. Earl
Charles J. Falciglia
Michael M. Grant
Lon M. Hofstein
Douglas J. Jobson
Nancy Low-Hogan
Patrick J. Moroney
Aney Paul
Laurie A. Santulli
Ilan S. Schoenberger
Philip Soskin
Vincent D. Tyer
Aron B. Wieder
Jay Hood, Jr., Vice Chairman

Absent: Alden H. Wolfe, Chairman

Honorable Harriet D. Cornell, Legislator, District 10, led in the salute to the flag and delivered the invocation.

Comments from the Vice ChairmanHonorable Jay Hood, Jr.

Chairman Wolfe, who misses very few meetings, had an opportunity to go to Albany to moderate a discussion on food recovery. It is a very worthy cause, because a lot of food goes to waste from restaurants and homes. There has to be a way to find a way to get the food to people that need it. So, that is something that he has been working on. I commend him for that.

Comments from LegislatorsLegislator Aron B. Wieder

Thank you Mr. Chair and good evening to all.

On the night of November 22 1963 while this great nation was still in shock, trying to make sense of a senseless act earlier that day, the assassination of President Kennedy, the legendary television newscaster Chet Huntley made the following poignant remarks.

“There is in this country, and has been for too long, an ominous and sickening popularity of hatred. Hatred is self-generating, contagious, it feeds upon itself and explodes into violence. It is no inexplicable phenomenon that there are pockets of hatred in our country, areas and communities where the disease is permitted or encouraged or given status by those who can and do influence others. You and I have heard in recent months someone say, ‘Those Kennedys ought to be shot.’ A well-known national magazine recently carried an article saying Chief Justice Warren should be hanged. In its own defense, the magazine said it was only joking. But the Left has been equally bad. Tonight it might be the hope and resolve of all of us that we’ve heard the last of this kind of talk, jocular or serious, for the result is tragically the same.”

Unfortunately, over fifty years later, Chet hopes and aspirations never came to fruition.

At the next Legislative meeting the County Executive Mr. Ed Day will give his state of the county remarks, he will talk and take credit for everything good happening in this great county. But, what he will in all likelihood not talk about and certainly not attribute to any of his actions is the expectable hate permeating in the hearts and minds of some in Rockland County towards the Orthodox and Hasidic Jewish community.

With the advent and easy access of social media the hatred has taken on a depraved and perverted life of its own. Recently Mr. Ed Day posted on his Facebook page a post about homelessness in Rockland County. An individual posted the following comment, “Go after the scum cult that saps the county, and plenty would be available to help those that truly need it! An unmarried mother of 7 living in Monsey shouldn’t receive help, because the state doesn’t recognize that marriage!!”

Does anyone here have any doubt to what group the commenter was referring to “scum cult and living in Monsey? Another person responded with, “I would like to click a thousand likes on the comment.” Mr. Ed Day engaged in a conversation with those posting this type of vitriol and even appears to agree with those sentiments, let alone, never once denouncing any of it. On another post by Mr. Ed Day on his Facebook page, he denounces a development application by a Hasidic Orthodox Jew, and we find the following comments, “And the Hassie’s will get their way because they will pay somebody off higher up in government and sweep it under the rug.”

Another comment reads as following, “The cancer has spread.”

And finally a comment reads simply, “Cancer has spread and its terminal.”

Once again Mr. Ed Day has not uttered a single word of rebuke.

There is currently a County Employee who in his job for the County, interacts with members of the Hasidic and Orthodox Jewish community. He has a Facebook page infested with a degenerate hate directed towards the Hasidic and Orthodox Jewish community, the notorious Block the Block Vote Facebook page. Let me read one of many shocking comments from Block the Block vote page, on a post about the same development Mr. Ed Day riled against. “It’s nearly funny! Here they are planning to place thousands of their own kind right next to a dangerous pipeline - well I guess if it blows, our problems will be solved, because I do not expect too many survivors!” It is worth mentioning the person that posted this comment purports to also work for the County of Rockland.

A third Facebook page supposedly dedicate to issues in the Town of Clarkstown, but somehow has become another Facebook page dedicated towards hate and animus towards the Hasidic and Orthodox Jewish community, called Clarkstown What They Don’t Want You to Know. They too, chimed in on the very same development issue Mr. Ed Day riled against, and not so shockingly the following comments appear, “If this does go through, it will be a front for another Hassidic/Orthodox enclave”.

Another comment, "The end is near for Rockland. Elected officials, bought and paid for, are allowing this cancer to spread unchecked. Criminals".

Or this comment, "They are ruining the beautiful County like they do everything else so sad". And finally this shocking comment, "Better start fighting this now. New York is turning into a big Hasidic community wonder who will foot the bill when everyone moves, we know those losers want everyone to pay their way for them and their numerous special needs kids because of all the inbreeding. Fight, fight, fight."

These types of comments have been appearing on various local Facebook pages in the last few years, it is becoming the norm. The examples I sited, are only a very few, from the last week alone. The three Facebook pages I mentioned before has a total of 24,885 likes combined. Shocking, indeed. I have talked about this hatred on previous occasions, and I will continue to speak out. I will not tire nor waver or be silenced. In the face of raw, adulterated and dark hatred, there is no other choice but to shed a light regardless of how uncomfortable it may be. Mr. Ed Day the Orthodox and Hasidic community are pleading with you, 'enough is enough'.

The time for the hatred to retire can't come soon enough, but the Hasidic and Orthodox Jewish community trembles with fear and wonders, will it take a tragedy that will ultimately wake up the good people of Rockland County?

Legislator Charles J. Falciglia

I just want to put it on record that I am not in the pension or health plan, nor will I be. I denied both of them, because I don't need to. Also, I have taken no campaign contributions. I want to put that on the record so everyone gets to know me a little better. Thank you.

The Vice Chairman opened the public participation portion of the meeting at 7:30 p.m. and the following person spoke:

❖ Jim Flynn, County finances

Public Participation ended at 7:32 p.m.

Introduced by:

Referral No. 9392

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

**RESOLUTION NO. 29 OF 2016
APPROVING LEASE AGREEMENT BETWEEN GOOD SAMARITAN
REGIONAL MEDICAL CENTER AND THE COUNTY OF ROCKLAND
AT NO COST TO THE COUNTY (NCTD) FOR A PERIOD OF 60 MONTHS
(FIVE YEARS) FROM JANUARY 1, 2016 TO DECEMBER 31, 2020
AND AUTHORIZING EXECUTION OF THIS
AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]**

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

WHEREAS, The District Attorney is requesting that the County approve a lease agreement with Good Samaritan Regional Medical Center, 255 Lafayette Avenue, Suffern, New York 10901, for a Special Victims Center; and

WHEREAS, This lease agreement is for no cost for a period of 60 months (five years) from January 1, 2016 to December 31, 2020; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves a lease agreement with Good Samaritan Regional Medical Center, 255 Lafayette Avenue, Suffern, New York 10901, from January 1, 2016 to December 31, 2020 for a Special Victims Center for 60 months (five years), and authorizes execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

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

RESOLVED, the Legislature of Rockland County gratefully acknowledges Good Samaritan Regional Medical Center and thanks them for their generous donation of space for the Special Victims Center.

Introduced by:

Referral No. 8896

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

**RESOLUTION NO. 30 2016
 APPROVING A MAINTENANCE SERVICE AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND AND MOTOROLA, INC.
 FOR A NEW RADIO SYSTEM
 LOCATED AT THE SHERIFF'S COMMUNICATION CENTER
 IN AN AMOUNT NOT TO EXCEED \$720,000
 FOR THE PERIOD JANUARY 1, 2016 THROUGH DECEMBER 31, 2016
 AND AUTHORIZING THE EXECUTION OF THIS
 AGREEMENT BY THE COUNTY EXECUTIVE
 (OFFICE OF FIRE AND EMERGENCY SERVICES)
 (\$720,000)**

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

WHEREAS, The Rockland County Director of Fire and Emergency Services recommends to the County Executive and the Legislature of Rockland County that the County approve a maintenance service agreement between the County of Rockland and Motorola, Inc., 5 Paragon Drive, Suite 200, Montvale, New Jersey 07645 for a new radio system located at the Sheriff's Communication Center in an amount not to exceed \$720,000 for the period January 1, 2016 through December 31, 2016; and

WHEREAS, Rockland County funded and constructed an extremely complex trunked, interoperable emergency services radio communication system for all local fire, police, emergency services and other agencies; and

WHEREAS, The warranty for this system expired as of July 1, 2015; and

WHEREAS, It is necessary to enter into a service agreement for this radio communication system; and

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

WHEREAS, Sufficient funds for this agreement were provided for in the 2016 Budget of Office of Fire and Emergency Services Department (Dept. 3412, line E4380); 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 a maintenance service agreement between the County of Rockland and Motorola, Inc. , 5 Paragon Drive, Suite 200, Montvale, New Jersey 07645 for the radio system located at the Sheriff's Communication Center in an amount not to exceed \$720,000 for the period January 1, 2016 through December 31, 2016, and authorizing the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement were provided for in the 2016 Budget of the Office of Fire and Emergency Services Department (Dept. 3412, line E4380).

Introduced by:

Referral No. 8896

Hon. Aron B. Wieder, Sponsor
Hon. Jay Hood, Jr. , Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Laurie Santulli, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 31 OF 2016
ACCEPTANCE OF DONATION OF A LIFESIZE VIDEO CONFERENCING UNIT
FROM NEW YORK TECHNOLOGY COMPANY FOR EMERGENCY
RESPONSE, PREPAREDNESS AND COMMUNICATIONS
[FIRE AND EMERGENCY SERVICES]**

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

WHEREAS, The County Executive and the County Legislature have been advised by the Rockland County Office of Fire and Emergency Services that they have received from New York Technology Company, 265 West 37th Street, Floor 12A, New York, New York 10018, a donation of a Lifesize Video Conferencing Unit that will be utilized at the Fire Training Center for emergency response, preparedness and communications; and

WHEREAS, The fair market value of this equipment is approximately \$63,999; and

WHEREAS, It is necessary to obtain approval of the Legislature to accept this donation; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a Lifesize Video Conferencing Unit from New York Technology Company, 265 West 37th Street, Floor 12A, New York, New York 10018 that will be utilized at the Fire Training Center for emergency response, preparedness and communications, and authorizes the execution of all necessary donation acceptance documents by the County Executive, subject to the review of the County Attorney; and be it further

RESOLVED, That the Legislature hereby directs the Clerk of the Legislature to express the appreciation of the Rockland County Legislature to New York Technology Company for their donation.

Introduced by:

Referral No. 2973

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

**RESOLUTION NO. 32 OF 2016
 APPROPRIATION OF FUNDS FROM THE STOP-DWI RESERVE
 ACCOUNT IN THE TOTAL AMOUNT OF \$33,925
 IN ORDER TO CONTRACT WITH
 EDUCATION & ASSISTANCE CORP., INC.
 TO PROVIDE A PART-TIME CASE MANAGER FOR
 CASE MANAGEMENT, ADDICTION COUNSELING AND
 DRUG TESTING SERVICES TO THE FELONY DWI OFFENDERS
 IN THE ROCKLAND COUNTY DRUG COURT
 [STOP-DWI]
 (\$33,925)**

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

WHEREAS, The Coordinator of STOP-DWI has requested that a total of \$33,925 of funds from balance sheet account A-8891 (Reserve - STOP-DWI) be appropriated to her department in order to contract with Education & Assistance Corp., Inc., 50 Clinton Street, Suite 107, Hempstead, New York 11550, for \$33,925 to provide a part-time Case Manager within this organization for case management, addiction counseling and drug testing services to felony DWI offenders in Rockland County Drug Court; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$33,925 appropriation exists within said balance sheet account; 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 appropriating \$33,925 of funds from balance sheet account A-8891 (Reserve - STOP-DWI) in order to contract with Education & Assistance Corp., Inc. 50 Clinton Street, Suite 107, Hempstead, New York 11550, for \$33,925 to provide a part-time Case Manager within this organization for case management, addiction counseling and drug testing services to felony DWI offenders in Rockland County Drug Court; and be it further

RESOLVED, That the adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$33,925 appropriation exists within said balance sheet account; and be it further

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

<u>GENERAL FUND - 2016</u>		
<u>Increase Approp. Acct. (Credit):</u>		
A-EXE-4250-E5060	Program Costs	33,925
<u>Increase Approp. Fund Bal. (Debit):</u>		
A-UNC-9990-R5990	(Reserved for STOP-DWI)	33,925

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 33 OF 2016
 APPROVING PURCHASES IN EXCESS OF \$100,000
 FROM UNIVERSAL ELECTRIC MOTOR SERVICE, INC.
 FOR PUMPS – INSPECTION, OVERHAUL, REWIND AND REPAIR SERVICES
 IN AN ADDITIONAL AMOUNT OF \$85,000 AND EXERCISING THE FOURTH OPTION TERM
 FROM APRIL 28, 2015 THROUGH APRIL 27, 2016 FOR A TOTAL AMOUNT
 NOT TO EXCEED \$700,000 FROM THE COMMENCEMENT DATE
 APRIL 28, 2012 THROUGH APRIL 27, 2016
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 UNDER RFB-RC-2012-018
 [DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
 (\$700,000)**

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

WHEREAS, By Resolution No. 299 of 2012, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Universal Electric Motor Service, Inc. (“Universal Electric”), 131 South Newman Street, Hackensack, New Jersey 07601 for pumps – inspection, overhaul, motor rewind and repair services under RFB-RC-2012-018 (“the RFB”) in an amount not to exceed \$135,000 for the period from April 28, 2012 through April 27, 2013 with four one (1) year options; and

WHEREAS, By Resolution No. 341 of 2013, the Legislature of Rockland County approved additional purchases in excess of \$100,000 from Universal Electric under the RFB for an additional amount of \$160,000 and exercised the first option for the period from April 28, 2013 through April 27, 2014 for a total amount not to exceed \$295,000 for the period from April 28, 2012 through April 27, 2014 with three (3) remaining one (1) year options; and

WHEREAS, By Resolution No. 194 of 2014, the Legislature of Rockland County approved additional purchases in excess of \$100,000 from Universal Electric under the RFB for an additional amount of \$160,000 and exercised the second option for the period from April 28, 2014 through April 27, 2015 for a total amount not to exceed \$455,000 for the period from April 28, 2012 through April 27, 2015 with two (2) remaining one (1) year options; and

WHEREAS, By Resolution No. 50 of 2015, the Legislature of Rockland County approved additional purchases in excess of \$100,000 from Universal Electric under the RFB for an additional amount of \$160,000 and exercised the third option for the period from April 28, 2015 through April 27, 2016 for a total amount not to exceed \$615,000 for the period from April 28, 2012 through April 27, 2016 with one (1) remaining one (1) year option; and

WHEREAS, The services performed and commodities received under this contract are authorized on an as needed basis by a representative of the Rockland County Sewer District No. 1; and

WHEREAS, Due to additional repairs needed to the Rockland County Sewer District No. 1's equipment, it is estimated an additional \$85,000 will be needed to cover the specified maintenance and repair services required through April 27, 2016; and

WHEREAS, The Director of Purchasing and the Executive Director of the Sewer District recommend that the County Executive and the Legislature of Rockland County approve purchases in excess of \$100,000 from Universal Electric Motor Service, Inc., 131 South Newman Street, Hackensack, New Jersey 07601 for pumps – inspection, overhaul, motor rewind and repair services under the RFB in an additional amount not to exceed \$85,000 for the fourth option term from April 28, 2015 through April 27, 2016 for a total amount not to exceed \$700,000 from the commencement date April 28, 2012 through April 27, 2016; and

WHEREAS, All purchases shall be made by formal purchase order on an as-needed basis; and

WHEREAS, Sufficient funding for said additional amount exists in the 2016 Budget of the Rockland County Sewer District No. 1 (Dept. 8120, Line E4060); and

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

WHEREAS, The Planning 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 purchases in excess of \$100,000 from Universal Electric Motor Service, Inc., 131 South Newman Street, Hackensack, New Jersey 07601 for pumps – inspection, overhaul, motor rewind and repair services under RFB-RC-2012-018 in an additional amount of \$85,000 000 for the fourth option term from April 28, 2015 through April 27, 2016 for a total amount not to exceed \$700,000 from the commencement date April 28, 2012 through April 27, 2016, and authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for said additional amount exists in the 2016 Budget of the Rockland County Sewer District No. 1 (Dept. 8120, Line E4060).

Introduced by:

Referral No. 9323

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

**RESOLUTION NO. 34 OF 2016
 APPROVING PURCHASES IN EXCESS OF \$100,000
 FROM ORACLE AMERICA, INC.
 FOR ANNUAL PEOPLESFT ENTERPRISE AND PEOPLESFT
 DATABASE MAINTENANCE AND SUPPORT FOR EXISTING LICENSES
 IN AN AMOUNT NOT TO EXCEED \$234,223.89 AND
 FOR ORACLE DATABASE ENTERPRISE EDITION-PROCESSOR PERPETUAL
 IN AN AMOUNT NOT TO EXCEED \$34,107.55
 FOR A TOTAL AMOUNT NOT TO EXCEED \$268,331.44
 IN ACCORDANCE WITH NYS OGS CONTRACT NO. PT64000
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$268,331.44)**

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

WHEREAS, By Resolution No. 577 of 2012, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Oracle America, Inc., 1910 Oracle Way, Reston, VA 20190 for annual Oracle PeopleSoft Enterprise and PeopleSoft Database (“PeopleSoft Software”) maintenance and support for existing licenses in an amount not to exceed \$104,480.68 for the period from July 1, 2012 through December 31, 2012 in accordance with the terms and conditions specified in New York Office of General Services (NYS OGS) Contract No. PT64000; and

WHEREAS, By Resolution No. 168 of 2013, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Oracle America, Inc., 1910 Oracle Way, Reston, VA 20190 for annual PeopleSoft Financial and Human Resource Systems Maintenance and support for existing licenses in an amount not to exceed \$214,348.10 for the period from January 1, 2013 through December 31, 2013 and Annual Oracle Database Enterprise Edition-Processor Perpetual Maintenance and support for existing licenses in the amount of \$31,213.24 for the period February 11, 2013 through February 10, 2014 for a total amount not to exceed \$245,561.34 in accordance with the terms and conditions specified in New York Office of General Services (NYS OGS) Contract No. PT64000; and

WHEREAS, By Resolution No. 112 of 2014, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Oracle America, Inc., 1910 Oracle Way, Reston, VA 20190 for annual Oracle PeopleSoft Enterprise and PeopleSoft Database (“PeopleSoft Software”) maintenance and support for existing licenses in an amount not to exceed \$252,928.16 in accordance with the terms and conditions specified in New York Office of General Services (NYS OGS) Contract No. PT64000; and

WHEREAS, By Resolution No. 48 of 2015, the Legislature of Rockland County approved the purchases in excess of \$100,000 from Oracle America, Inc., 1910 Oracle Way, Reston, VA 20190 for annual Oracle PeopleSoft Enterprise and PeopleSoft Database (“PeopleSoft Software”) maintenance and support for existing licenses in an amount not to exceed \$260,515.95 in accordance with the terms and conditions specified in New York Office of General Services (NYS OGS) Contract No. PT64000;

WHEREAS, It is necessary for the County to continue this annual maintenance and support for its PeopleSoft Software and Oracle Database Enterprise Edition-Processor Perpetual from Oracle America, Inc. in 2016; and

WHEREAS, The County may procure the annual maintenance and support from Oracle America, Inc. in accordance with the NYS OGS contract at volume discounted pricing for the entire State of New York; and

WHEREAS, Under the NYS OGS contract, the price to purchase of PeopleSoft Financial and Human Resource Systems for the period from January 1, 2016 through December 31, 2016 is \$234,223.89 (3% increase over cost from previous year); and

WHEREAS, Under the NYS OGS contract, the price to purchase of Oracle Database Enterprise Edition- Processor Perpetual for the period from February 11, 2016 through February 10, 2017 is \$34,107.55 (3% increase over cost from previous year); and

WHEREAS, Software maintenance is required to receive annual tax updates for the payroll system, software upgrade licenses and system fixes as they become available; and

WHEREAS, The Director of Purchasing recommends that the County Executive and the Legislature of Rockland County approve purchases in excess \$100,000 from Oracle America, Inc., 1910 Oracle Way, Reston, VA 20190 for annual Oracle PeopleSoft Enterprise and PeopleSoft Database maintenance and support for existing licenses in an amount not to exceed \$234,223.89 for the period from January 1, 2016 through December 31, 2016 and for Oracle Database Enterprise Edition-Processor Perpetual for the period February 11, 2016 through February 10, 2017 in the amount of \$34,107.55, for a total amount not to exceed \$268,331.44, in accordance with the terms and conditions specified in NYS OGS Contract No. PT64000; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2016 Adopted Budget and contingent upon the 2017 Budget appropriations of the Department of General Services M-DGS-2300-E4220 ; and

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

WHEREAS, The Planning 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 purchases in excess \$100,000 from Oracle America, Inc., 1910 Oracle Way, Reston, VA 20190 for annual Oracle PeopleSoft Enterprise and PeopleSoft Database maintenance and support for existing licenses in an amount not to exceed \$234,223.89 for the period from January 1, 2016 through December 31, 2016, and for Oracle Database Enterprise Edition-Processor Perpetual for the period February 11, 2016 through February 10, 2017 in the amount of \$34,107.55, for a total amount not to exceed \$268,331.44, in accordance with the terms and conditions specified in NYS OGS Contract No. PT64000; and

RESOLVED, That sufficient funding for these purchases is provided for in the 2016 Adopted Budget and contingent upon the 2017 Budget appropriations of the Department of General Services M-DGS-2300-E4220.

Introduced by:

Referral No. 6795

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

**RESOLUTION NO. 35 OF 2016
 APPROVING PURCHASES IN EXCESS OF \$100,000
 FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
 FOR WIRELESS TELECOMMUNICATION SERVICES AND CELLULAR
 TELEPHONES FOR VARIOUS COUNTY DEPARTMENTS ON AN AS
 NEEDED BASIS UNDER NEW YORK STATE OFFICE OF GENERAL SERVICES
 CONTRACT NO. PS63766 FOR A TOTAL AMOUNT OF \$260,000
 FOR THE PERIOD FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016
 AND AUTHORIZING PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$260,000)**

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

WHEREAS, The County of Rockland is authorized to use New York State Office of General Services ("NYS OGS") Contract No. PS63766 for the procurement of comprehensive telecommunications services; and

WHEREAS, Twenty nine (29) vendors are listed on the statewide telecommunications contract, but only a few vendors offer wireless services; and

WHEREAS, The County has purchased such services primarily from Verizon and Sprint (Nextel) due to the topography in Rockland County and the coverage of the carriers; and

WHEREAS, In late 2012, Sprint had stopped investing in their network infrastructure and has not been supporting the push-to-talk features used by the County requiring several of our Sprint accounts to be switched over to Verizon during the 2013 fiscal year; and

WHEREAS, NYS OGS Contract No. PS63766 provides volume discounted pricing for the entire State of New York; and

WHEREAS, The Director of Purchasing recommends that the County Executive and the Legislature of Rockland County approve purchases in excess of \$100,000 from Cellco Partnership d/b/a Verizon Wireless for wireless telecommunication services and cellular telephones for various County departments on an as needed basis in accordance with NYS OGS Contract No. PS63766 in the amount of \$260,000 for the period from January 1, 2016 through December 31, 2016; and

WHEREAS, All purchases shall be made by formal purchase order, encumbering the funds in advance of services provided, subject to the approval of the Director of Purchasing, and shall be in accordance with the approved 2016 Budgets for each County Department which purchases off of these contracts; and

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

WHEREAS, The Planning 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 approves purchases in excess of \$100,000 from Cellco Partnership d/b/a Verizon Wireless for wireless telecommunication services and cellular telephones for various County departments on an as needed basis in accordance with NYS OGS Contract No. PS63766 in the amount of \$260,000 for the period from January 1, 2016 through December 31, 2016; and be it further

RESOLVED, That all purchases shall be made by formal purchase order, encumbering the funds in advance of services provided, subject to the approval of the Director of Purchasing, and shall be in accordance with the approved 2016 Budgets for each County Department which purchases off of these contracts.

The vote resulted as follows:

Ayes:	15	(Legislators Cornell, Earl, Falciglia, Grant, Hofstein, Jobson, Low-Hogan, Moroney, Paul, Santulli, Schoenberger, Soskin, Tyer, Wieder, Hood, Jr.)
Abstain:	1	(Legislator Carey, employed by Verizon)
Absent:	1	(Legislator Wolfe)

Introduced by:

Referral No. 9263

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

**RESOLUTION NO. 36 OF 2016
 APPROVING THE ACCEPTANCE OF A GRANT
 IN THE AMOUNT OF \$120,000 [NCTD]
 FROM THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES
 TO THE ROCKLAND COUNTY DEPARTMENT OF SOCIAL SERVICES
 FOR CONTINUED PARTICIPATION IN THE
 NEW YORK SAFE HARBOUR INITIATIVE
 FOR THE CALENDAR YEAR 2016
 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE
 ALL NECESSARY INSTRUMENTS AND DOCUMENTS
 [DEPARTMENT OF SOCIAL SERVICES]
 (\$120,000)**

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

WHEREAS, The Commissioner of Social Services has advised the County Executive and the Legislature of Rockland County that the New York State Office of Children and Family Services has awarded the Rockland County Department of Social Services a grant in the amount of \$120,000 for continued participation in the New York Safe Harbour Initiative for the calendar year 2016; and

WHEREAS, The Department of Social Services intends to use this funding to improve its response to human trafficking and sexual exploitation of children; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant in the amount of \$120,000 from the New York State Office of Children and Family Services to the Rockland County Department of Social Services for continued participation in the New York Safe Harbour Initiative for the calendar year 2016, and authorizes the County Executive to execute all necessary instruments and documents, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars [NCTD] are required to accept these grant funds; and be it further

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

GENERAL FUND - 2016

<u>Increase Approp. Acct. (Credit):</u>		
A-DSS-6010-GD18-E5060	Program Costs	120,000
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-DSS-6010-GD18-R3680	DSS Grant(s)	120,000

Introduced by:

Referral No. 8886

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

**RESOLUTION NO. 37 OF 2016
 APPROVING THE ACCEPTANCE OF
 A NEW LOCAL IMPACT GRANT IN THE AMOUNT OF \$135,000
 FROM HUDSON RIVER HEALTH CARE, INC.,
 A SUBCONTRACTOR OF THE NEW YORK STATE DEPARTMENT OF HEALTH,
 TO DEVELOP, IMPLEMENT AND EVALUATE ROCKLAND COUNTY
 BUSINESSES TO ACHIEVE WORKPLACE WELLNESS INITIATIVES
 FOR THE PERIOD FROM SEPTEMBER 1, 2015 THROUGH SEPTEMBER 29, 2016
 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE
 ALL NECESSARY DOCUMENTS INCLUDING THE SUBRECIPIENT
 AGREEMENT WITH HUDSON RIVER HEALTH CARE, INC.
 [DEPARTMENT OF HEALTH]
 (\$135,000)**

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

WHEREAS, The Commissioner of Health has advised the County Executive and the Legislature of Rockland County that the Rockland County Department of Health has been awarded a new Local Impact Grant in the amount of \$135,000 from Hudson River Health Care, Inc., a subcontractor which received a grant from the New York State Department of Health (NYS DOH) by working in partnership with NYS DOH and other community based organizations to develop, implement and evaluate Rockland County businesses to achieve workplace wellness initiatives for the period from September 1, 2015 through September 29, 2016; and

WHEREAS, The Commissioner of Health further requests that the County Executive and the Legislature approve the accompanying Sub recipient Agreement with Hudson River Health Care, Inc.; and

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

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a new Local Impact Grant in the amount of \$135,000 from Hudson River Health Care, Inc., a subcontractor which received a grant from the New York State Department of Health (NYS DOH) by working in partnership with NYS DOH and other community based organizations to develop, implement and evaluate Rockland County businesses to achieve workplace wellness initiatives for the period from September 1, 2015 through September 29, 2016, and hereby authorizes the County Executive to execute all necessary documents including the Subrecipient Agreement with Hudson River Health Care, Inc., subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars [NCTD] are required to accept these grant funds; and be it further

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

GENERAL FUND - 2016

Increase Approp. Acct. (Credit):

A-DOH-4010-GH11-E4098
-E5060

Services from Other County Depts.
Program Costs

133,258
1,742

Increase Est. Rev. Acct. (Debit):

A-DOH-4010-GH11-R3480

Health Grant(s)

135,000

Introduced by:

Referral No. 9252

- Hon. Aron B. Wieder, Sponsor
- Hon. Jay Hood, Jr. , Sponsor
- Hon. Nancy Low-Hogan, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Laurie Santulli, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Lon M. Hofstein, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 38 OF 2016
 APPROVING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$3,815 (NCTD)
 FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
 AND EMERGENCY SERVICES (DHSES) HAZARDOUS MATERIALS
 EMERGENCY PREPAREDNESS (HMEP) GRANT TO TRAIN
 EMERGENCY RESPONDERS AND TO DISSEMINATE PREPAREDNESS PLANS
 FOR THE PERIOD SEPTEMBER 30, 2015 THROUGH SEPTEMBER 30, 2016
 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 [OFFICE OF FIRE AND EMERGENCY SERVICES]
 (\$3,815)**

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

WHEREAS, The Rockland County Office of Fire and Emergency Services has advised the County Executive that the NYS Division of Homeland Security and Emergency Services (DHSES) has awarded their department a \$3,815 Hazardous Materials Emergency Preparedness (HMEP) grant to train emergency responders and to disseminate preparedness plans for the period September 30, 2015 through September 30, 2016; and

WHEREAS, Funding for this grant is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) but is administered by the NYS DHSES; and

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

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

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

RESOLVED, That the Legislature of the County of Rockland hereby approves acceptance of a \$3,815 Hazardous Materials Emergency Preparedness (HMEP) grant from the NYS Division of Homeland Security and Emergency Services (DHSES) to train emergency responders and to disseminate preparedness plans for the period September 30, 2015 through September 30, 2016, and hereby authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for this grant is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) but is administered by the NYS DHSES; and be it further

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

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

<u>GENERAL FUND - 2016</u>		
<u>Increase Approp. Acct. (Credit):</u>		
A-EME-3644-E5060	Program Costs	\$3,815
<u>Increase Est. Rev. Acct. (Debit)</u>		
A-EME-3644-R4380	Public Safety Grant(s)	\$3,815

Introduced by:

Referral No. 9252

Hon. Aron B. Wieder, Sponsor
 Hon. Jay Hood, Jr. , Sponsor
 Hon. Nancy Low-Hogan, Sponsor
 Hon. Philip Soskin, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Laurie Santulli, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Lon M. Hofstein, Sponsor
 Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 39 OF 2016
 APPROVAL OF INTERGOVERNMENTAL MEMORANDUM
 OF AGREEMENT WITH THE NEW YORK STATE
 DIVISION OF HOMELAND SECURITY AND EMERGENCY
 SERVICES FOR THE TEMPORARY LOAN OF
 FIRE SUPPRESSION FOAM EQUIPMENT FOR A
 TERM OF TWENTY-FOUR (24) MONTHS
 FROM THE DATE THE AGREEMENT BECOMES EFFECTIVE
 UPON THE APPROVAL AND FILING BY THE STATE COMPTROLLER
 WITH A RENEWAL OPTION OF AN ADDITIONAL TWENTY-FOUR (24)
 MONTHS AND AUTHORIZING ITS EXECUTION BY
 THE COUNTY EXECUTIVE
 [OFFICE OF FIRE AND EMERGENCY SERVICES]**

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

WHEREAS, On January 28, 2014, Governor Andrew Cuomo issued Executive Order 125 directing State agencies to conduct a review of safety procedures and emergency response preparedness relating to the shipments of volatile crude from the Bakken Oil fields in North Dakota and other sources; and

WHEREAS, The State has formed the New York State Foam Task Force (Task Force), which is a State and local partnership to support and supplement existing local foam capabilities to assure that trained personnel and the appropriate equipment is available at strategic locations throughout the State based on risk; and

WHEREAS, As a result of the review, the New York State Division of Homeland Security and Emergency Services has acquired a quantity of foam trailers, equipment and supplies, and pre-positioned such equipment at strategic locations with participating agencies that agree to support the efforts of the Task Force; and

WHEREAS, The Coordinator of Fire and Emergency Services requests that the County Executive and the Legislature of Rockland County approve an Intergovernmental Memorandum of Agreement between the County and the New York State Division of Homeland Security and Emergency Services for the temporary loan of fire suppression foam equipment for an initial term of twenty-four (24) months with a renewal term of twenty-four (24) months effective upon the approval and filing by the State Comptroller; and

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

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

RESOLVED, That the Legislature of Rockland County approves the Intergovernmental Memorandum of Agreement between the County and the New York State Division of Homeland Security and Emergency Services for the temporary loan of fire suppression foam equipment for an initial term of twenty-four (24) months at no cost to the County, and authorizes the County Executive to sign the Intergovernmental Memorandum of Agreement, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County funds are required for this agreement.

Introduced by:

Referral No. 2973/9500

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

**RESOLUTION NO. 40 OF 2016
 AMENDING THE 2015 BUDGET BY APPROVING THE ACCEPTANCE
 OF ADDITIONAL FUNDS IN THE AMOUNT OF \$36,245 FOR THE CALENDAR YEAR 2015
 FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH TO THE
 ROCKLAND COUNTY DEPARTMENT OF MENTAL HEALTH
 TO BE DISTRIBUTED TO MENTAL HEALTH ASSOCIATION OF ROCKLAND
 COUNTY, INC., LOEB HOUSE, INC., SAINT DOMINIC'S HOME AND
 ROCKLAND HOSPITAL GUILD, INC.
 FOR TEN (10) ADDITIONAL SUPPORTED HOUSING BEDS
 AND AUTHORIZING THE COUNTY EXECUTIVE
 TO EXECUTE ALL NECESSARY DOCUMENTS
 INCLUDING THE APPLICABLE CONTRACT AMENDMENTS
 [DEPARTMENT OF MENTAL HEALTH]
 (\$36,245)**

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

WHEREAS, The Commissioner of the Department of Mental Health (DMH) has advised the County Executive and the Legislature of Rockland County that the New York State Office of Mental Health has awarded DMH additional funding in the amount of \$36,245 for the calendar year 2015 to be distributed to the following four (4) not-for-profit mental health provider agencies for the calendar year 2015: (1) Mental Health Association of Rockland County, Inc. ("MHA") (\$10,873); (2) Loeb House, Inc. (\$10,873); (3) Saint Dominic's Home (\$10,874); and (4) Rockland Hospital Guild, Inc. (\$3,625); and

WHEREAS, The award is the result of a State aid allocation for ten (10) additional supported housing beds at these agencies; and

WHEREAS, The acceptance of these funds will require amendments to the County's 2015 contracts with MHA, Loeb House, Inc., Saint Dominic's Home and Rockland Hospital Guild, Inc.; and

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

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

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

WHEREAS, The Multi-Services and Budget and Finance Committees of this 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 additional funding in the amount of \$36,245 for the calendar year 2015 from the New York State Office of Mental Health to the Rockland County Department of Mental Health, which will be distributed to Mental Health Association of Rockland County, Inc. (\$10,873), Loeb House, Inc. (\$10,873), Saint Dominic's Home (\$10,874) and Rockland Hospital Guild, Inc. (\$3,625), as a result of a State aid allocation for ten (10) additional supported housing beds at these agencies, and hereby authorizes the County Executive to execute all necessary documents related to the acceptance of these funds, including the applicable contract amendments, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars [NCTD] are required to accept these funds; and be it further

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

GENERAL FUND - 2015

Increase Approp. Acct. (Credit):

A-DMH-4306-E5010	Mental Health Association	10,873
A-DMH-4342-E5010	Loeb House	10,873
A-DMH-4345-E5010	St. Dominic's Home	10,874
A-DMH-4347-E5010	Rockland Hospital Guild	3,625

Increase Est. Rev. Acct. (Debit):

A-DMH-4306-R3470	State Aid - OMH	10,873
A-DMH-4342-R3470	State Aid - OMH	10,873
A-DMH-4345-R3470	State Aid - OMH	10,874
A-DMH-4347-R3470	State Aid - OMH	3,625

Introduced by:

Referral No. 5614

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

**RESOLUTION NO. 41 OF 2016
 APPROVAL OF PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT BETWEEN
 PEARL RIVER CAMPUS, LLC, TOWN OF ORANGETOWN, NANUET SCHOOL
 DISTRICT, COUNTY OF ROCKLAND, AND THE COUNTY OF ROCKLAND INDUSTRIAL
 DEVELOPMENT AGENCY FOR PROPERTY LOCATED AT: 401 NORTH MAIN STREET, PEARL
 RIVER, TOWN OF ORANGETOWN, IN THE NANUET SCHOOL DISTRICT, TAX MAP SECTION 68.08
 BLOCK 1, PART OF LOT 1; SECTION 63.20 BLOCK 1 LOTS 2 AND 3; AND SECTION 68.12 BLOCK
 1 LOT 2 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF FINANCE]
 [PILOT]**

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

WHEREAS, Pearl River Campus, LLC has requested that the County of Rockland Industrial Development Agency finance the acquisition of the existing buildings and the construction of new buildings and the acquisition and installation of certain machinery and equipment related thereto, all to be used for a mixed use campus facility and administrative office, which Project is located at 401 North Main Street, Pearl River, Town of Orangetown, in the Nanuet School District being shown and designated on the Tax Map of the Town of Orangetown as Tax Map Section 68.08 Block 1, part of Lot 1; Section 63.20 Block 1 Lots 2 and 3; and Section 68.12 Block 1 Lot 2; and

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

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

WHEREAS, Pearl River Campus, LLC will continue to pay the full amount of the County tax which they would have paid if the County of Rockland Industrial Development Agency was not involved in the Project; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves a Payment In Lieu Of Taxes (PILOT) agreement with Pearl River Campus, LLC, the Town of Orangetown, the Nanuet 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.

PAYMENT IN LIEU OF TAXES AGREEMENT

THIS AGREEMENT (the "Agreement"), dated as of January ____, 2016, by and among PEARL RIVER CAMPUS, LLC ("Lessee"), a Delaware limited liability company duly authorized to conduct business in the State of New York, with offices at 11100 Santa Monica Boulevard, Suite 850, Los Angeles, California 90025, the TOWN OF ORANGETOWN (the "Town"), with offices at 26 Orangeburg Road, Orangeburg, New York 10962, the NANUET SCHOOL DISTRICT (the "School District"), with offices 101 Church Street, Nanuet, New York 10954, the COUNTY OF ROCKLAND (the "County"), with offices at 11 New Hempstead Road, New City, New York 10956 and the COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY, a New York public benefit corporation with offices at Two Blue Hill Plaza, Pearl River, New York 10965(the "Agency").

WITNESSETH

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

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

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

WHEREAS, the Project will consist of the acquisition, renovation, repurposing and redevelopment of existing buildings and the construction of new buildings and the acquisition and installation thereto of certain machinery and equipment related thereto, all to be used for a mixed use campus facility and administrative offices, which Project is located at 401 North Main Street, Pearl River, New York, Town of Orangetown, in the Nanuet School District, being shown and designated on the Tax Map of the Town of Orangetown as Section 68.08, Block 1, part of Lot 1, Section 63.20, Block 1, Lots 2 and 3 and Section 68.12, Block 1, Lot 2 (the land and the

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

WHEREAS, to facilitate the Project, the Agency proposes to enter into a "straight lease transaction" pursuant to the Agency's uniform tax exemption policy in which the Agency will acquire a leasehold interest in and to the Project Realty and the Agency will lease to PEARL RIVER CAMPUS, LLC, as Lessee, the Agency's interest in the Project (the "Lease Agreement"); and

WHEREAS, concurrently with the acquisition of the Project Realty by the Lessee, the Lessee has leased to the Agency the Project Realty pursuant to the terms of a Head Lease, and simultaneously therewith, the Agency and the Lessee entered into a certain lease agreement (the "Lease Agreement") pursuant to which the Agency leased the Project Realty to the Lessee; and

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

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

WHEREAS, the Agency has determined that it is both necessary and desirable that this Agreement be entered into upon the Agency entering into a "straight lease" transaction (the "Straight Lease Transaction") with Lessee.

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

1. Lessee hereby covenants and agrees to pay or have paid on its behalf, so long as the Agency is the record leaseholder of the Project, PILOT Payments to the County, Town and School District and to any other taxing entity on whose behalf any of the foregoing may levy and collect real property taxes, including fire districts, special benefit districts, and any other districts now or hereinafter created, as they now pay or would pay in accordance with the Real Property Tax Law.

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

3. Lessee acknowledges, agrees and accepts the present assessed valuation of the Project Realty constituting part of the Project and shall not commence any legal proceedings whether by tax certiorari or otherwise to alter the assessed valuation of the Project Realty so long as the assessed valuation does not change, using as a basis the 2016 assessed value of the Project Realty pursuant to the provisions of Article 19 of the Real Property Tax Law for each current parcel of the Project Realty. For the purposes of this paragraph, a change in assessed valuation as a consequence of a County-wide, or Town-wide revaluation shall not be considered a change in the assessed valuation as long as the assessed valuation of the subject property does not increase relative to the total non-homestead taxable assessment base in the Town of Orangetown. Any change in assessed valuation reflecting "additional construction", as provided for in Paragraph 17 of this Agreement, shall not be considered a "change in assessment" for the purposes of this Paragraph.

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

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

6. (a) Commencing on the PILOT Commencement Date, Lessee shall make PILOT Payments for each applicable tax fiscal year, with respect to the Project Realty, using as a basis the then current assessed value, as determined pursuant to the provisions of Article 19 of the Real Property Tax Law for each parcel of the Project Realty as published in the then current assessment roll.

(b) Notwithstanding anything to the contrary, Lessee agrees that the amounts payable by it or on its behalf as PILOT Payments for each year of the PILOT Period for the Project Realty shall be as follows:

<u>Assessment Roll Year</u>	<u>Total Tax Amount</u>
2016	\$9,000,000.00
2017	\$7,000,000.00
2018	\$6,000,000.00
2019	\$4,500,000.00
2020	\$4,500,000.00
2021	\$4,500,000.00
2022	\$4,500,000.00
2023	\$4,500,000.00
2024	\$4,500,000.00
2025	\$4,500,000.00

(c) For purposes of this Agreement the School District, Town and County amounts will be calculated and billed based on the following percentages of the total tax bill:

County	6.88%
Town	19.466%
School	73.654%

7. For the purposes of this Agreement, the applicable tax fiscal year for the school tax shall be September 1 through August 31, commencing September 1, 2016, and the applicable tax fiscal year for the State, County and Town tax shall be the calendar year (January 1 through December 31) commencing January 1, 2017. All PILOT payments shall be applied, apportioned and prorated as if paid in annual installments in advance in the same manner as real property taxes are paid for in connection with similar properties in the Town and School District.

8. For the purposes of this Agreement, the term PILOT Termination Date shall mean the earlier of (i) the occurrence of an Event of Default (as hereinafter defined) after the expiration of any applicable cure period or (ii) July 1, 2026 or (iii) the date the Agency is no longer a leaseholder of the Project Realty. For purposes of clarity, despite the July 1, 2026 date stated in (ii), the corresponding State, County and Town tax year shall end December 31, 2026.

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

- (a) Failure of Lessee to make any PILOT payments or any other payments required hereunder as and when due pursuant to this Agreement; or
- (b) Failure of Lessee to maintain the PILOT Letter of Credit pursuant to Paragraph 20 of this Agreement; or
- (c) Failure to make any payment on time in regard to Paragraph 20; or
- (c) An event of default under the Lease Agreement or any other agreement executed by Lessee in connection with the Straight Lease Transaction.

10. Prior to the PILOT Termination Date, the PILOT Escrow Agent (as hereinafter defined) shall notify the parties to this Agreement of the date upon which the PILOT Period is scheduled to terminate (the "PILOT Termination Notice"). The PILOT Escrow Agent, if required, shall calculate and apply that portion of the PILOT Payments to each of the affected taxing jurisdictions (State, County, Town and School District) and then shall apportion and adjust the PILOT Payments to be paid with respect to the balance of the tax fiscal year to each of the affected taxing jurisdictions to an amount equal to the full real property and school taxes that Lessee would have been required to pay if it were the owner of the Project Realty. The PILOT Termination Notice shall set forth such calculations and apportionments. After the PILOT Termination Date and until such time as the Project Realty is recorded on the tax rolls of the Town as no longer being the property of the Agency, Lessee agrees to make PILOT Payments in such amounts and at such times as would be due if the Project Realty were privately owned by a for-profit entity with no Agency participation. If this Agreement is terminated prior to July 1, 2026 (i.e., for the corresponding State, County and Town tax year ending December 31, 2026), Lessee shall receive a credit from the appropriate taxing authority toward the amount due in such year equal to that portion of the PILOT Payments allocable to the period of time following the PILOT Termination Date. Notwithstanding anything to the contrary contained in the foregoing, with respect to the last year of the PILOT Period, Lessee may prorate its PILOT Payments on the basis of the actual period of ownership by the Agency so that there shall exist no period of time for which Lessee is obligated to make PILOT Payments in addition to actual tax payments to which the Project Realty is subject under current law, at the time of reconveyance to the Lessee.

11. The parties agree that the Agency shall have the authority to appoint a PILOT Escrow Agent to perform the duties and obligations contained herein. The Agency hereby appoints the Director of Finance, Town of Orangetown, to act as the PILOT Escrow Agent. Lessee agrees to pay the PILOT Payments when due to the PILOT Escrow Agent, by check or bank draft payable at a bank in Rockland County, New York. The County, Town and School District consent to and agree that the Director of Finance, Town of Orangetown, shall act as their PILOT Escrow Agent pursuant to this Agreement, and shall allocate and pay to the School District, County and Town their respective payments as and when received.

12. Lessee shall also make payments to the PILOT Escrow Agent in respect of assessments for local improvements and any and all special and/or benefits assessments from the date the Agency becomes a leaseholder of the Project Realty as required by the affected taxing jurisdiction or special district. Nothing contained herein shall exempt Lessee from paying all fire district taxes, special district benefits assessments or user charges, including sewer and water rents relating to the Project, solid waste charges, and other assessments or fees imposed on the Project Realty or which may subsequently be imposed on the Project Realty in the future.

13. It is agreed that Lessee shall receive notice in advance in the same manner as any other taxpayer for any change in assessment and shall be entitled to protest administratively and judicially, any change in assessment or any other matter relating to the Project Realty as if the taxes were levied against Lessee as a property owner not exempt from taxation, subject, however, to the provisions of Paragraph 3. Lessee shall in all other respects have the same

administrative and legal rights and remedies with respect to the amounts it/they hereby obligate themselves to pay in lieu of taxes, including judicial appeal thereof, as if it/they were a property owner not exempt from taxation. The Agency shall join in any proceeding for obtaining relief under this paragraph to the extent that the Agency's consent is required for Lessee to undertake such procedure provided, however, that Lessee shall continue to make PILOT Payments required hereunder.

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

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

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

(1) one hundred percent (100%) of the Benefits (as defined below) if the Recapture Event occurs within the first four (4) years after the PILOT Commencement Date;

(2) eighty percent (80%) of the Benefits if the Recapture Event occurs during the 5th or 6th year after the PILOT Commencement Date; and

(3) sixty percent (60%) of the Benefits if the Recapture Event occurs during the 7th or 8th year after the PILOT Commencement Date; and

(4) forty percent (40%) of the Benefits if the Recapture Event occurs during the 9th year after the PILOT Commencement Date; and

(5) zero percent (0%) of the Benefits if the Recapture Event occurs during the 10th year after the PILOT Commencement Date.

The PILOT Escrow Agent shall then allocate and pay to the County, Town and School District their respective share of the Benefits when received. In no case shall Lessee pay to the County, Town and School District less than the amount listed in Paragraph 6.

The term "Benefits" shall mean, collectively all real estate tax benefits which have accrued to the benefit of Lessee during such time as the Agency was a leaseholder of the Project Realty by reason of the Agency's tenancy, such tax benefits to be computed by subtracting the PILOT Payments and any other assessments or payments paid by Lessee hereunder from those payments which Lessee would have been required to pay if Lessee had been the owner of the Project Realty with no Agency participation.

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

- (a) Lessee shall have liquidated its operations and/or assets (absent a showing of extreme hardship) as determined by the Agency in its reasonable discretion;
- (b) Lessee shall have ceased all or substantially all of its operations at the Project Realty (whether by relocation to another facility, or otherwise or whether to another location, either within or outside of the County);
- (c) Lessee shall have transferred all or substantially all of its employees to a location outside of the County;
- (d) Lessee shall have effected a substantial change in the scope and the nature of the operations of Lessee at the Project Realty, as determined by the Agency in its reasonable discretion;
- (e) Lessee shall have subleased all or any portion of the Project Realty in violation of the limitations imposed by Section 9.2 of the Lease without the prior written consent of the Agency, except (i) in connection with a sublease to any corporation or other entity which shall be an affiliate, subsidiary or parent of Lessee; or (ii) as permitted pursuant to Section 9.2 of the Lease.
- (f) Lessee shall have sold, leased, transferred or otherwise disposed of all or substantially all of its interest in the Project Realty, except (i) in connection with a transfer or other disposition to any corporation or other entity into or with which Lessee may be merged or consolidated or to any corporation or other entity which shall be an affiliate, subsidiary, parent or successor of Lessee, or (ii) as permitted under Section 9.2 of the Lease;
- (g) Lessee shall have defaulted under the terms of the Head Lease or Lease Agreements or under any document executed by Lessee in connection with the Straight Lease Transaction; or
- (h) An Event of Default shall have occurred.

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

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

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

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

17. Lessee specifically understands and agrees that the benefits provided in this Agreement apply to the Project. Any additional construction by Lessee, any sublessee or any third party upon the Project Realty shall not be entitled to the benefits of this Agreement unless with the prior written consent of the Agency, School District, Town and County. In the absence of such an agreement, any additional construction shall result in an increased PILOT Payment, over the amounts set forth in Paragraph 6, the increased payment amount being based on the assessed value of the additional construction. Such additional payment shall be made to the School District, Town and County in the same manner, and in the same percentages, as the base PILOT Payments provided herein. In no case shall the PILOT Payments made under this Agreement be less than the amounts listed in Paragraph 6.

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

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

20. (a) As security for the PILOT Payments or other payments required pursuant to this Agreement, Lessee shall obtain a direct pay letter of credit ("PILOT Letter of Credit") in an amount equal to the real estate taxes and school taxes which would be due and payable with respect to the first year of the PILOT Period if Lessee were the record owner of the Project.

PILOT Letter of Credit shall mean a letter of credit in favor of the PILOT Escrow Agent that (i) is issued by a bank authorized to do business in the State and whose long-term unsecured obligations are rated at least A- by Standard & Poor's Rating Services ("S&P") and A3 by Moody's Investors Service ("Moody's"), (ii) having at the time of delivery, a term of at least one year, (iii) authorizes the PILOT Escrow Agent to draw up to the full amount thereof upon receipt by the issuing bank (the "Issuing Bank") of a certification signed by the PILOT Escrow Agent that amounts payable by Lessee under this Agreement are past due, (iv) authorizes the PILOT Escrow Agent to draw up to the full amount thereof at any time during the fifteen-day period

prior to the expiration thereof if the then-existing PILOT Letter of Credit has not been extended for a term of one year or replaced by a substitute PILOT Letter of Credit satisfactory to the PILOT Escrow Agent on or prior to such fifteen-day period and (v) authorizes the PILOT Escrow Agent to draw up to the full amount thereof if, within thirty (30) days following receipt by Lessee of notice from the PILOT Escrow Agent that the long-term unsecured obligations of the issuer of the PILOT Letter of Credit have fallen below A- by S&P or A3 by Moody's and Lessee shall not have delivered to the PILOT Escrow Agent a replacement PILOT Letter of Credit satisfactory to the PILOT Escrow Agent and the Agency.

The PILOT Escrow Agent's recourse against the PILOT Letter of Credit shall neither limit nor preclude the Agency, County, Town and School District from exercising any and all remedies available under this Agreement by reason of Lessee's failure to make any payments due under Paragraph 5 or as elsewhere required in this Agreement. The PILOT Letter of Credit shall be in a form and provide for terms reasonably customarily provided in similar letters of credit and in a form satisfactory to the PILOT Escrow Agent and the Agency.

(b) In the event the Affected Taxing Jurisdictions consent, in writing, to waive the requirement for the PILOT Letter of Credit, and provided further that a letter is delivered from the holder of any mortgage that is a lien on the Project Realty ("Mortgagee"), confirming the Mortgagee is escrowing for and shall pay when due, the PILOT Payments, the Agency shall also waive such requirement. However, nothing herein shall prevent the Agency and the Affected Taxing Jurisdictions from requiring the delivery of the PILOT Letter of Credit in the event of a default in remitting any PILOT Payments due herein, as specified in Paragraph 4 herein, after ten (10) days' notice in writing thereafter with right to cure.

(c) In order to allow a proper assessment of the property, the Lessee agrees to remit to the Town Assessor any lease or other agreement with a tenant for any of the buildings on the property within 30 days of signature. The Lessee will also provide an income and expense statement by February 1st of each year.

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

(b) Lessee agrees to indemnify and hold the Indemnified Parties harmless against any expense, loss, damage, injury or liability incurred because of any lawsuit commenced

as a result of action taken by any Indemnified Party with respect to any of the matters set forth in this Agreement, including enforcement of any of the provisions of this Agreement.

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

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

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

- (a) if to the Agency, to the Chairperson, County of Rockland Industrial Development Agency, Two Blue Hill Plaza, Pearl River, New York 10965 with a copy to the Executive Director of the Agency at the same address, and
- (b) if to Lessee, to PEARL RIVER CAMPUS, LLC, 11100 Santa Monica Boulevard, Suite 850, Los Angeles, California, Attention: Stuart Lichter; Fax: 310-473-8702, with a copy to Fainsbert Mase Brown & Sussman, LLP, 11100 Santa Monica Boulevard, Suite 870, Los Angeles, California 90025, Attention: Jerry A. Brown, Jr., Esq., Fax: 310-473-8702.
- (c) if to School District, to Superintendent of Schools, Nanuet School District, 101 Church Street, Nanuet, New York 10954, Attention: Superintendent; Fax: 845-627-9880.
- (d) if to Town, to Town of Orangetown, 26 Orangeburg Road, Orangeburg, New York 10962, Attention: Supervisor; Fax: 845-359-5126.
- (e) if to County, to County Office Building, 11 New Hempstead Road, New City, New York 10956, Attention: County Executive; Fax: 845-638-5856.
- (f) if to PILOT Escrow Agent, to Town of Orangetown, 26 Orangeburg Road, Orangeburg, New York 10962, Attention: The Director of Finance, Fax: 845-359-2623.

The Agency, County, Town, School District and Lessee may, by like notice, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent. Any notice, certificate or other communication hereunder shall, except as may expressly be provided herein, be deemed to have been delivered or given (i) five (5) Business Days following posting if transmitted by mail, (ii) one (1) Business Day following sending if transmitted by a nationally recognized overnight delivery service, or (iii) upon

delivery if given by hand delivery; provided that refusal by an Authorized Representative of the intended recipient party to accept delivery of a notice given as prescribed above shall constitute delivery hereunder. Notices may also be given in compliance with this Agreement by telecopy, provided that the recipient party consents to the use of telecopy transmissions for giving of notices hereunder and receipt of any such telecopy transmission is confirmed by the transmitting party.

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

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

[REMINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names on their behalf and attested by their duly authorized officers, all as of the day and year first above written.

PEARL RIVER CAMPUS, LLC
a Delaware limited liability company
By: Western Title Exchange, Inc.
a Delaware corporation, its sole member

By: _____
Name: Jerry A. Brown
Title: Vice President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January ____, 2016, before me, Amanda R. Marquez, Notary Public, personally appeared Jerry A. Brown, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names on their behalf and attested by their duly authorized officers, all as of the day and year first above written.

ATTEST WITNESS:

NANUET SCHOOL DISTRICT

By:

Name: Dr. Mark McNeill
Title: Superintendent

SCHOOL DISTRICT - SUPERINTENDENT

STATE OF NEW YORK)
)ss.:
COUNTY OF ROCKLAND)

On the _____ day of _____ in the year 2016 before me, the undersigned, a notary public in and for said state, personally appeared **MARK MCNEILL**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names on their behalf and attested by their duly authorized officers, all as of the day and year first above written.

ATTEST WITNESS:

COUNTY OF ROCKLAND
INDUSTRIAL DEVELOPMENT
AGENCY

By:

Name: Steven H. Porath
Title: Executive Director

COUNTY OF ROCKLAND
INDUSTRIAL DEVELOPMENT AGENCY

STATE OF NEW YORK)
)ss.:
COUNTY OF ROCKLAND)

On the ____ day of January in the year 2016 before me, the undersigned, a notary public in and for said state, personally appeared **STEVEN H. PORATH**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in their respective names on their behalf and attested by their duly authorized officers, all as of the day and year first above written.

**ACCEPTED AND CONSENTED TO:
PILOT ESCROW AGENT.**

**Town of Orangetown,
Director of Finance**

By: _____
Name: Jeffrey Bencik
Title: Director of Finance

DIRECTOR OF FINANCE – TOWN OF ORANGETOWN

STATE OF NEW YORK)
)ss.:
COUNTY OF ROCKLAND)

On the ____ day of _____ in the year 2016 before me, the undersigned, a notary public in and for said state, personally appeared **JEFFREY BENCIK**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 42 OF 2016
 APPROVING PURCHASES IN EXCESS OF \$100,000
 FROM YOU'RE GOOD INC. D/B/A A CLEANER
 FOR DRY CLEANING SERVICES
 FOR THE DEPARTMENT OF THE SHERIFF
 AND TO EXERCISE THE FOURTH OPTION TERM
 FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016
 FOR A TOTAL AMOUNT NOT TO EXCEED \$135,000
 FROM THE COMMENCEMENT DATE
 JANUARY 1, 2012 THROUGH DECEMBER 31, 2016
 UNDER RFB-RC-2012-003
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$135,000)**

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

WHEREAS, The Director of Purchasing requested bids for dry cleaning services on an as needed basis for the Rockland County Office of the Sheriff for a period of one (1) year with four (4) additional one (1) year option terms under RFB-RC-2012-003 (the "RFB"); and

WHEREAS, Twenty-eight (28) companies were notified of the RFB through the electronic bid notification system and three (3) vendors responded; and

WHEREAS, The Director of Purchasing determined that You're Good Inc., d/b/a A Cleaner, 16 North Main Street, New City, New York 10956 was the lowest responsive, responsible bidder; and

WHEREAS, The Director of Purchasing awarded the RFB to You're Good Inc., d/b/a A Cleaner, 16 North Main Street, New City, New York 10956 for the period from January 1, 2012 through December 31, 2012 with four (4) one (1) year options; and

WHEREAS, The Purchasing Department exercised the first option term of the contract from January 1, 2013 to December 31, 2013, with three (3) remaining one (1) year option terms under the RFB; and

WHEREAS, The Purchasing Department exercised the second option term of the contract from January 1, 2014 to December 31, 2014, with two (2) remaining one (1) year option terms under the RFB; and

WHEREAS, The Purchasing Department exercised the third option term of the contract from January 1, 2015 to December 31, 2015, with one (1) remaining one (1) year option terms under the RFB; and

WHEREAS, Purchases for the prior four year period totaled approximately \$97,100; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve additional purchases from You're Good Inc., d/b/a A Cleaner, 16 North Main Street, New City, New York 10956 for dry cleaning services on an as needed basis for the Rockland County Office of the Sheriff in the additional amount of \$37,900 and exercises the fourth option term of the contract from January 1, 2016 to December 31, 2016, for a total amount not to exceed \$135,000, from the commencement date January 1, 2012 through December 31, 2012; and

WHEREAS, All purchases shall be made by formal purchase order, subject to the approval of the Director of Purchasing; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2016 Adopted Operating Budget of the Sheriff (Depts. 3107/12/15/50, Line E4090); and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves additional purchases from You're Good Inc., d/b/a A Cleaner, 16 North Main Street, New City, New York 10956 for dry cleaning services on an as needed basis for the Rockland County Office of the Sheriff in the amount of \$37,900 and approves the fourth option term of the contract from January 1, 2016 through December 31, 2016, in a total amount not to exceed \$135,000 from the commencement date January 1, 2012 through December 31, 2016, under RFB-RC-2012-003, and authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, Sufficient funding for these purchases is provided for in the 2016 Adopted Operating Budget of the Sheriff (Depts. 3107/12/15/50, Line E4090).

Introduced by:

Referral No. 9361

Hon. Aron B. Wieder, Sponsor
Hon. Jay Hood, Jr. , Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Laurie Santulli, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 43 OF 2016
AUTHORIZING AN AGREEMENT WITH THE
U.S. DEPARTMENT OF JUSTICE FOR REIMBURSEMENT TO THE
ROCKLAND COUNTY SHERIFF'S DEPARTMENT UNDER
THE UNITED STATES ORGANIZED CRIME DRUG
ENFORCEMENT TASK FORCES FOR OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC
INITIATIVE PROGRAM
FOR THE PERIOD OCTOBER 1, 2015 TO SEPTEMBER 30, 2016
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]**

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

WHEREAS, The U.S. Department of Justice has a Strategic Initiative Program to reimburse state and local departments for overtime and authorized expenses incurred by such departments which assist with Organized Crime Drug Enforcement Task Forces (OCDETF) investigations, initiatives and prosecutions as set forth in the Organized Crime Drug Enforcement Task Force State and Local Overtime and Authorized Expense Programs, Policies and Procedures Manual, Fiscal Year 2016; and

WHEREAS, The Sheriff of Rockland County recommends that the County Executive and the Legislature approve an Organized Crime Drug Enforcement Task Forces Agreement with the U.S. Department of Justice to reimburse his department for overtime and authorized expenses incurred in providing such assistance under this Strategic Initiative Program for the period October 1, 2015 to September 30, 2016; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves an Organized Crime Drug Enforcement Task Forces Agreement with U.S. Department of Justice for the reimbursement for overtime and authorized expenses incurred by the Sheriff's Department for assistance with Organized Crime Drug Enforcement Task Forces (OCDETF) investigations, initiatives and prosecutions for the period October 1, 2015 to September 30, 2016, as set forth in the Organized Crime Drug Enforcement Task Force State and Local Overtime and Authorized Expense Programs, Policies and Procedures Manual, Fiscal Year 2016, and authorizes its execution by the County Executive, subject to the approval of the County Executive; and it is further

RESOLVED, That the adoption of this resolution does not require the expenditure of any County funds.

Introduced by:

Referral No. 9209

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

**RESOLUTION NO. 44 OF 2016
 APPROVING AN AGREEMENT IN EXCESS OF \$100,000
 WITH NTS DATA SERVICES, LLC FOR A CONTRACT SUM NOT
 TO EXCEED \$307,484 TO PROVIDE SOFTWARE MAINTENANCE AND SUPPORT
 SERVICES FOR THE TEAM VOTER REGISTRATION, SIGN-IT!
 FULL DOCUMENT IMAGING, THE ELECTION
 MANAGEMENT COMPONENTS OF E-SUITE (PETITION, CANDIDATE AND
 ELECTED OFFICIAL MANAGEMENT) AND IMS SYSTEMS
 FOR THE PERIOD FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2019 AND
 AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [BOARD OF ELECTIONS]
 (\$307,484)**

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

WHEREAS, The Commissioners of the Board of Elections are requesting that the County Executive and Legislature of Rockland County approve an agreement with NTS Data Services, LLC, 2079 Sawyer Road, Niagara Falls, New York 14304, to provide software maintenance and support services for the TEAM Voter Registration, Sign-It! Full Document Imaging, the election management components of E-Suite (Petition, Candidate and Elected Official Management) and IMS Systems, including ScanFlow WorkFlow Management System for a total contract sum not to exceed \$307,484 for the period from January 1, 2016 through December 31, 2019; and

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

WHEREAS, Sufficient funds for this agreement exists within the 2016 Adopted Operating Budget of the Board of Elections (Dept. 1450, Line E4380) for the first year of the agreement and will be subject to appropriations in the operating budgets of the Board of Elections for 2017, 2018 and 2019; 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 an agreement with NTS Data Services, LLC, 2079 Sawyer Road, Niagara Falls, New York 14304, , to provide software maintenance and support services for the TEAM Voter Registration, Sign-It! Full Document Imaging, the election management components of E-Suite (Petition, Candidate and Elected Official Management) and IMS Systems, including ScanFlow WorkFlow Management System for a total contract sum not to exceed \$307,484 for the period from January 1, 2016 through December 31, 2019, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement exists within the 2016 Adopted Operating Budget of the Board of Elections (Dept. 1450, Line E4380) for the first year of the agreement and will be subject to appropriations in the operating budgets of the Board of Elections for 2017, 2018 and 2019.

Introduced by:

Referral No. 5327

Hon. Aron B. Wieder, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Laurie Santulli, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 45 OF 2016
AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF
ROCKLAND AND THE CLARKSTOWN CENTRAL SCHOOL DISTRICT
FOR TITLE I, PART A & D EDUCATIONAL SERVICES
AT THE ROCKLAND COUNTY CORRECTIONAL FACILITY
AT NO COST TO THE COUNTY (NCTD)
FOR THE PERIOD FROM SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2016
AND AUTHORIZING THE EXECUTION BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]**

Mr. Grant offered the following resolution, which was seconded by Mrs. Cornell, Mr. Earl, Mr. Hofstein, Mrs. Paul, Mrs. Santulli and Mr. Soskin and unanimously adopted

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an agreement with the Clarkstown Central School District for the administration, supervision and delivery of the Title I educational programs at the Rockland County Correctional Facility for the period of September 1, 2015 through August 31, 2016 at no cost to the County; and

WHEREAS, The Clarkstown Central School District is a public school district which receives Title I, Part A &/or D funding from the New York State Education Department (NYSED) to support collaboration among the District and the Rockland County Correctional Facility to provide high quality educational programs; and

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

WHEREAS, No County tax dollars (NCTD) are required to reimburse these funds; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the agreement with the Clarkstown Central School District for the administration, supervision and delivery of the Title I educational programs at the Rockland County Correctional Facility for the period of September 1, 2015 through August 31, 2016 at no cost to the County, and authorizes execution of the agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That No County tax dollars (NCTD) are required to reimburse these funds.

Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 46 OF 2016
RECLASSIFYING ONE POSITION IN THE
SHERIFF'S DEPARTMENT**

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

WHEREAS, The Sheriff has requested a classification review of one position in the Sheriff's Department, and

WHEREAS, The Department of Personnel has conducted such classification review and has made an appropriate civil service classification; and

WHEREAS, Additional funds are not being requested to implement this reclassification; and

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

RESOLVED, That one position of Personnel Assistant, position control # 9285 (SG 16 - \$52,702 - \$63,276), be hereby established in the Sheriff's Department - 3108; and be it further

RESOLVED, That the position of Personnel Clerk position control #8691 (SG 12 - \$43,576 - \$52,702) be hereby concurrently abolished.

Introduced by:

Referral No. 6704

- Hon. Aron B. Wieder, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Nancy Low-Hogan, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Laurie Santulli, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Lon M. Hofstein, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 47 OF 2016
 APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND
 AND THE TOWN OF HAVERSTRAW
 IN AN AMOUNT NOT TO EXCEED \$35,000 (NCTD)
 FOR THE PERIOD DECEMBER 1, 2015 THROUGH JUNE 30, 2016
 IN ORDER FOR SAID TOWN TO PROVIDE AN EXPERIENCED
 DOMESTIC VIOLENCE OFFICER
 AND AUTHORIZING THE EXECUTION OF THIS
 AGREEMENT BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$35,000)**

Mr. Grant offered the following resolution, which was seconded by Mr. Jobson, Mrs. Paul, Mrs. Santulli, Mr. Soskin and Mr. Hood, Jr. and unanimously adopted

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

WHEREAS, The County of Rockland, through its Office of the District Attorney, and the Town of Haverstraw Police Department desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$35,000 for the period December 1, 2015 through June 30, 2016 in order for said town to provide an experienced Domestic Violence Officer; and

WHEREAS, No County tax dollars (NCTD) are required for this agreement since sufficient funding for this agreement exists within District Attorney Forfeiture Funds (Dept. FA03, line E4500); and

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

RESOLVED, That the Legislature of Rockland County hereby approves an intermunicipal cooperation agreement between the County of Rockland, through its Office of the District Attorney, and the Town of Haverstraw in an amount not to exceed \$35,000 for the period December 1, 2015 through June 30, 2016 in order for said town to provide an experienced Domestic Violence Officer, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required for this agreement since sufficient funding for this agreement exists within District Attorney Forfeiture Funds (Dept. FA03, line E4500).

Introduced by:

Referral No. 8281

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

**RESOLUTION NO. 48 OF 2016
 APPROVING THE AGREEMENTS WHICH MAY BE IN EXCESS OF \$100,000
 WITH THE LICENSED DAY CARE AGENCIES LISTED ON THE ANNEXED
 SCHEDULE A TO PROVIDE THE SERVICES REQUIRED BY
 SOCIAL SERVICES LAW § 410-U FOR THE CALENDAR YEAR 2016
 WITH TOTAL EXPENDITURES NOT TO EXCEED
 THE DEPARTMENT OF SOCIAL SERVICES'
 2016 BUDGET FOR DAY CARE SERVICES
 AND AUTHORIZING THE COUNTY EXECUTIVE
 TO EXECUTE THE AGREEMENTS
 [DEPARTMENT OF SOCIAL SERVICES]**

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

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

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

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

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

WHEREAS, The Commissioner of the Department of Social Services therefore requests that the County Executive and the Legislature of Rockland County approve the agreements, which may be in excess of \$100,000, with the licensed day care agencies listed on the annexed Schedule A to provide the services required by Social Services Law § 410-u for the calendar year 2016 with total expenditures not to exceed the Department of Social Services' 2016 Budget for day care services; and

WHEREAS, Reimbursement rates to the County for day care are either fifty percent (50%) federal/fifty percent (50%) state or forty percent (40%) federal/sixty percent (60%) state based on the financial reimbursement category for the child placed in the licensed day care limited by the provisions of the Flexible Fund for Family Services (FFFS) and the Child Care Block Grant to a maximum sum of approximately \$8,300,000; and

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

WHEREAS, Sufficient funding for these agreements exists in the 2016 Budget of the Department of Social Services in Dept. 6055, Line E5060; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the agreements, which may be in excess of \$100,000, with the licensed day care agencies listed on the annexed Schedule A to provide the services required by Social Services Law § 410-u for the calendar year 2016 with total expenditures not to exceed the Department of Social Services' 2016 Budget for day care services, and authorizes the County Executive to execute the agreements, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these agreements exists in the 2016 Budget of the Department of Social Services in Dept. 6055, Line E5060.

2016 DAY CARE LIST

1. 680 CMA, Inc. d/b/a Children's Corner
 2. Building Blocks Daycare and Learning Center
 3. Campus Fun and Learn Child Development Center
 4. Center Management Assoc. d/b/a Children's Corner
 5. Children of America Nyack, LLC
 6. Children of America, Stony Point, LLC
 7. Children of Mary Nursery School
 8. DMP Enterprises Inc. d/b/a The Goddard School
 9. Happy Days Inc.
 10. Haverstraw Day Care
 11. Hebrew Academy for Special Children
 12. Jawonio, Inc.
-
13. JCC Rockland, Inc.
 14. Kidsnett Child Care Program, Inc.
 15. Kindercare
 16. Learning Ladder Child Care
 17. Liberty Learning Tree
 18. Martin Luther King, JR. Multi-Purpose Center, Inc.
 19. Nanuet Family Resource Center
 20. Reliable Care Enterprises, d/b/a Tutor Time
 21. Rockland After School Program
 22. Rockland County YMCA
 23. Rockland Jewish Academy
 24. Rockland Worksite Day Care Center
 25. Safe-N-Sound Childcare
 26. Teacher Mommy Day Care, Inc.
 27. Tender Loving Kids Club
 28. The Jan & Niles Davies Learning Center
 29. Tiny Toes Daycare of Rockland
 30. Tots to Teens
 31. West Street Child Care Learning Center, Inc.

Introduced by:

Referral No. 8983

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

**RESOLUTION NO. 49 OF 2016
 APPROVING THE AGREEMENTS WHICH MAY BE IN EXCESS OF \$100,000
 WITH THE LICENSED FOSTER CARE AGENCIES
 LISTED ON THE ANNEXED SCHEDULE A
 TO PROVIDE THE SERVICES REQUIRED BY SOCIAL SERVICES LAW § 398
 FOR THE CALENDAR YEAR 2016 WITH TOTAL EXPENDITURES NOT TO EXCEED THE
 DEPARTMENT OF SOCIAL SERVICES' 2016 BUDGET FOR
 FOSTER CARE SERVICES AND AUTHORIZING THE
 COUNTY EXECUTIVE TO EXECUTE THE AGREEMENTS
 [DEPARTMENT OF SOCIAL SERVICES]**

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

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

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

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

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

WHEREAS, The Commissioner of the Department of Social Services therefore requests that the County Executive and the Legislature of Rockland County approve the agreements, which may be in excess of \$100,000, with the licensed foster care agencies listed on the annexed Schedule A to provide the services required by Social Services Law § 398 for the calendar year 2016 with total expenditures not to exceed the Department of Social Services' 2016 Budget for foster care services; and

WHEREAS, Reimbursement rates to the County for foster care are either fifty percent (50%) federal/fifty percent (50%) state or forty percent (40%) federal/sixty percent (60%) state based upon the financial reimbursement category for the child placed in the licensed foster care agency and limited by the provisions of the Family and Children's Services Block Grant up to a maximum sum of approximately \$3,200,000; and

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

WHEREAS, Sufficient funding for these agreements exists in the 2016 Budget of Social Services departments 6109, 6119 and 6123; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the agreements, which may be in excess of \$100,000, with the licensed foster care agencies listed on the annexed Schedule A to provide the services required by Social Services Law § 398 for the calendar year 2016 with total expenditures not to exceed the Department of Social Services' 2016 Budget for foster care services, and authorizes the County Executive to execute the agreements, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these agreements exists in the 2016 Budget of Social Services departments 6109, 6119 and 6123.

FOSTER CARE AGENCIES
2016

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

Introduced by:

Referral No. 8021

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Nancy Low-Hogan, Sponsor
 Hon. Christopher J. Carey, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Charles Falciglia, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Lon M. Hofstein, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Laurie A. Santulli, Sponsor
 Hon. Philip Soskin, Sponsor
 Hon. Vincent D. Tyer, Sponsor
 Hon. Aron B. Wieder Sponsor,
 Hon. Jay Hood, Jr., Sponsor

**RESOLUTION NO. 50 OF 2016
 EXTENDING THE TERM OF
 DOUGLAS J. SCHUETZ
 AS ACTING COMMISSIONER OF PLANNING**

Mr. Schoenberger offered the following resolution, which was seconded by the entire Legislature and unanimously adopted

WHEREAS, The Rockland County Administrative Code Section 5-32(B)(5) provides that the County Executive may designate an acting department head for a period not to exceed six (6) months unless extended by the Rockland County Legislature, and

WHEREAS, By letter dated December 2, 2014, the County Executive extended the appointment of Douglas J. Schuetz as Acting Commissioner of Planning; and

WHEREAS, By Resolution No. 360 of 2015, the Legislature of Rockland County approved the extension of Douglas J. Schuetz as Acting Commissioner of Planning for an additional six months from the date of adoption; and

WHEREAS, The six-month term of Douglas J. Schuetz expires on January 8, 2016; and

WHEREAS, By letter dated January 7, 2016, the County Executive extended the appointment of Douglas J. Schuetz as Acting Commissioner of Planning; and

WHEREAS, The County Executive requests that the term of Douglas J. Schuetz as Acting Commissioner of Planning be extended for an additional six months from the date of adoption; and

WHEREAS, The Planning and Public Works Committee of the Legislature has met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby extends the term of Douglas J. Schuetz as Acting Commissioner of Planning for an additional six months from the date of adoption.

Debate:

Mrs. Cornell

Mr. Schuetz is doing a wonderful job. He has been with the department for a very long time as a GIS specialist and has been serving as Acting Commissioner for quite some time. We are very fortunate to have him. He is a quality individual. I am very happy to support this nomination.

Mr. Soskin

He is a very friendly, nice individual who helps everybody. I hope in the very near future we can appoint him as Commissioner of his department.

Introduced by:

Referral No. 7621

Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Aney Paul, Sponsor
Hon. Aron B. Wieder, Sponsor

**RESOLUTION NO. 51 OF 2016
APPROVING AMENDMENTS TO THE COUNTY
PROCUREMENT CARD PROGRAM GUIDELINES
[DGS - DIVISION OF PURCHASING]**

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

WHEREAS, In an effort to improve efficiency and streamline the purchasing process of small dollar items thereby reducing the volume of individual purchase orders and payments processed to County suppliers, the County Executive and the County Legislature approved the Procurement Card Program Guidelines in 2005; and

WHEREAS, By Resolution No. 471 of 2005, the County of Rockland Procurement Card Program Guidelines were authorized by the Rockland County Legislature; and

WHEREAS, The Purchasing Division has issued RFP-RC-2014-022 to seek a provider that will enhance the current program and offer a competitive rebate incentive for all Procurement Card transactions made by County cardholders; and

WHEREAS, The proposed amendments to the Procurement Card Program Guidelines will assist the County in meeting the spending thresholds and providing an opportunity for the County to benefit from the rebate incentives offered; and

WHEREAS, The Amendments to the Procurement Card Program Guidelines are shown on the annexed schedule with amendments shown in red ink with cross outs for the deletions and red ink and underlined for the additions to the Guidelines; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the amendments to the Procurement Care Program Guidelines be approved and authorized as indicated on the annexed schedule; and

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

RESOLVED, That the Legislature of Rockland County approves the amendments to the County Procurement Card Program Guidelines as indicated on the attached schedule, and authorizes the Director of Purchasing to make such amendments to the Procurement Card Program Guidelines effective immediately.

County of Rockland - Department of General Services – Purchasing Division

Procurement Card Program GUIDELINES —JP Morgan Chase

PURPOSE

SCOPE

APPLICABILITY

BACKGROUND

RESPONSIBILITIES

AUDIT REQUIREMENTS

ASSIGNMENT AND CONTROL OF THE PROCUREMENT CARD

CARD HOLDER USE OF THE PROCUREMENT CARD

PROHIBITED USE OF THE PROCUREMENT CARD

PROCEDURES FOR MAKING AND PAYING FOR PURCHASES

PROCEDURES FOR DISPUTES

REVIEW OF PURCHASES BY DEPARTMENTS

APPENDIX A – LIST OF AUTHORIZED CARD HOLDERS AND ANNUAL LIMITS

APPENDIX B – PROCUREMENT CARD PROGRAM FORMS

APPENDIX C – PEOPLESOFT PROCUREMENT CARD PROCEDURES

I. PURPOSE:

The purpose of the County Procurement Card Program is to improve efficiency and streamline the purchasing process of small dollar items, thereby reducing the volume of individual purchase orders and payments processed by the County to suppliers. This program allows the cardholder to purchase approved commodities and services costing ~~\$250-\$1,000~~\$500 or less, directly from County suppliers. Each purchasing card is issued to a named individual and is designated with "County of Rockland" clearly shown on the card as the Governmental buyer of goods and services. The Purchasing Department, Finance Department, and County Auditor will monitor the performance of the program.

This Policy is intended to accomplish the following:

The intent of the Procurement Card Program is to provide an efficient method of purchasing and paying for goods and services costing ~~\$250-\$1,000~~\$500 or less. Exceptions to these limits may be allowed for emergency purchases, law enforcement extraditions, purchases that can only be made with a credit card, ~~and for~~ special contract incentives that provide the county with additional discounts, and payment of invoices for goods and services as authorized by the Director of Finance. ~~Exceptions~~ Any such exceptions shall be approved in advance and in writing, by both the Director of Finance and the Director of Purchasing. The use of procurement cards will:

- Provide a rebate incentive to the County when spend thresholds meet the pre-defined contract threshold.
- ~~Reduce the need for~~ Eliminate petty cash accounts;
- Provide a better audit trail of low dollar purchases formally made with Petty Cash;
- Reduce the cost of processing routine transactions;
- Decentralize purchasing authority for routine non-contracted transactions up to ~~\$250-\$1,000~~\$500;

- Ensure purchasing card purchases transactions are in accordance with the County's Purchasing Procurement Policy and Procedures;
- Ensure that the County bears no legal liability from inappropriate use of purchasing cards;
- Provide for disciplinary action for misuse of the purchasing card;

Use of the card will obligate the County to make payment for the goods and services received, unless there is a dispute. JP-Morgan-Chase Procurement Card Provider will bill the Finance Department and Purchasing Department for all Purchases made during the billing period. The Finance Department will allocate the charges back to individual department accounts for purchases made using the department's cards.

II. SCOPE

This policy will be applicable to those County departments who have requested and have been approved to use procurement cards to purchase goods and services for specific expenditures incurred under conditions approved by this policy.

III. APPLICABILITY

This Policy applies to all agencies and departments within County government. The policies and procedures provided herein are minimum standards. Departments may establish additional controls if necessary.

IV. BACKGROUND

The Purchasing Division has used various methods to accomplish the purchase of goods and services. The method of purchase requisitioning, has proven to be time consuming and costly. To promote operational efficiency and vendor acceptance the Purchasing Division and Finance Department initiated a limited trial Procurement Card program.

The Procurement Card system simplifies the procurement/disbursement process. Procurement responsibility is delegated to the ordering Department enabling an authorized cardholder to place an order directly with the vendor. When a purchase authorization is requested by the supplier at the point-of-sale, the Visa-Procurement Card system checks the transaction against preset limits. Transactions are approved or declined (electronically) based on the Procurement Card authorization criteria established.

The authorization criteria may be adjusted periodically as needed and shall include, but is not limited to, the following:

- Annual purchase limit as set by the Purchasing and Finance Departments
- Single purchase limit as set by the Purchasing and Finance Departments
- Approved Merchant Category Codes

The authorization process occurs through the electronic system that supports the Procurement Card processing services under the County's agreement with the bank.

V. RESPONSIBILITIES

The following are the responsibilities of the individuals and County Departments involved in the Procurement Card program.

1) Cardholder and or Department Representative (Individual(s) designated by Department Head)

- Hold and secure procurement card issued to self
- Ensure availability of funds and proper account codes
- Order/receive materials and services
- Inspect all ordered goods and services, making sure there are no sales tax or backorders
- Collect, save sales receipts, and invoices
- Match receipts with monthly card statement
- Review monthly statements for validity of all transactions
- Process all billing statements in a timely manner
- Identify disputed charges
- Review monthly charges with supervisor
- Comply with all purchasing and procurement card policies and procedures.

2) Department Representative [Individual(s) designated by Department Head]

- Acts as the Department or Division contact & coordinator in matters pertaining to the Procurement Card Program
- Review monthly statement with cardholder
- Make sure there are no sales tax or back-orders
- Ensure availability of funds in proper account codes
- Approve the monthly statement authorizing charges
- Verify the appropriateness of account codes (i.e., Department/Division/Function/Object Code)
- Forward payment authorization, summarized reconciliation of statement(s) and supporting receipts to Department Head or Designee for review and signature, then forward to the

Procurement Card Administrator

- Provides annual review/training on use of cards, as needed.
- Comply with all purchasing and procurement card policies and procedures

3) Department Head or Commissioner

- Request Procurement Cards for designated employee(s)
- Process transfer of funds to Procurement Card Reserve Account
- Request Card spending limits within established guidelines
- Designate representatives responsible for authorizing charges and changes, (Designee)
- Collect cards from cardholders who end employment
- Evaluate the need to cancel or reissue cards when employees transfer
- Notify the Procurement Card Administrator of terminated cards
- Comply with all purchasing and procurement card policies and procedures
- Each department will establish internal controls to review purchases
- "Extraordinary or Emergency" purchases exceeding established limits will be processed through the Purchasing Department.

4) Procurement Card Administrator and Purchasing Department (Appointed by Purchasing Director or designee)

- Coordinate program policy issues
- Forward Procurement Card Transfer Requests to Finance Department
- Update Authorized Cardholder List and annual limits, and forward to the Legislature on a Quarterly basis for review.
- Provide initial training on use of card
- Coordinate issuance and cancellation of cards
- Target new cardholders and expanded use of card
- Maintain policy and cardholder guidelines/manuals
- Evaluate procurement card feedback from suppliers and from departments
- Monitor missing documentation and notify the Cardholder
- Notify the Department Head or Commissioner of any violations or discrepancies
- Pursue supplier discount opportunities
- Monitor and maintain cardholder accounts and access (e.g. transaction limits, annual limits and reporting access)

- Establish and monitor benchmarking objectives
- Conduct semi - annual inventory of procurement cards in conjunction with County Auditor.

5) Finance Department

- Transfer funds in an amount equal to each Procurement Card's Annual Spending Limit to the Procurement Card Reserve Account (Object of Expense 6500E3190)
- Monitor charges for proper account codes and fund availability
- Receive approved monthly statements from all card holders
- Receive consolidated statements from procurement card administrator
- Confirm that all charges are authorized by department representatives
- Notify departments when approved monthly statements are not received
- Pay all non-disputed monthly charges from consolidated statement
- Process accounting data
- File and store statements, receipts, etc.
- Administer 1099 reporting
- Monitor missing documentation and notify the Procurement Card Administrator
- Notify the Procurement Card Administrator of any violations or discrepancies

6) County Auditor

The County auditor will perform periodic audits to ensure that the cardholders and their respective Department Head or Commissioner are adhering to proper policies and procedures. Internal Audits will include:

- Quarterly operational and compliance audits of all departments using the Procurement Card Program. Audit steps will include reviews to ascertain that:
 - Procurement cards are used for authorized purchases related only to County Business;
 - The County is not being charged sales tax for goods and services received;
 - Proper documentation is maintained to support procurement card transactions;
 - Supporting documentation and the related reconciliation are forwarded by the cardholder to the Purchasing Division and Finance Department.
- Perform semi-annual inspection of card possession by cardholders.

VI: ASSIGNMENT AND CONTROL OF THE PROCUREMENT CARD

1. REQUESTS FOR AND ISSUANCE OF PROCUREMENT CARDS

- a. Standard Procurement cards will be issued to individual employees who frequently purchase goods and services in single purchase amounts of ~~\$250~~~~\$1,000~~\$500 or less.

- b. The procurement card will have the employee's name, the County name, notation stating the County's tax exempt status, and the expiration date embossed on the face of the card.
- c. All requests for new card holders, changes to current cardholders, or changes to authorization must be made by the Department Head or Designee by submitting a completed application and request for transfer of funds forms (see Appendix A) to the Procurement Card Administrator.
- d. When the Procurement Card Administrator receives a procurement card from the issuing card company, the cardholder will be required to personally take receipt of the card and sign the receipt form.
- e. The Procurement Card Administrator will notify the requesting department and the Finance Department upon the issuance of all procurement cards.

2. LOST OR STOLEN PROCUREMENT CARDS

- a. If a procurement card is lost or stolen, the cardholder or department representative must immediately notify the procurement card company – and the Procurement Card Administrator of the loss.
- b. The cardholder will be responsible for reporting all information necessary to reduce the liability to the County for a lost or stolen card.
- c. Disciplinary action will be taken in the event that the Procurement Card Administrator or bank is not notified.

3. TERMINATION OR TRANSFER OF CARDHOLDER

When an employee ends his or her employment or is transferred to another department, and does not require the card in the new position, the Department Head must collect the procurement card and destroy it. The department must then submit the destroyed card to the Procurement Card Administrator, who will notify the bank to cancel the card.

If the department is unable to collect the procurement card when an employee terminates, the Department Head must immediately notify the Procurement Card Administrator. The Procurement Card Administrator will ensure that the card is cancelled.

VII.: CARDHOLDER USE OF PROCUREMENT CARD

1. CARDHOLDER USE ONLY

The procurement card shall be used only by the employee whose name is embossed on the card. No other person is authorized to use the card. The cardholder is responsible and accountable for all transactions that occur on his/her card. The cardholder shall be held personally responsible for inappropriate charges.

Upon receipt of the Procurement Card, the cardholder should sign the back of the card.

2. COUNTY PURCHASES ONLY

The procurement card is to be used for County authorized purchases only. The procurement card cannot be used for any personal use and any such use will require immediate reimbursement and shall result in disciplinary action.

3. STANDARD SPENDING LIMITS

The Procurement Card Administrator and Department Head approving the assignment of a procurement card will set the annual limit for each cardholder. The maximum limit per transaction shall be ~~\$250~~~~\$1,000~~\$500.

Requests for spending limit changes shall be initiated by a memo or email to the Procurement Card Administrator by the Department Head or Commissioner.

A purchase may be made of multiple items, but the invoice cannot exceed ~~\$250~~~~\$1,000~~\$500 or the cardholder's limit if less. Splitting charges will be considered abuse of the purchasing card program, for example, artificially dividing similar purchases over different days and times to keep the total amounts below the limits for single purchases.

4. OTHER CONDITIONS

No back ordering is allowed. Card is not to be billed until order is shipped.

5. PROHIBITED USES OF PROCUREMENT CARDS

The following types of items will not be purchased with a procurement card, regardless of the dollar amount:

- a. Alcoholic Beverages
- b. Any Items for Personal Use
- c. Association Dues/Memberships
- d. Cash advances
- e. County Contract Items
- f. Professional Services
- g. Travel and Travel Related Expenses unless approved in advance in writing by the Commissioner of Finance.
- h. Travel Related Gasoline

6. VIOLATIONS

1. Using the Procurement Card for personal purchases.
2. Using the Procurement Card for purchases which solely benefit the cardholder.
3. Use of the Procurement Card by a suspended or terminated employee.
4. Assignment or transfer of an individual card to an unauthorized individual.
5. Making standard purchases that exceed the transaction limit of ~~\$250~~~~\$1,000~~\$500. It is the responsibility of the ordering department to ensure all "extra" charges such as

freight handling, set up, etc. are considered before a procurement card transaction is made. A vendor's willingness to honor a procurement card transaction exceeding ~~\$250~~~~\$1,000~~~~\$500~~ does not authorize departments to make such purchases.

6. Purchases from vendors that create conflicts of interest.
7. Multiple procurement card transactions (splitting) to circumvent the limit.
8. Procurement card transactions referenced in "Prohibited Uses of Procurement Cards".
9. Failure to produce proper documentation, receipts, invoices, monthly statements in a timely fashion, to the Finance Department.
10. Failure to report lost or stolen procurement card as herein stated.

VIII.: PROCEDURES FOR MAKING AND PAYING FOR PURCHASES

1. GENERAL INFORMATION

When using the procurement card, the department will make the purchase at the best possible price utilizing local Rockland County businesses whenever possible.

2. DOCUMENTATION OF OVER-THE-COUNTER PURCHASES

- a. When a purchase is made, the cardholder must obtain the customer's copy of the charge slip in addition to the detailed invoice/receipt. The charge slip or related cash register slip/receipt must show in sufficient detail the type and number of items purchased with the unit cost. Should a detailed receipt not be available, the cardholder shall submit a written detail along with the receipt.
- b. The charge slip and detailed invoice/receipt will be retained by the cardholder or by the department representative until forwarded to the Procurement Card Administrator in the PLOT (Procurement Log of Transactions) envelope with the monthly statement. The County is exempt from sales tax. The cardholder must ensure that the vendor is aware of this.

3. TELEPHONE ORDERS

When placing a telephone order, the cardholder must confirm that the vendor will charge the procurement card when the item is shipped. Absolutely no back-orders will be allowed. Ensure the vendor knows that the County does not pay sales tax.

4. MISSING DOCUMENTATION

If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must try to obtain a copy and if this is not possible, a description of the purchase must be attached. The description will include a description of each item, the number of items purchased, the unit cost, the date of purchase, the vendors name and why there is no supporting documentation. Continued incidents of missing documentation shall result in the cancellation of the employee's procurement card.

5. STATEMENT AND PAYMENT PROCEDURES

- a. The procurement card administrator will forward the consolidated statement for each billing cycle to the Finance Department. Cardholders and or Department Representatives will be notified via email that their statements are available for reconciliation. The statement will list all transactions processed during the current billing cycle. If no purchases were made on the procurement card during the billing cycle, no statement of account will be generated unless adjustments for previously billed transactions have been processed during that cycle.
- b. The cardholder must review the statement and note any errors and apply the appropriate the accounting code (object of expense) for each transaction. Procurement card slips/receipts for all transactions listed on the statement should be placed in the PLOT envelope. The cardholder shall mark the statement reviewed, attach the statement to the outside of the PLOT envelope, and forward for approval. The Department Representative and the Department Head or Designee shall review and approve the statement. By signing the statement the designated department representative and Department Head or Designee are certifying that all charges are appropriate, funds are available, and payment is authorized based on the attached receipts. Once all reviews are completed, the statements and forms shall be summarized for the department (like Department and object of expense Codes grouped) and forward to the Purchasing Division within seven (7) working days after notification. The Procurement Card Administrator will reconcile the county wide combined statement and forward all to the Finance Department.
- c. The Finance Department will ensure that the procurement card charges are paid on a timely basis and that the consolidated statement received is reconciled against the individual cardholder statements forwarded from the departments. Department Heads will be notified when individual statements are not received in the allotted time. Continued failure to meet the seven (7) working day deadlines may result in the revocation of procurement cards at the discretion of the Procurement Card Administrator.

6. DISPUTES

1. If items purchased with the procurement card are defective, the cardholder must return the items(s) to the vendor for replacement or credit. If the service paid for with procurement card is faulty, the vendor must be notified and asked to correct the situation or provide a credit. If the vendor refuses to replace or correct the faulty item or service, the purchase will be considered in dispute.
2. It is essential that the time frames and documentation requirements established by the procurement card issuer be followed to protect the cardholder's rights in dispute.
3. The cardholder contacts the Merchant about the transaction and supplies the necessary information to begin the resolution process, and; only if a resolution can not be reached, the cardholder completes a Dispute Form and faxes it to the Purchasing Division explaining the reason(s) for the dispute as well as a copy of the statement if the item has posted. The Purchasing Division will contact the bank. The bank will then place the transaction into a dispute status.
4. A disputed item must be explained with a note on the cardholder's statement of account before the statement is forwarded to the Purchasing and Finance Departments

for payment.

5. If an agreement cannot be reached the following steps will be completed:
 - a. After the item has been entered as a dispute, the bank must determine who is responsible by researching the transaction including requesting a copy of the sales draft when necessary. When responsibility for the transaction is determined, the dispute will be settled on-line.
 - b. When an account is in dispute status, the disputed amount is still included in calculating the available money for authorization (monthly limit). At the time the item is placed in dispute, it is removed from all finance charge, late charge, over limit fee, past due amount, and calculations. Finance charges which accrue from posting until the item is placed in dispute must be handled according to County policy. Any cardholder statements generated while the account is in dispute will display the following message:

YOUR ACCOUNT IS IN DISPUTE FOR \$XXX.XX THIS AMOUNT HAS NOT BEEN INCLUDED IN THE FINANCE CHARGE OR PAYMENT CALCULATIONS.
 - c. If the cardholder is actually responsible for the transaction, the dispute is settled in favor for the bank and no further actions are required. If the cardholder is not responsible for the transaction, the dispute is settled for the cardholder and the chargeback process may be initiated against the Merchant.
 - d. If there continues to be a problem with a particular merchant, the cardholder should notify the Procurement Card Administrator of the problems.

IX.: REVIEW OF PURCHASES BY DEPARTMENTS

1. Because of their knowledge of the job responsibilities and requirements, department representatives are required to review each procurement card expenditure (item purchased, amount, and vendor) to ensure the goods or services were necessary, and for official use.
2. When purchases are questioned, the Department Head or designated department representative will be responsible for resolving the issue with the cardholder. If the Department Head cannot be satisfied that the purchase was necessary and for official use, the cardholder must provide a credit voucher proving the item(s) were returned for credit.
3. All misuse must be reported to the Procurement Card Administrator by the Department Head or Designee, or the Finance Department.

X.:PURCHASING DEPARTMENT USE OF CARD & SPECIAL CARD USAGE

1. The Purchasing Director and the Assistant Director of Purchasing or designee shall be issued a card with a limit of \$50,000; for use during declared emergencies emergency and non-emergency purchases needed by the County, with a card limit of \$50,000.

2. The Purchasing Department shall be able to use the procurement card for purchases if the vendor accepts no other form of payment.

APPENDIX A

~~PROCUREMENT CARD PROGRAM FORMS~~ LIST OF CURRENT CARDHOLDERS

**COUNTY OF ROCKLAND
PROCUREMENT CARD PROGRAM**

REQUEST FOR TRANSFER OF FUNDS

2006

6500 — PROCUREMENT CARD RESERVE ACCOUNT

(PLEASE SUBMIT ONE (1) REQUEST FOR TRANSFER OF FUNDS PER CARD HOLDER)

DEPARTMENT: _____ **DATE:** _____

	ACCOUNT TITLE AND		
	OBJECT CODE NUMBER	DESCRIPTION	\$ AMOUNT

TRANSFER FROM: _____

TO: _____

NATURE & PURPOSE OF PROCUREMENT CARD: _____

PLEASE INDICATE CARDBOLDER NAME AND ANNUAL LIMIT ASSIGNED TO EACH CARD:

CARDHOLDER NAME	ANNUAL LIMIT

SUFFICIENT FUNDS WILL REMAIN IN THE ACCOUNT FROM WHICH THE TRANSFER IS REQUESTED FOR THE BALANCE OF THE BUDGETARY YEAR.

_____ **DEPARTMENT SIGNATURE :** _____

_____ **DIRECTOR OF PURCHASING APPROVAL:** _____

_____ **BUDGET DIRECTOR APPROVAL:** _____

_____ **COUNTY EXECUTIVE APPROVAL:** _____

BUDGET DEPARTMENT USE TRANSFER #.

COUNTY OF ROCKLAND PURCHASING CARD APPLICATION / ACKNOWLEDGMENT FORM

Your use of the JPMorgan Visa Procurement Card is subject to the following terms and conditions. You must comply with the terms and conditions as part of the terms and conditions of your employment.

You are being entrusted with a valuable tool—a Visa Procurement Card and will be making a financial commitment on behalf of the County. You must strive to obtain the best value for the County by using proper purchasing practices as established by the County of Rockland Procurement Card Guidelines.

You understand that the County of Rockland is liable to Visa (JPMorgan) for all charges made using the Procurement Card, except those in excess of the single or annual transaction limit and any other limits imposed by the county purchasing card administrator or your agency.

You must use the Procurement Card to purchase goods and services or Official County Use only. Do not use this card for personal charges. The County of Rockland will audit the use of this purchasing card and report and take appropriate action on any discrepancies. Any evidence that the Purchasing Card is being used fraudulently or for personal charges will result in disciplinary action.

You must follow the policy and procedures established by the County of Rockland for the use of this Procurement card. Failure to do so may result in either revocation of your user privileges or other disciplinary action, including termination of employment.

You will be given a copy of the County of Rockland Purchasing Card Manual. You are required to read and understand the requirements of the Procurement Card's use. You are also required to read and understand any additional procedures established by your agency.

You must return the Procurement card immediately upon request or upon termination of employment (including retirement). Should there be any change in your employment status that causes your cost center to change, you must take appropriate action to ensure proper use and reporting.

If the Procurement Card is lost or stolen, you must notify your agency's Procurement Card Administrator, the Purchasing Division and Visa (JPMorgan) immediately.

The County of Rockland may change these terms and conditions or its policy and procedures concerning the use of the Procurement Card and you must comply with those changes.

Completed by Employee

Employee Name: _____ Social Security Number: _____

(Print or Type)

Date of Birth - Month _____ Day _____ Year _____

Agency: _____ Organization: _____

Business Address: _____

Telephone: _____ E-Mail: _____ Fax: _____

Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

RECEIPT OF COUNTY OF ROCKLAND PROCUREMENT CARD PROGRAM AND GUIDELINES

I, _____ have received, read and understood the
(Print Name) Procurement Card Program and Guidelines

The County of Rockland Purchasing Card Guidelines which describe the policy and procedures governing the official use of the County of Rockland Purchasing Card.

(Signature)

(Date)

RETURN TO: _____ **Purchasing Card Administrator**

County of Rockland

Purchasing Division

50 Sanatorium Road

Bldg. A, Second Floor

Pomona, NY 10970

APPENDIX B

JPMORGAN CHASE

PaymentNet™ PROCUREMENT CARD PROGRAM FORMS

PaymentNet™ Cardholder – Department Representative Guide

Logging In

Open your Internet Browser.
 Enter the following in your address bar:
 www.paymentnet.com
 Enter the following on the PaymentNet Login Screen:
 — **Organization ID:** US####
 — **User ID:** <Enter ID>
 — **Pass Phrase:** <Pass Phrase>
 Click **Log In**.
 On the left-hand side toolbar of the Welcome Screen, select **PaymentNet**.

Viewing Transactions

Cardholders: You will first see the All Transactions screen, displaying all of your transactions.
Managers: You will first see the All Transactions screen, displaying both your transactions and the cardholders who report to you.

Extra details on transactions may be available; if icons are displayed in the Trans ID column, such as , click them to view line-item detail.

Cardholders: Reviewing Transactions

Click on a transaction.
 Compare the transaction details (e.g., amounts) with your receipts.
 Review accounting code allocations (defaulted codes may appear) and make any changes.
 Add any information to the Transaction Notes field, if needed.
 Check the Reviewed box.
 Click **Save**.

Managers: Approving Transactions

On the All Transaction Screen, use the horizontal scroll bar to review transactions and allocations.
 To view Transaction Notes, click the icon, if displayed.
 If changes are required, click on the transaction and make allocation changes. Check the Approved box and click **Save**.
 If changes are not needed, check the Approved box on its row.
 Use the page navigation to view more:
 Go to page 1 of 1

Your session will automatically “time out” after 20 minutes of inactivity.

Splitting Transactions

From the All Transactions screen, click on the transaction.
 Click **Split**.
 Select the number of splits from the drop-down box. The amount will be divided evenly among all rows.
 Click on the first **Split Row**.
 Select any changes to that row's allocations. Split by either percentage of dollar amount. Click **Save Row**.

Two splits—the remaining amount will be automatically added to the other row.
 Three or more splits—Any changes to the first row, whether adding to or subtracting from the amount, will be added to or subtracted from the last row's amount.
 Deleting rows—Change the number of splits from the drop-down box. Be aware that this will reset your split and remove any previous changes.
 Canceling a split—To cancel an entire split, click **Undo/Cancel Split**.

Click **Split Row** on any other row and follow Step 5.
 When finished, click **Save Split**.

PaymentNet™ Cardholder – Department Representative Guide

	Customer Service	Other Information
<p>Disputing Transactions</p> <p>Before you dispute a transaction, you must first attempt to resolve the issue directly with the merchant!</p> <p>From the All Transactions screen, click on the transaction.</p> <p>Click .</p> <p>Confirm your E-mail Address is correct and enter the Merchant State, if empty.</p> <p>Choose the Dispute Reason from the drop-down box. PaymentNet will refresh and may require additional field input.</p> <p>Enter text in Additional Information about your dispute.</p> <p>Click .</p> <p>Red text will appear, providing a link to a pre-populated Adobe PDF form to be signed and faxed to JPMorgan Chase.</p> <p>Track the status of your dispute on the All Transactions Screen—</p> <p> – Awaiting Documentation</p> <p> – Disputes In Process</p> <p>Click the colored dots and follow steps to Undo or Resolve your dispute.</p>	<p>Customer Service</p> <p>JPMorgan Chase's 24-hour Customer Service Team is available for assistance at 1-800-270-7760 with:</p> <ul style="list-style-type: none"> Reporting Lost/Stolen Cards Balance Inquiry Disputes Assistance Fraud Inquiry Declined Cards Lost Receipts <p>The Customer Service Team does not provide assistance on PaymentNet—if you are experiencing difficulties, please contact your Program Administrator or Trainer.</p>	
	<p>Additional Resources</p> <p>If you have additional questions, please contact your Program Administrator. Additional documentation on PaymentNet™ is available from the Documents drop-down menu on the PaymentNet Welcome Screen.</p>	

PaymentNet™ Cardholder – Department Representative Guide

Logging In

Open your Internet Browser.
 Enter the following in your address bar: www.paymentnet.com
 Enter the following on the PaymentNet Login Screen:
 — **Organization ID:** US#####
 — **User ID:** <Enter ID>
 — **Pass Phrase:** <Pass Phrase>
 Click .

On the left-hand side toolbar of the Welcome Screen, select **Electronic Statement & Payment**.

View Statement

After Logging In, your most recent statement will appear. If you have more than one account number, use the Account Number drop-down box to view other statements.
 To view historical statements, select a date from the Billing Date drop-down box.

Print Statements

Click .
 Once the statement is ready, click the  button in the upper right-hand corner of your screen.

To save the PDF file, click .
 To print the PDF file, click .

Export Statements

Click .
 Once the Export File is ready, click the  button in the upper right-hand corner of your screen.
 Follow the prompts to save the password-protected WinZip file.
 The password is your User ID (uppercase) and the last four digits of the exported statement's account number.

Department Representatives

Downloading Statements
 From PaymentNet "Menu" select "All Reporting"

Select "Transactions"
 Select Report Filtered "Transaction Detail w/Account Codes and Notes"

Choose "Billing Cycle" from the drop down
 Select the current billing cycle e.g. "June-06"

Click on "Process Criteria"
 Click "Proceed with Report"

Choose the desired file format by selecting the appropriate  You will be taken to "Available Downloaded Files" screen

Click on the "refresh" button
 Select your report from the list
 Your report will download

Note:
The Department Transactions Must be Summarized and signed off on by the Department Head

APPENDIX C
PEOPLESOFT E-PROCUREMENT
PROCUREMENT CARD PROCEDURES

Appendix C will be updated prior to the go-live date for Peoplesoft financials as policies and procedures are still being developed.

The Peoplesoft e-Procurement system will provide full Procurement Card management functionality including:

- Requesting new Procurement Cards
- Receiving Bank Statements electronically from the Bank
- On-line review and reconciliation of bank statements
- Full Security features
- Reporting capability including:
 - Account Summary
 - Cardholder Information
 - Purchase Details
 - Purchase Exceptions
 - Expected Credits
 - Top Supplier Chains
 - Top Merchant Category
 - Merchant Category Code Exceptions

Introduced by:

Referral No. 7621

Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Aney Paul, Sponsor
Hon. Aron B. Wieder, Sponsor

**RESOLUTION NO. 52 OF 2016
APPROVING AGREEMENT IN EXCESS OF \$100,000 WITH
PFM FINANCIAL SOLUTIONS LLC AND AGREEMENT
WITH BANK OF MONTREAL TO PROVIDE PROCUREMENT CARD
SERVICES UNDER RFP-RC-2014-022 FOR THE PERIOD FROM
FEBRUARY 1, 2016 THROUGH JANUARY 31, 2021
WITH ESTIMATED ANNUAL EXPENDITURES OF \$250,000
AND TOTAL PURCHASES NOT TO EXCEED
\$1,250,000 FOR THE FIVE YEAR PERIOD AND AUTHORIZING
EXECUTION OF ALL NECESSARY DOCUMENTS BY
THE COUNTY EXECUTIVE
[DGS - DIVISION OF PURCHASING]
(\$1,250,000)**

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

WHEREAS, By Resolution No. 471 of 2005 the Legislature of Rockland County approved the procurement card program for the County of Rockland; and

WHEREAS, The Division of Purchasing solicited responses to RFP-RC-2014-022 from over seventy firms through the electronic bid notification system and seven responses were received; and

WHEREAS, The Evaluation Team consisting of two employees from the Purchasing Division and one from the Department of Finance reviewed and evaluated the proposals which were received; and

WHEREAS, After evaluation of the top three proposals, the Evaluation Committee recommends the award of the contract to PFM Financial Solutions, LLC ("PFM"), as the firm meeting the criteria set forth in the RFP; and

WHEREAS, PFM's proposal offered a strong and experienced implementation and management team to support the program administrator and assist with the overall growth of the program to maximize the rebate benefit to the County; and

WHEREAS, PFM will request that Bank of Montreal establish a MasterCard account on behalf of the County which will issue, as requested by the County, individual PCards to County employees; and

WHEREAS, Additionally, Bank of Montreal will provide software to enable online reconciliation and program administration; and

WHEREAS, The Purchasing Division intends to grow the current program to maximize the rebate benefit by seeking Legislative authorization to modify the Procurement Card Program Policy and Guidelines and working with the Finance Department to process Accounts Payable transactions through the program; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County enter into an agreement with PFM Financial Solutions, LLC, One Corporate Drive, Suite 101, Bohemia, New York 11716, and enter into an agreement with Bank of Montreal at 115 South LaSalle Street, Chicago, IL 60603, to provide procurement card services to the County under RFP-RC-2014-022, under which the County of Rockland shall be responsible for the payment of all amounts charged to the corporate MasterCard account of the County of Rockland as set forth in the Corporate MasterCard Account Agreement for the period from February 1, 2016 through January 31, 2021, at an estimated annual cost of \$250,000, for a total estimated contract sum not to exceed \$1,250,000; and

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

WHEREAS, sufficient funding for these services exists within the 2016 Operating Budget of departments that use procurement cards for the first year of the agreement, and subsequent funding is dependent upon budget appropriations for the years 2017, 2018, 2019, 2020 and 2021; and

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

RESOLVED, That the Legislature of Rockland County approves the agreement in excess of \$100,000 with PFM Financial Solutions, LLC, One Corporate Drive, Suite 101, Bohemia, New York 11716, and agreement with Bank of Montreal at 115 South LaSalle Street, Chicago, IL 60603, to provide procurement card services to the County under RFP-RC-2014-022, under which the County of Rockland shall be responsible for the payment of all amounts charged to the corporate MasterCard account of the County of Rockland as set forth in the Corporate MasterCard Account Agreement for the period from February 1, 2016 through January 31, 2021, at an estimated annual cost of \$250,000, for a total estimated contract sum not to exceed \$1,250,000, and authorizes its execution and the execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these services exists within the 2016 Operating Budget of departments that use procurement cards for the first year of the agreement, and subsequent funding is dependent upon budget appropriations for the years 2017, 2018, 2019, 2020 and 2021.

Introduced by:

Referral No. 5426

Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Co-Sponsor
Hon. Nancy Low-Hogan, Co-Sponsor
Hon. Laurie A. Santulli, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO. 53 OF 2016
URGING THE NEW YORK STATE SENATE AND ASSEMBLY TO
PASS BILLS S.5751-A AND A.7625, WHICH WOULD AMEND THE NAVIGATION LAW
TO REQUIRE THE OWNER OR OPERATOR OF A MAJOR VESSEL TO PROVIDE
THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WITH EVIDENCE OF
FINANCIAL RESPONSIBILITY SUFFICIENT TO COVER CLEANUP AND DECONTAMINATION
COSTS ASSOCIATED WITH A POTENTIAL SPILL OR ACCIDENT**

Mrs. Cornell offered the following resolution, which was seconded by Mr. Earl, Mr. Jobson and Mrs. Low-Hogan and unanimously adopted

WHEREAS, oil spills have catastrophic health, environmental, safety and financial impacts on communities; and

WHEREAS, for example, the train carrying Bakken crude oil that derailed and exploded in the Canadian town of Lac Megantic that killed 47 people and destroyed a number of buildings led to costs for rebuilding and decontamination that have been estimated at \$2.9 billion; and

WHEREAS, the company determined to be responsible for the Lac Megantic disaster, Montreal Maine and Atlantic Railway, had only \$25 million worth of insurance and subsequently declared bankruptcy; and

WHEREAS, taxpayers were burdened with the costs of rebuilding and decontamination following the Lac Megantic disaster; and

WHEREAS, in New York there has been a significant influx of crude oil transported via rail along the Hudson River and by barge on the river, placing our community at risk of a catastrophic oil disaster; and

WHEREAS, there is a continuing concern that taxpayers would bear the costs of rebuilding and cleanup that that are not covered by the transporters or their insurers; and

WHEREAS, the New York State Senate in S.5751 and the New York State Assembly in A.5751-A propose a certain amendment to Paragraph (e) of subdivision 3 of section 181 of the Navigation Law, as amended by chapter 585 of the laws of 1992 and as further amended by section 104 of part A of chapter 62 of the laws of 2011; and

WHEREAS, the said amendment would require that the owner or operator of a major facility or a vessel shall establish and maintain with the New York State Department of Environmental Conservation evidence of financial responsibility sufficient to meet an amount of liability established pursuant to the Navigation Law; and

WHEREAS, the said amendment would require a major facility or vessel owner or operator to demonstrate the financial means to cover all cleanup and decontamination costs associated with a potential spill or accident; and

WHEREAS, the said amendment also requires railroads to provide surety information to the New York State Department of Environmental Conservation; 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 urges the New York State Senate and Assembly to Pass bills S.5751-A and A.7625, which would amend the Navigation Law to require the owner or operator of a major vessel to provide the Department of Environmental Conservation with evidence of financial responsibility sufficient to cover cleanup and decontamination costs associated with a potential spill or accident; 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 the Hon. Andrew Cuomo, Governor of the State of New York; Hon. David Carlucci and Hon. William J. Larkin Jr., Members of the New York State Senate; Hon. Kenneth P. Zebrowski, Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Hon. Karl A. Brabanec, 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; Basil Seggos, Acting Commissioner of the New York State Department of Environmental Conservation; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this Resolution.

Debate:

Mrs. Cornell

Many of us remember the numerous accidents that have occurred with trains carrying Bakken crude oil. I particularly remember one that happened in the Canadian town of Lac Megantic that killed 47 people and destroyed a number of buildings. Our Office of Emergency Services had a whole program about it where the Fire Chief from Maine came to speak about going to the Canadian town of Lac Megantic under mutual aid not knowing what they were going to find there. In that specific situation, basically the taxpayers were burdened with the cost of rebuilding their community and decontamination following that disaster. The railroad had only a small amount of insurance and declared bankruptcy.

This resolution amends current Navigation Law and would require that the owner or operator of a major facility or a vessel shall establish and maintain with the New York State Department of Environmental Conservation evidence of financial responsibility sufficient to meet an amount of liability established pursuant to the Navigation Law.

**ADJOURNMENT IN MEMORY OF
RABBI RONNIE GREENWALD**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Rabbi Ronnie Greenwald.

**ADJOURNMENT IN MEMORY OF
DR. SUSAN G. GORDON, M.D.**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dr. Susan G. Gordon, M.D..

**ADJOURNMENT IN MEMORY OF
VINCENT INCALCATERRA**

Chairman Wolfe offered the following memorial, which was seconded by the entire Legislature and unanimously approved:

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

**ADJOURNMENT IN MEMORY OF
EDWARD PASCOCELLA**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Edward Pascocella.

**ADJOURNMENT IN MEMORY OF
MICHAEL SMITH**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Michael Smith.

**ADJOURNMENT IN MEMORY OF
LOUIS LINCOLN WORBY**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Louis Lincoln Worby.

**RESOLUTION NO. 54 OF 2016
ADJOURNMENT**

Mr. Soskin offered the following resolution, which was seconded by the entire Legislature and unanimously adopted (7:57 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, February 16, 2016 at 6:00 p.m.

Respectfully Submitted,

DARCY SHAPIN-GREENBERG
Proceedings Clerk