

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, August 4 2015 at 7:00 P.M., pursuant to the adjournment of the July 7, 2015 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 30th day of July 2015

The Legislature of Rockland County convened in regular session pursuant to adjournment of the July 7, 2015 meeting.

A Roll Call being taken at 7:00 p.m., the following Legislators were present and answered to their names:

Christopher J. Carey
Harriet D. Cornell
Richard C. Diaz
Toney L. Earl
Michael M. Grant
Lon M. Hofstein
Douglas J. Jobson
Nancy Low-Hogan
Joseph L. Meyers
Patrick J. Moroney
John A. Murphy
Aney Paul
Ilan S. Schoenberger
Philip Soskin
Aron B. Wieder
Jay Hood, Jr., Vice Chairman
Alden H. Wolfe, Chairman

Honorable Ilan S. Schoenberger, Legislator, District 4, led in the Salute to the Flag and delivered the invocation.

**RESOLUTION NO. 371 OF 2015
ADOPTION OF MINUTES OF LEGISLATIVE
MEETING OF JUNE 2, 2015**

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

Resolved, that the transcribed minutes of the Legislative meeting June 2, 2015, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

Comments from the ChairmanChairman Alden H. Wolfe

Last night we found ourselves, as a body, in somewhat of an unusual position. We are so used to giving out awards and recognizing the people in the community in these chambers. Last night the Rockland County Legislature was honored by VCS. They are celebrating their 45th anniversary this year. They had their annual golf outing yesterday and they recognized the Rockland County Legislature for leadership in 2014 during the budget process and the stand that we took to protect the not-for-profits. It was my honor to represent this body. Mr. Diaz joined me as well. It was a great moment, this body being recognized for standing up for the values of our community.

Comments from LegislatorsLegislator Ilan S. Schoenberger

I want to acknowledge some of the things that I have been reading about and learned on the news with regard to drones that have been coming dangerously close to airplanes, landing and taking off from Newark Airport and JFK. In New Jersey this weekend there was almost a collision between a small private plane and a drone at about 1000 feet. Every time I see those items on television I think about the leadership exercised by our County Legislator Jay Hood and his persistence in having Rockland County pass a Drone Law, I think the first one of its kind, and the foresight that he had. It seems that the Federal Government is going to be looking at drone problems at airports, government buildings and other places. Legislator Jay Hood was ahead of all of them with this law and he deserves to be acknowledged and complimented for it.

Legislator Aney Paul

India lost a great visionary leader in the death of former President Dr. APJ Abdul Kalam. He was an advocate for stronger U.S.-India relations. He wasn't just the people's President, but an inspirational personality who also was a teacher, scientist, author, professor and policymaker. Dr. Kalam's dedication to public service served as an inspiration to millions around the world. Many awards and medals include Padma Bhushan in 1981, Padma Vibhushan in 1990, and Bharat Ratna in 1997, the highest award an Indian can get. He has also authored numerous books, the most popular of them being *Wings of Fire*, *India 2020*, and *Ignited Minds*. United Nations Organization (UNO) declared October 15th, Dr. APJ Abdul Kalam's Birthday as the "World Students Day". It is really a very great honor given to the Indian personality.

On behalf of Rockland County Legislature, I wish to extend my deepest condolences on the passing of former Indian President, Dr. APJ Abdul Kalam.

Special Order of the Day:

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **4th day of August, 2015, at 7:05 P.M.**, prevailing time, to consider adoption of a local law amending Chapter 349 of the Laws of Rockland County to include, among other things, the smoking of electronic cigarettes.

Dated: New City, New York
July 23, 2015

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

The Chairman opened the public hearing at 7:08 p.m. and the following person spoke:

- ❖ Denise Hogan, in favor

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

**RESOLUTION NO. 372 OF 2015
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed. (7:11 p.m.)

There was no vote on the Local Law this evening.

The Chairman opened the public participation portion of the meeting at 7:11 p.m. and the following persons spoke:

- ❖ Larry Sparber, opposed to non-union management compensation policy
- ❖ Bridger Scott, concerns with \$1,700,000,000 funds to Brooklyn Synagogue from Northern Manor Nursing Home in Nanuet when sick/vacation time not being appropriated correctly to employees
- ❖ George Rumelt, what insurance agency does County use
- ❖ Marge Hook, Cops lives matter and pass animal cruelty laws

Public Participation ended at 7:20 p.m.

Introduced by:

Referral No. 6698

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

**RESOLUTION NO. 373 OF 2015
ACCEPTING AND APPROVING THE REPORT OF
THE BUDGET & FINANCE COMMITTEE WITH
REFERENCE TO MORTGAGE TAXES
FOR THE PERIOD OCTOBER 1, 2014 THROUGH MARCH 31, 2015
[DEPARTMENT OF BUDGET & FINANCE]**

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

WHEREAS, The Budget & Finance Department has rendered its report distributing mortgage taxes among the various municipalities in the County of Rockland, and establishing the rate of distribution of such taxes, which has been submitted to the Legislature; and

WHEREAS, A true copy of such report is hereto annexed; and

WHEREAS, The mortgage taxes are distributed to the various municipalities on the basis of the amount of mortgage taxes collected from the properties in the various townships by a formula which utilizes the assessed valuation of the towns and villages, after deducting the amounts which go to the State of New York, the County of Rockland, and the amounts that are kept by the County Clerk as his processing fees; 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 attached report, with reference to the mortgage taxes, be and is hereby accepted and approved, and the Clerk is directed to spread the same upon the minutes of this meeting.

REPORT OF COMMITTEE
MORTGAGE TAX

TO THE HONORABLE LEGISLATURE OF ROCKLAND COUNTY

The Budget and Finance Committee has reviewed the apportionment arising from tax on mortgages
Collected from October 1, 2014 through March 31, 2015 among the several towns and villages of this
County as follows:

STATEMENT OF MORTGAGE TAX
FOR PERIOD OF SIX MONTHS
ENDED MARCH 31, 2015

That portion of the Tax collected by recording officer pursuant to report to the Legislature of Rockland County	\$3,909,623.89
Total disbursement of Recording Officer	108,281.39
Interest Earned for Period (County Clerk)	75.62
Amount Paid to Commissioner of Finance	3,801,418.12
Interest Earned for Period (Commissioner of Finance)	1,977.00
Net Amount for Distribution to Tax Districts	3,803,395.12

AMOUNT ALLOCATED TO EACH TOWN

CLARKSTOWN	1,008,812.34
HAVERSTRAW	239,863.19
ORANGETOWN	1,137,616.39
RAMAPO	1,300,258.98
STONY POINT	116,844.22

ASSESED VALUATION OF TOWNS

CLARKSTOWN	4,638,801,318
HAVERSTRAW	3,288,513,270
ORANGETOWN	4,723,375,154
RAMAPO	2,059,907,040
STONY POINT	299,958,356

We have also prepared a warrant which we submit herewith directing the Commissioner of Finance to pay to the Supervisors of the several towns and to village Treasurers, the sums apportioned pursuant to Section 261 of the Tax Law, as amended.

DISTRIBUTION OF TAX TO TOWNS AND VILLAGES

TOWN OF CLARKSTOWN	\$982,983.72
Village of Upper Nyack	17,647.67
Village of Spring Valley	6,497.44
Village of Nyack	1,683.51
TOWN OF HAVERSTRAW	177,695.27
Village of Haverstraw	25,220.49
Village of West Haverstraw	26,256.28
Village of Pomona	10,691.15
TOWN OF ORANGETOWN	1,020,484.92
Village of Grandview	6,183.30
Village of Nyack	56,747.24
Village of Piermont	30,874.58
Village of South Nyack	23,326.35
TOWN OF RAMAPO	866,526.96
Village of Hillburn	7,947.85
Village of New Hempstead	32,340.54
Village of New Square	17,806.53
Village of Pomona	9,314.30
Village of Slootsburg	17,456.41
Village of Spring Valley	62,700.50
Village of Suffern	66,584.73
Village of Wesley Hills	41,150.30
Village of Chestnut Ridge	58,089.79
Village of Montebello	50,422.87
Village of Kaser	9,518.66
Village of Airmont	80,419.54
TOWN OF STONY POINT	116,844.22

RATE OF DISTRIBUTION OF TAX TO INCORPORATED VILLAGES

Upper Nyack in the Town of Clarkstown	0.01749351
Spring Valley in the Town of Clarkstown	0.00644068
Nyack in the Town of Clarkstown	0.00166880
Haverstraw in the Town of Haverstraw	0.10514530
West Haverstraw in the Town of Haverstraw	0.10946358
Pomona in the Town of Haverstraw	0.04457186
Grandview in the Town of Orangetown	0.00543531
Nyack in the Town of Orangetown	0.04988258
Piermont in the Town of Orangetown	0.02713971
South Nyack in the Town of Orangetown	0.02050458
Hillburn in the Town of Ramapo	0.00611251
New Hempstead in the Town of Ramapo	0.02487238
New Square in the Town of Ramapo	0.01369460
Pomona in the Town of Ramapo	0.00716342
Sloatsburg in the Town of Ramapo	0.01342533
Spring Valley in the Town of Ramapo	0.04822155
Suffern in the Town of Ramapo	0.05120882
Wesley Hills in the Town of Ramapo	0.03164777
Chestnut Ridge in the Town of Ramapo	0.04466017
Montebello in the Town of Ramapo	0.03877910
Kaser in the Town of Ramapo	0.00732059
Airmont in the Town of Ramapo	0.04646731

ASSESSED VALUATIONS OF VILLAGES

Upper Nyack in the Town of Clarkstown	162,297,808
Spring Valley in the Town of Clarkstown	59,754,079
Nyack in the Town of Clarkstown	15,482,419
Haverstraw in the Town of Haverstraw	691,543,460
West Haverstraw in the Town of Haverstraw	719,944,867
Pomona in the Town of Haverstraw	293,150,284
Grandview in the Town of Orangetown	51,346,021
Nyack in the Town of Orangetown	471,228,275
Piermont in the Town of Orangetown	256,382,067
South Nyack in the Town of Orangetown	193,701,661
Hillburn in the Town of Ramapo	25,182,389
New Hempstead in the Town of Ramapo	102,469,594
New Square in the Town of Ramapo	56,419,204
Pomona in the Town of Ramapo	29,511,959
Sloatsburg in the Town of Ramapo	55,309,875
Spring Valley in the Town of Ramapo	198,663,838
Suffern in the Town of Ramapo	210,970,825
Wesley Hills in the Town of Ramapo	130,382,913
Chestnut Ridge in the Town of Ramapo	183,991,613
Montebello in the Town of Ramapo	159,762,698
Kaser in the Town of Ramapo	30,159,455
Airmont in the Town of Ramapo	191,436,665

STATE OF NEW YORK >
COUNTY OF ROCKLAND >

WARRANT OF THE COMMISSIONER OF FINANCE OF ROCKLAND COUNTY

TO: STEPHEN F. DEGROAT
COMMISSIONER OF FINANCE
BUDGET DIRECTOR
NEW CITY, N.Y. 10956

You are hereby notified by the Legislature of Rockland County, State of New York, that the sum of Three Million, Nine Hundred Nine Thousand, Six Hundred Twenty-Three and 89/100 (\$3,909,623.89) Dollars arising from tax on Mortgages and interest earned in the amount of Two Thousand, Fifty-Two and 62/100 (\$2,052.62) Dollars for the period between October 1, 2014 and March 31, 2015 inclusive, as reported by the recording officer to the Rockland County Legislature, has this day been apportioned to the several towns and incorporated villages, pursuant to Section 261 of the Tax Law, as amended, having deducted One Hundred Eight Thousand, Two Hundred Eighty-One and 39/100 (\$108,281.39) Dollars expenses of the County Clerk, as allowed by the State Board of Tax Commissioners, which leaves a net balance of Three Million, Eight Hundred Three Thousand, Three Hundred Ninety Five and 12/100 (\$3,803,395.12) Dollars, which has been apportioned as follows:

To the Supervisor of the Town of Clarkstown for Town purposes	\$ 982,983.72
To the Treasurer of Upper Nyack for Village purposes	17,647.67
To the Treasurer of Spring Valley for Village purposes	6,497.44
To the Treasurer of Nyack for Village purposes	1,683.51
To the Supervisor of the Town of Haverstraw for Town purposes	177,695.27
To the Treasurer of Haverstraw for Village purposes	25,220.49
To the Treasurer of West Haverstraw for Village purposes	26,256.28
To the Treasurer of Pomona for Village purposes	10,691.15
To the Supervisor of the Town of Orangetown for Town purposes	1,020,484.92
To the Treasurer of Grand View for Village purposes	6,183.30
To the Treasurer of Nyack for Village purposes	56,747.24
To the Treasurer of Piermont for Village purposes	30,874.58

To the Treasurer of South Nyack for Village purposes	23,326.35
To the Supervisor of Ramapo for Town purposes	866,526.96
To the Treasurer of Hillburn for Village purposes	7,947.85
To the Treasurer of New Hempstead for Village purposes	32,340.54
To the Treasurer of New Square for Village purposes	17,806.53
To the Treasurer of Pomona for Village purposes	9,314.30
To the Treasurer of Slootsburg for Village purposes	17,456.41
To the Treasurer of Spring Valley for Village purposes	62,700.50
To the Treasurer of Suffern for Village purposes	66,584.73
To the Treasurer of Wesley Hills for Village purposes	41,150.30
To the Treasurer of Chestnut Ridge for Village purposes	58,069.79
To the Treasurer of Montebello for Village purposes	50,422.87
To the Treasurer of Kaser for Village purposes	9,518.66
To the Treasurer of Airmont for Village purposes	60,419.54
To the Supervisor of Stony Point for Town purposes	116,844.22

You are hereby directed to pay to the respective qualified officers of the several towns and incorporated villages, the sum apportioned to them as appears in the foregoing schedule and for the purposes specified.

Given under our hands and the seal of the Legislature of Rockland County, State of New York,

this day of New City, New York.

Laurence O. Toole, Clerk

Chairman

Introduced by:

Referral No. 6698

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

**RESOLUTION NO. 374 OF 2015
AUTHORIZING THE CLERK TO THE LEGISLATURE TO
EXECUTE A WARRANT TO THE COMMISSIONER OF FINANCE
DIRECTING THE PAYMENT OF MORTGAGE TAX MONIES
FOR THE PERIOD OCTOBER 1, 2014 THROUGH MARCH 31, 2015
[DEPARTMENT OF BUDGET AND FINANCE]**

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

WHEREAS, The Budget & Finance Committee of the Rockland County Legislature has rendered a report to the County Legislature setting forth the distribution and allocation of mortgage taxes to the various municipalities, and

WHEREAS, Said report has been adopted by the Rockland County Legislature and spread upon its minutes, 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 Clerk to the Legislature be and he is hereby authorized and directed to execute a warrant to the Commissioner of Finance directing the payment of mortgage tax money, as apportioned by the Budget & Finance Committee of this Legislature, and approved by Resolution No.373 of 2015, pursuant to the provisions of the Tax Law.

STATE OF NEW YORK >
 COUNTY OF ROCKLAND >

WARRANT OF THE COMMISSIONER OF FINANCE OF ROCKLAND COUNTY

TO: STEPHEN F. DEGROAT
 COMMISSIONER OF FINANCE
 BUDGET DIRECTOR
 NEW CITY, N.Y. 10956

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To the Treasurer of Airmont for Village purposes	60,419.54
To the Supervisor of Stony Point for Town purposes	116,844.22

You are hereby directed to pay to the respective qualified officers of the several towns and incorporated villages, the sum apportioned to them as appears in the foregoing schedule and for the purposes specified.

Given under our hands and the seal of the Legislature of Rockland County, State of New York,

this day of New City, New York.

Laurence O. Toole, Clerk

Chairman

REPORT OF COMMITTEE
MORTGAGE TAX

TO THE HONORABLE LEGISLATURE OF ROCKLAND COUNTY

The Budget and Finance Committee has reviewed the apportionment arising from tax on mortgages
Collected from October 1, 2014 through March 31, 2015 among the several towns and villages of this
County as follows:

STATEMENT OF MORTGAGE TAX
FOR PERIOD OF SIX MONTHS
ENDED MARCH 31, 2015

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ASSESSED VALUATIONS OF VILLAGES

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Chestnut Ridge in the Town of Ramapo	183,991,613
Montebello in the Town of Ramapo	159,762,698
Kaser in the Town of Ramapo	30,159,455
Airmont in the Town of Ramapo	191,436,665

Introduced by:

Referral No. 8055

Hon. Alden H. Wolfe, Sponsor
 Hon. Harriet D. Cornell, Co-Sponsor
 Hon. Michael M. Grant, Co-Sponsor
 Hon. Douglas J. Jobson, Co-Sponsor
 Hon. Aron B. Wieder, Co-Sponsor
 Hon. Ilan S. Schoenberger, Co-Sponsor
 Hon. Toney L. Earl, Co-Sponsor
 Hon. Philip Soskin, Co-Sponsor
 Hon. Christopher J. Carey, Co-Sponsor
 Hon. Richard C. Diaz, Co-Sponsor
 Hon. Jay Hood, Jr., Co-Sponsor

**RESOLUTION NO. 375 OF 2015
 REQUESTING HOME RULE LEGISLATION IN THE NEW YORK STATE
 LEGISLATURE TO REPEAL THE METROPOLITAN TRANSPORTATION
 AUTHORITY (MTA) PAYROLL TAX**

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

WHEREAS, Rockland County was designated by state statute to be part of the Metropolitan Commuter Transportation District, which funds and provides for mass transportation services in the New York City metropolitan region through the Metropolitan Transportation Authority (MTA); and

WHEREAS, since its enactment in 2009, the MTA payroll tax has imposed a serious financial burden on businesses and employers in the commuter region and, in particular Rockland County government and Rockland County corporations, private and independently owned companies, not-for-profit agencies, hospitals, school districts, and Rockland County taxpayers, having suffered the burden of 34 cents on every \$100.00 of payroll and a .34% tax on net earnings exceeding \$10,000.00 annually for self-employed Rockland County residents; and

WHEREAS, the MTA payroll tax has cost Rockland County government more than \$3.3 million since its creation and is anticipated to cost the County an additional \$556,595 in 2015; and

WHEREAS, this anti-job creation payroll tax has a crippling effect on residents within the Metropolitan Commuter Transportation District, particularly Rockland County's small business owners and taxpayers; and

WHEREAS, the Rockland County Legislature has previously requested that the New York State Legislature eliminate the MTA payroll tax both generally for all employers in Rockland, Orange, Dutchess and Putnam Counties (Res. No. 578 of 2009) and specifically for all not-for-profit agencies locate in the MTA service region (Res. No. 60 of 2012); and

WHEREAS, that should the state be unwilling to repeal the MTA payroll tax for the entire state or region, it should at least do so for the County of Rockland; and

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

RESOLVED, that the County of Rockland hereby requests the New York State Legislature and Governor to adopt legislation that will repeal the MTA payroll tax immediately; and be further

RESOLVED, that the County of Rockland further requests that, should the state be unwilling to repeal the MTA payroll tax for the entire state or region, it should at least do so for the County of Rockland; 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 Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

Introduced by:

Referral No. 8055

Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Co-Sponsor
Hon. Michael M. Grant, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Aron B. Wieder, Co-Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Christopher J. Carey, Co-Sponsor
Hon. Richard C. Diaz, Co-Sponsor
Hon. Jay Hood, Jr., Co-Sponsor

**RESOLUTION NO. 376 OF 2015
REQUESTING HOME RULE LEGISLATION IN THE NEW YORK STATE LEGISLATURE
TO REPEAL THE METROPOLITAN TRANSPORTATION AUTHORITY (MTA) SUPPLEMENTAL
VEHICLE REGISTRATION FEE AND OTHER ASSOCIATED FEES**

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

WHEREAS, Rockland County was designated by state statute to be part of the Metropolitan Commuter Transportation District, which funds and provides for mass transportation services in the New York City metropolitan region through the Metropolitan Transportation Authority (MTA); and

WHEREAS; as part of a comprehensive budget package intended to bail out the MTA, a number of burdensome fees and taxes were enacted including the following: supplemental vehicle registration and licensing fees payable by all New York State drivers, increased fees on all taxicabs fares within the Metropolitan Commuter Transportation District, and an additional 5% tax on every passenger car rented within the Metropolitan Commuter Transportation District; and

WHEREAS, the MTA supplemental vehicle registration and licensing fees, payable by all NEW York State drivers with funds going to the MTA for services that may or not be utilized by the people paying the fees, has cost Rockland County motorists over \$35,000,000 since it was enacted in 2009 and will continue to cost them millions more a year unless these fees are eliminated by the New York State Legislature; and

WHEREAS, that should the state be unwilling to repeal the MTA supplemental vehicle registration and licensing fees as well as the other MTA related fees for the entire state or region, it should at least do so for the County of Rockland; and

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

RESOLVED, that the County of Rockland hereby requests the New York State Legislature and Governor to adopt legislation that will repeal the MTA supplemental vehicle registration and licensing fees as well as the other MTA related fees immediately; and be further

RESOLVED, that the County of Rockland further requests that, should the state be unwilling to repeal the MTA supplemental vehicle registration and licensing fees as well as the other MTA related fees for the entire state or region, it should at least do so for the County of Rockland; 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 Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

Introduced by:

Referral No. 4124

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

**RESOLUTION NO. 377 OF 2015
RECEIVE AND FILE FINANCIAL STATEMENTS WITH INDEPENDENT AUDITORS' REPORT
PREPARED BY O'CONNOR DAVIES LLP
ROCKLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT
(A COMPONENT UNIT OF THE COUNTY OF ROCKLAND, NEW YORK)
YEAR ENDING DECEMBER 31, 2014**

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

WHEREAS, O'Connor Davies LLP, has completed the financial statements of the Rockland County Soil and Water Conservation District for the year ending December 31, 2014; and

WHEREAS, copies of the financial statements with independent auditors' report have been filed with the Clerk to the Legislature of Rockland County and distributed to all members of the Legislature; and

WHEREAS, the Clerk to the Legislature has filed a copy of the audit with the Rockland County Clerk for his filing, public notification and retention for public inspection by his office pursuant to General Municipal Law Section 35; and

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

RESOLVED, Financial Statements With Independent Auditors' Report prepared by O'Connor Davies LLP –Rockland County Soil And Water Conservation District (A Component Unit Of The County Of Rockland, New York) Year Ending December 31, 2014 is hereby received and filed.

Introduced by:

Referral No. 7000

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

**RESOLUTION NO. 378 OF 2015
AMENDING AND RESTATING THE MODEL PLAN
FOR THE DEFERRED COMPENSATION PLAN
FOR THE EMPLOYEES OF THE COUNTY OF ROCKLAND**

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

WHEREAS, The New York State Deferred Compensation Board (the "*Board*"), pursuant to Section 5 of the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the County of Rockland (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, The County of Rockland, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the County of Rockland; and

WHEREAS, Effective November 14, 2014 the Board amended the Model Plan to adopt provisions to allow participants, if so elected by the sponsoring employer, the ability to take loans against Roth account balances; and

WHEREAS, The Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, The Rockland County Deferred Compensation Board at its April 30, 2015 meeting unanimously voted to approved the foregoing amendment to the Model Plan Document; and

WHEREAS, Upon due deliberation, the Legislature of the County of Rockland has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the County of Rockland by adopting the amended Model Plan; and

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

RESOLVED, That the Legislature of the County of Rockland hereby amends the Deferred Compensation Plan for Employees of the County of Rockland by adopting the amended Model Plan effective November 14, 2014, in the form attached hereto as Exhibit A.

Plan Document
for the

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

(Amended and Restated as of August 4, 2015)

¹ A Public Employer that is not a participating employer in the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions or the sponsor of any other eligible deferred compensation plan under Section 457 of the Code applicable to governmental employers described in Section 457(e)(1)(B) of the Code may adopt this Plan by complying with the procedures set forth in the Regulations. The Effective Date is the date of adoption of this Plan or of this Amendment and Restatement of the Plan. The Employer should delete this footnote from the adopted Plan document.

**Deferred Compensation Plan
for Employees of
COUNTY OF ROCKLAND
Plan Document**

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**Deferred Compensation Plan
for Employees of
COUNTY OF ROCKLAND
Plan Document**

PURPOSE

The purpose of the Plan is to encourage Employees to make and continue careers with the Employer by providing Employees with a convenient way to save on a regular and long-term basis and thereby provide for their retirement as set forth herein. The Employer adopted this Plan by complying with the procedures set forth in the Regulations.

A Participant's benefit under the Plan is limited to the Plan Benefit, and the value of the Plan Benefit will depend upon the investment results achieved by the Investment Options in which the Participant chooses to invest. Each Participant shall be 100 percent vested at all times in his or her Plan Benefit in accordance with the terms of the Plan.

In accordance with Section 457 of the Code, all amounts of Compensation deferred or contributed under the Plan, all property and rights purchased with such amounts and all income attributable to such amounts, and all other property and rights are held in trust for the exclusive benefit of Participants and their Beneficiaries and Alternate Payees pursuant to the Trust Agreement.

The Plan and the Trust Agreement are intended to satisfy the requirements for an eligible deferred compensation plan under Section 457 of the Code applicable to governmental employers described in Section 457(e)(1)(B) of the Code, and shall be construed and administered accordingly. To the extent that any term of the Plan is inconsistent with the provisions of Section 457 of the Code applicable to governmental employers, the inconsistent term shall, to the fullest extent possible, be treated for all purposes of the Plan as amended or reformed to conform to the applicable provisions of Section 457 of the Code.

Except as otherwise provided herein, this amendment and restatement of the Plan is effective as of the Effective Date.

**SECTION 1
DEFINITIONS**

When used herein, the following terms shall have the following meanings:

- 1.1 "Account" means each separate account established and maintained for an Account Participant under the Plan, including, as applicable, each Before-Tax Deferral Account, Roth Account (if applicable), Rollover Account, Alternate Payee Account and Beneficiary Account.
- 1.2 "Account Participant" means each Participant, Beneficiary, Surviving Spouse, Alternate Payee or other individual with an Account.
- 1.3 "Administrative Service Agency" means an Administrative Service Agency as defined in the Regulations selected by the Committee to provide services in respect of the Plan.
- 1.4 "Alternate Payee" means any spouse, former spouse, child or other dependent of a Participant who is recognized by a Qualified Domestic Relations Order as having a right to receive all, or a portion of, the Plan Benefit with respect to such Participant.
- 1.5 "Alternate Payee Account" means the Account established for an Alternate Payee pursuant to a Qualified Domestic Relations Order.
- 1.6 "Amounts Deferred or Contributed" means the aggregate of Compensation deferred or contributed by a Participant pursuant to Sections 3.1 and 3.2, including Before-Tax Deferrals and Roth Contributions (if applicable).
- 1.7 "Before-Tax Deferral Account" means the Account or Accounts established under the Plan to record a Participant's Before-Tax Deferrals, and the income, gains and losses credited thereto. A Beneficiary Account or Alternate Payee Account corresponding to the deceased or relevant Participant's Before-Tax Deferrals may also be referred to as a Before-Tax Deferral Account.
- 1.8 "Before-Tax Deferrals" means that part of a Participant's Compensation which is deferred into the Plan and is not includable in the Participant's taxable income which, in the absence of a Participant's election to defer such Compensation under Section 3.1, would have been paid to the Participant and would have been includable in the Participant's taxable income.
- 1.9 "Beneficiary" means the beneficiary or beneficiaries designated by a Participant or Surviving Spouse of a Participant pursuant to Section 9 to receive the amount, if any, payable under the Plan upon the death of such Participant or Surviving Spouse.
- 1.10 "Beneficiary Account" means the Account established for a Beneficiary in accordance with Section 6.2.

1.11 "Business Day" means, subject to Section 4.4(b), any day (measured in accordance with State time) on which the New York Stock Exchange is open for the trading of securities.

1.12 "Code" means the Internal Revenue Code of 1986, as now in effect or as hereafter amended, and the applicable Treasury Regulations and rulings thereunder. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.13 "Committee" means the Deferred Compensation Committee appointed by the Employer in accordance with the Regulations to act on behalf of Employer to administer the Plan.

1.14 "Compensation" means:

(a) all compensation for services to the Employer, including salary, wages, fees, commissions and overtime pay that is includible in the Employee's gross income for each Plan Year under the Code;

(b) any differential wage payments defined in Code Section 3401(h)(2) pursuant to the HEART Act; and

(c) any accumulated sick pay, accumulated vacation pay and back pay paid to a Participant by his or her Employer, provided that such accumulated sick pay, accumulated vacation pay and back pay is received by the Plan in accordance with the timing requirements of the Treasury Regulations promulgated under Section 457 of the Code.

1.15 "Distributee" means (a) an Employee or former Employee, (b) the Surviving Spouse of an Employee or former Employee and (c) the spouse or former spouse of an Employee or former Employee, but only to the extent such spouse or former spouse is an Alternate Payee under a Qualified Domestic Relations Order and only with regard to the interest of such spouse or former spouse.

1.16 "Distribution Waiting Period" means 45 days following a Participant's Severance from Employment, or, to the extent that the Committee has designated a different Distribution Waiting Period under Section 8.1(e) of Schedule A, the Distribution Waiting Period as set forth in Section 8.1(e) of Schedule A.

1.17 "Earliest Retirement Date" means the earlier of (a) the date on which the Participant Severs from Employment or (b) the date the Participant attains age 50.

1.18 "Effective Date" means August 4, 2015.²

1.19 "Eligible Retirement Plan" means:

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

² Insert the date upon which the Employer adopted this amended and restated Plan. The Employer should delete this footnote from the adopted Plan document.

- (b) an individual retirement annuity described in Section 408(b) of the Code;
- (c) a qualified trust under Section 401(a) or 401(k) of the Code;
- (d) an annuity contract or custodial account described in Section 403(b) of the Code;
- (e) an eligible deferred compensation plan described in Section 457 of the Code that is maintained by a state, political subdivision of a state, any agency or instrumentality of a state or political subdivision of a state; and
- (f) a Roth IRA.

1.20 "Eligible Rollover Distribution" means all or any portion of the balance of the Plan to the credit of a Distributee or a Beneficiary of a Participant, except that an Eligible Rollover Distribution shall not include (a) any distribution that is (i) one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's Beneficiary or (ii) for a specified period of ten years or more, (b) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code, or (c) any distribution due to an Unforeseeable Emergency.

1.21 "Employee" means any individual who receives Compensation for services from the Employer, including any elected or appointed officer or employee of the Employer, and any employee who is included in a unit of employees covered by a negotiated collective bargaining agreement that specifically provides for participation in the Plan. An Employee shall not include an independent contractor, a consultant or any other individual classified by the Employer as not eligible to participate in the Plan.

1.22 "Employer" means the County of Rockland.³

1.23 "Enrollment Date" means, with respect to an Employee who is eligible to enroll or be enrolled in the Plan, any payroll date on which such Employee receives Compensation, or such other date or dates as the Administrative Service Agency may establish either in lieu of, or in addition to, such dates.

1.24 "Financial Organization" means a Financial Organization as defined in the Regulations selected by the Committee to provide services in respect of the Plan.

1.25 "HEART Act" means the Heroes Earnings Assistance and Relief Tax Act of 2008.

1.26 "Includible Compensation" means "includible compensation" as defined in Section 457(e)(5) of the Code.

³ Insert the name of the Public Employer adopting this amended and restated Plan. The Employer should delete this footnote from the adopted Plan document.

1.27 "Investment Fund" means each of the investment funds made available by the Committee through the Plan in accordance with Section 6.5(b).

1.28 "Investment Option" means each of the Investment Funds and each other investment option made available by the Committee through the Plan in accordance with Section 6.5(b).

1.29 "Loan Grace Period" means 90 days following the due date of a Participant's scheduled repayment of his or her Plan loan, or, to the extent that the Committee has designated a shorter Loan Grace Period under Section 7.3(f) of Schedule A, the Loan Grace Period as set forth in Section 7.3(f) of Schedule A.

1.30 "Maximum Annual Number of Partial Distributions" means twelve partial lump sum payments per Plan Year, or, to the extent that the Committee has designated a different Maximum Annual Number of Partial Distributions under Section 8.1(c)(i) and (iii) of Schedule A, the Maximum Annual Number of Partial Distributions as set forth in Section 8.1(c)(i) and (iii) of Schedule A.

1.31 "Minimum Installment Amount" means \$100, or, to the extent that the Committee has designated a different Minimum Installment Amount under Section 8.1(c) of Schedule A, the Minimum Installment Amount as set forth in Section 8.1(c) of Schedule A.

1.32 "Minimum Lump Sum Amount" means \$100, or, to the extent that the Committee has designated a different Minimum Lump Sum Amount under Section 8.1(c)(i) and (iii) of Schedule A, the Minimum Lump Sum Amount as set forth in Section 8.1(c)(i) and (iii) of Schedule A.

1.33 "Normal Retirement Age" means any age designated by a Participant within the following parameters: (i) beginning (A) no earlier than the earliest age at which the Participant has the right to retire under the basic pension plan, if any, in which the Participant participates in connection with his or her service to the Employer and to receive immediate retirement benefits without actuarial or similar reduction because of retirement before some later age specified in such basic pension plan or, (B) in the case of a Participant who does not participate in such basic pension plan, no earlier than age 65, and (ii) ending no later than age 70½. Notwithstanding the previous sentence, a Participant who is a qualified police officer or firefighter (as defined under Section 415(b)(2)(H)(ii)(I) of the Code) may designate a Normal Retirement Age that is earlier than the earliest Normal Retirement Age described above, but in no event may such Normal Retirement Age be earlier than age 40. Notwithstanding anything in the Plan to the contrary, a Participant's designation of a Normal Retirement Age shall not control the date that payment of such Participant's benefits shall commence pursuant to Section 8.

1.34 "Participant" means an Employee or former Employee who is not deceased and who has an Account or Rollover Account under the Plan.

1.35 "Participation Agreement" means an agreement in writing or in such other form approved by the Committee, pursuant to which the Employee elects to reduce his or her Compensation for future Enrollment Dates and to have amounts deferred or contributed into the Plan on his or her behalf in accordance with the terms of the Plan.

- 1.36 "Plan" means the Deferred Compensation Plan for Employees of the Employer, as the same may be amended from time to time.
- 1.37 "Plan Benefit" has the meaning set forth in Section 6.5.
- 1.38 "Plan Year" means the calendar year.
- 1.39 "Qualified Domestic Relations Order" means any judgment, decree or order, including approval of a property settlement agreement, that has been determined by the Administrative Service Agency to meet the requirements of a qualified domestic relations order within the meaning of Section 414(p) of the Code.
- 1.40 "Qualified Roth Contribution Program" means a qualified Roth contribution program as defined in Section 402A of the Code.
- 1.41 "Regulations" means the rules and regulations promulgated by the Deferred Compensation Board of the State of New York pursuant to Section 5 of the State Finance Law, as the same may be amended from time to time.
- 1.42 "Required Beginning Date" means April 1 of the calendar year following the later of the calendar year in which the Participant: (a) attains age 70½, or (b) Severs from Employment.
- 1.43 "Review Committee" means the committee designated to review claims to rights or benefits under the Plan in accordance with Section 11.8 and requests for Unforeseeable Emergency withdrawals under Section 7.
- 1.44 "Rollover Account" means the Account or Accounts established and maintained in respect of a Participant or a Beneficiary who is a Participant's Surviving Spouse or, if applicable, by a spousal Alternate Payee pursuant to Section 5.2(c).
- 1.45 "Rollover Contribution" means the amount contributed by a Participant or a Beneficiary to a Rollover Account or, if applicable, by an Alternate Payee to an Alternate Payee Account, in accordance with Section 5.2 that the Administrative Service Agency has determined would qualify as an Eligible Rollover Distribution, other than a distribution consisting of contributions to a Roth IRA, and which the Administrative Service Agency has determined may be contributed.
- 1.46 "Roth Account" means the Account or Accounts established under the Plan to record a Participant's Roth Contributions, and the income, gains and losses credited thereto. A Beneficiary Account or Alternate Payee Account corresponding to the deceased or relevant Participant's Roth Contributions may also be referred to as a Roth Account.
- 1.47 "Roth Contributions" means amounts contributed pursuant to Section 3.1 by a Participant to the extent that the Committee has resolved to implement a Roth Program to Section 3.1(c) of Schedule A, which amounts are:

(a) designated irrevocably by the Participant at the time of the contribution election as Roth Contributions that are being made from Compensation pursuant to Section 3.1(c); and

(b) treated by the Employer as includible in the Participant's income at the time the Participant would have received that amount in Compensation.

1.48 "Roth IRA" has the meaning set forth in Section 408A of the Code.

1.49 "Roth Program" means a Qualified Roth Contribution Program within the Plan.

1.50 "Section 457 Transfer" means a transfer made into an Account pursuant to Section 5.1.

1.51 "Severance from Employment" or "Severs from Employment" means a severance from employment with the Employer within the meaning of Section 457 of the Code.

1.52 "State" means the State of New York.

1.53 "Surviving Spouse" means the survivor of a deceased Participant to whom such Participant was legally married on the date of the Participant's death.

1.54 "Treasury Regulations" means the regulations promulgated by the Treasury Department under the Code, as now in effect or as hereafter amended. All citations to sections of the Treasury Regulations are to such sections as they may from time to time be amended or renumbered.

1.55 "Trust Agreement" means an agreement entered into in respect of the Plan between the Committee and one or more Trustees pursuant to which all cash and other rights and properties and all income attributable to such cash and rights and properties are held in trust as such agreement may be amended from time to time.

1.56 "Trust Fund" means the assets of the Plan, including cash and other rights and properties arising from Amounts Deferred or Contributed, Section 457 Transfers and Rollover Contributions which are held and administered by the Trustee pursuant to the Trust Agreement.

1.57 "Trustee" means the trustee or trustees acting as such under the Trust Agreement, and any successors thereto.

1.58 "Unforeseeable Emergency" means a (i) severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or Beneficiary, the Participant's or Beneficiary's spouse, or the Participant's or Beneficiary's dependent, (ii) loss of the Participant's or Beneficiary's property because of casualty, or (iii) other similar extraordinary or unforeseeable circumstances arising as a result of events beyond the control of the Participant or Beneficiary.

1.59 "Unit" means a unit measuring the value of an Account Participant's proportionate interest in an Investment Fund.

1.60 "USERRA" means the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 contained in chapter 43 of title 38 of the United States Code.

1.61 "Valuation Date" means each Business Day unless otherwise provided in the Plan or in an agreement between the Committee and a Financial Organization.

**SECTION 2
PARTICIPATION**

2.1 Enrollment.

(a) Eligibility and Enrollment. Each Employee shall be eligible to participate in the Plan as of any Enrollment Date following the date he or she becomes an Employee, and shall commence such participation in the Plan by duly filing a Participation Agreement and any enrollment forms or other pertinent information concerning the Employee and his or her Beneficiary with the Administrative Service Agency in a manner as prescribed by the Committee. With the exception of Participation Agreements filed on or before an Employee's first day of service, no Participation Agreement shall be effective before the first Enrollment Date in the calendar month following the month in which the Participation Agreement is filed with the Administrative Service Agency.

(b) Initial Enrollment and Subsequent Changes. Each Employee enrolling in the Plan shall provide to the Administrative Service Agency, in a complete and timely manner, at the time of initial enrollment and thereafter if there are any changes, with such information that the Administrative Service Agency determines is necessary or advisable for the administration of the Plan or to comply with applicable law. With the exception of Participation Agreements filed on or before an Employee's first day of service, no Participation Agreement or amendment or modification thereto shall be effective before the first Enrollment Date in the calendar month following the month in which the Participation Agreement or such amendment or modification is filed with the Administrative Service Agency.

2.2 Voluntary Participation. Participation in the Plan by Employees shall be voluntary.

2.3 Cessation of Participation. The participation of an Account Participant shall cease upon payment to the Account Participant of the entire value of his or her Plan Benefit or upon the Account Participant's death prior to such payment.

2.4 Corrective Action. If an individual is erroneously included or excluded from participation, corrective action will be taken as soon as administratively practicable to correct such erroneous inclusion or exclusion.

SECTION 3
AMOUNTS DEFERRED OR CONTRIBUTED

3.1 Participant Deferral and Contribution Authorization.

(a) Initial Authorization. A Participant may elect to defer or contribute Compensation under the Plan by authorizing, on his or her Participation Agreement, regular payroll deductions that do not individually or in the aggregate exceed the limitations of Section 3.2. Unless otherwise designated under Section 3.1(c), any Amounts Deferred or Contributed under this Section 3.1(a) shall be treated as Before-Tax Deferrals. Any initial deferral election shall be effective as soon as administratively practicable, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b).

(b) Modifications. A Participant may increase or decrease the rate of deferral or contribution of his or her Compensation, and may make separate elections with respect to the increase or decrease of the rate of his or her Before-Tax Deferrals and Roth Contributions (to the extent applicable), within the limitations set forth in Section 3.2, as of any Enrollment Date by duly filing a new or modified Participation Agreement, or such other form authorized for such purpose by the Committee, with the Administrative Service Agency, which shall be effective as soon as administratively practicable, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b).

(c) Roth Contributions. To the extent that the Committee has resolved on or after January 1, 2011 to implement a Roth Program pursuant to Section 3.1(c) of Schedule A, a Participant shall be permitted to make Roth Contributions from his or her Compensation by designating a percentage of his or her initial authorization or modified authorization described in Sections 3.1(a) and 3.1(b) as Roth Contributions, which designation shall be effective as soon as administratively practicable for all future payroll periods until modified or suspended, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b). For the avoidance of doubt, to the extent that the Committee has *not* resolved to implement a Roth Program pursuant to Section 3.1(c) of Schedule A, Participants shall not be permitted to make Roth Contributions and any provisions of the Plan as they relate to Roth Contributions, Roth Accounts, Rollover Contributions from Qualified Roth Contribution Programs and in-Plan rollovers into Roth Accounts shall not apply.

(d) Discontinuance or Suspension. A Participant may discontinue or temporarily suspend his or her deferrals or contributions, and may make separate elections with respect to the discontinuance or suspension of his or her Before-Tax Deferrals and Roth Contributions (to the extent applicable), as of any specified Enrollment Date by giving notice thereof to the Administrative Service Agency. The Administrative Service Agency shall discontinue or suspend the deferral or contribution of Compensation as soon as administratively practicable, subject to the timing requirements set forth in Sections 2.1(a) and 2.1(b).

(c) Deferrals and Contributions After a HEART Act Distribution or Unforeseeable Emergency Withdrawal. A participant's deferrals and contributions will be suspended for a period of six months following a distribution pursuant to the Section 414(u)(12)(B)(i) of the Code and, to the extent that the Committee has resolved to implement a suspension of deferrals after an Unforeseeable Emergency withdrawal pursuant to Section 3.1(e) of Schedule A, after a distribution due to an Unforeseeable Emergency withdrawal.

3.2 General Deferral and Contribution Limitations and Catch-Up Limitations.

(a) In General. The aggregate amount of Before-Tax Deferrals and Roth Contributions (to the extent applicable) that may be deferred or contributed by a Participant for any pay period shall be a minimum of \$10 and shall not exceed the lesser of:

- (i) An amount as may be permitted pursuant to Section 457(e)(15) of the Code, and
- (ii) 100% of the Participant's Includible Compensation for the Plan Year;

provided, however, the maximum amount that a Participant may defer or contribute for any Plan Year may be calculated after accounting for mandatory and permissive payroll deductions, as reasonably determined by the Employer.

(b) 457 Catch-Up. Notwithstanding the limitation in Section 3.2(a), a Participant may file an election in the manner required by the Administrative Service Agency to have the catch-up limitation as set forth in Section 3.2(b) apply to the determination of the maximum amount that may be deferred or contributed during one or more of the last three Plan Years ending before attainment of the Participant's Normal Retirement Age. If the catch-up limitation is elected, the maximum aggregate amount of Before-Tax Deferrals and Roth Contributions (to the extent applicable) that may be deferred or contributed for each of the Plan Years covered by the election shall not exceed the lesser of:

- (i) twice the dollar amount set forth in Section 3.2(a); and
- (ii) the sum of the limitations provided for in Section 3.2(a) for each of the Plan Years the Participant was eligible to participate in the Plan, minus the aggregate amount actually deferred or contributed for such Plan Years (disregarding any amounts deferred or contributed pursuant to Section 3.2(c)).

A Participant may not elect to have Section 3.2(b) apply more than once, whether or not the Participant rejoins the Plan after a Severance from Employment.

(c) Age 50 Catch-Up. All Participants who have attained age 50 before the close of a Plan Year and who are not permitted to defer or contribute additional Compensation pursuant to Section 3.2(b) for such Plan Year, due to the application of any limitation imposed by the Code or the Plan, shall be eligible to make additional catch-up contributions in the form of Before-Tax Deferrals, Roth Contributions or a combination thereof in accordance with, and subject to, the limitations of Section 3.2(c) of the Plan and Section 414(v) of the Code. Age 50 catch-up contributions pursuant to Section 3.2(c) shall not exceed the lesser of:

- (i) the excess of 100% of Participant's Includible Compensation for the Plan Year over the sum of any other Amounts Deferred or Contributed by the Participant for such Plan Year; and
 - (ii) an amount as may be permitted by Section 414(v)(2)(B) of the Code.
- (d) Dual Eligibility. Notwithstanding anything in Sections 3.2(b) and (c) to the contrary, if a Participant who is eligible to make an additional catch-up contribution under Section 3.2(c) for a Plan Year in which the Participant has elected to make a catch-up contribution under Section 3.2(b), such Participant is entitled to the greater of :
- (i) the 457 catch-up contribution amount under Section 3.2(b); and
 - (ii) the age 50 catch-up contribution amount under Section 3.2(c).
- (e) USERRA. Notwithstanding the limitation provided for in Section 3.2(a), any Participant who is entitled to reemployment rights pursuant to USERRA and who is so reemployed in accordance with the provisions of such law may elect to make such additional deferrals or contributions as are permitted or required by USERRA.
- (f) Excess Deferrals and Contributions. In the event that any Amounts Deferred or Contributed under the Plan for any Plan Year exceed the limitations provided for in Section 3.2, any such excess deferrals or contributions shall be distributed to the Participant, with allocable net income, in the following order (unless otherwise directed by the Participant): first, from Before-Tax Deferrals and second, from Roth Contributions (to the extent applicable), as determined in accordance with methods and procedures established by the Administrative Service Agency as soon as practicable after the Administrative Service Agency determines that the amount was an excess deferral or contribution. Distributions under Section 3.2(f) will be reportable as taxable income to the extent required by applicable law.

SECTION 4
INVESTMENT OF AMOUNTS DEFERRED OR CONTRIBUTED AND ROLLOVER CONTRIBUTIONS

4.1 Remittance of Deferrals and Contributions. All Amounts Deferred or Contributed in accordance with Section 3 shall be paid by the applicable Employer as promptly as possible, but in no event later than two Business Days from the applicable payroll date, to the Trust Fund. Thereafter, Amounts Deferred or Contributed shall be invested by the Trustee in accordance with the investment instructions received by the Trustee from the Administrative Service Agency, within two Business Days following receipt by the Trust Fund of such Amounts Deferred or Contributed (or, if later, on the first Business Day coincident with or immediately following receipt by the Trustee of the investment instructions from the Administrative Service Agency related to such Amounts Deferred or Contributed). All such Amounts Deferred or Contributed shall be invested by the Trustee (in accordance with the investment instructions received from the Administrative Service Agency) in the Investment Options provided by one or more Financial Organizations appointed by the Committee in accordance with the Regulations, and shall be held, managed, invested and reinvested in accordance with the applicable agreement entered into by the Committee or the Trustee with each such Financial Organization.

4.2 Allocation of Deferrals and Contributions. A Participant who has enrolled in the Plan pursuant to Section 2 shall, by filing a direction with the Administrative Service Agency in writing or in such other manner as the Committee may authorize, specify the percentage (in multiples of one percent) of his or her Amounts Deferred or Contributed, that shall be allocated to each Investment Option made available by the Committee. A Participant's investment allocation elections shall be applied in the same manner to both Before-Tax Deferrals and Roth Contributions (to the extent applicable).

4.3 Continuation of Deferral and Contribution Allocation. Any deferral and contribution allocation direction given by a Participant shall be deemed to be a continuing direction until changed by the Participant. A Participant may change his or her deferral and contribution allocation direction with respect to future Amounts Deferred or Contributed, as of any Enrollment Date, by giving notice in writing or in such other manner as the Committee may authorize to the Administrative Service Agency prior to any Enrollment Date. Any change to a Participant's deferral and contribution allocation direction shall be applied in the same manner to both Before-Tax Deferrals and Roth Contributions (to the extent applicable). All such future deferrals and contributions shall be invested by the Trustee in the Investment Options in accordance with such changed direction.

4.4 Transfer of Assets Among Investment Options.

(a) Transfer of Assets. As of any Valuation Date an Account Participant may direct the Administrative Service Agency, by giving notice in writing or in such other manner as the Committee may authorize, to liquidate his or her interest in any of the Investment Options and transfer the proceeds thereof to one or more other Investment Options in the proportions directed by such Participant. Account Participants may make separate transfer directions for their Before-Tax Deferral Accounts and Accounts relating to Rollover Contributions involving before-tax deferrals and their Roth Accounts and Accounts relating to Rollover Contributions involving

Roth contributions (to the extent applicable). Such direction must be made in accordance with the requirements and procedures established by the Committee and in effect at the time and in a multiple of one percent or one dollar increments of the Account Participant's interest in the applicable Investment Option.

(b) Committee's Right to Reduce or Deny Transfer Request. If the Trustee or any Financial Organization appointed by the Committee advises the Committee, or the Committee otherwise determines, that it is not reasonably able to prudently liquidate the necessary amount and transfer it from one of the Investment Options to another, the amount to be transferred with respect to each Account Participant who duly requested such a transfer may be reduced in proportion to the ratio which the aggregate amount that the Trustee or the Financial Organization has advised the Committee may not prudently be so transferred bears to the aggregate amount that all Account Participants have duly requested be so transferred. Regardless of any Account Participant's investment direction, no transfer between Investment Options may be made in violation of any restriction imposed by the terms of the agreement between the Committee or the Trustee and a Financial Organization providing any Investment Option or of any applicable law. Notwithstanding anything in this Section 4.4(b) or the Plan to the contrary, the Committee, the Trustee or the Financial Organization shall have the right, without prior notice to any Account Participant, to suspend, for a limited period of time, daily transfers between and among Investment Options for one or more days if the Committee, the Trustee or the Financial Organization determines that such action is necessary or advisable (i) in light of unusual market conditions, (ii) in response to technical or mechanical problems with the Plan's or the Administrative Service Agency's record keeping systems, (iii) in connection with any suspension of normal trading activity on the New York Stock Exchange or other major securities exchange, (iv) as a result of strikes, work stoppages, acts of war or terrorism, insurrection, revolution, nuclear or natural catastrophes or other similar events, losses or interruptions of power, other utility outages or malfunctions, or malfunctions in communications or computer services, in each case, that make it necessary or advisable to suspend trading activity, or (v) in accordance with Section 4.10.

4.5 Administrative Actions with Regard to Investment Directions. The Administrative Service Agency shall have the right to decline to implement any investment direction upon its determination that: (i) the person giving the direction is legally incompetent to do so; (ii) implementation of the investment direction would be contrary to the Plan or applicable law or governmental ruling or regulation including, Treasury Regulations; (iii) implementation of the investment direction would be contrary to a court order, including, a Qualified Domestic Relations Order; (iv) implementation of the investment direction would be contrary to the rules, regulations or prospectuses of the Investment Funds; or (v) implementation of the investment direction would be contrary to the investment guidelines or terms of any agreements applicable to the Stable Value Fund or any similar Investment Fund then available under the Plan.

4.6 Account Participant Responsibility for Deferrals, Contributions and Investment Allocations. Each Participant is solely responsible for the allocation of his or her Amounts Deferred or Contributed, and each Account Participant is solely responsible for the investment allocation of his or her Account, in each case, in and among the Investment Options. Each Account Participant shall assume all risk in connection with the allocation of amounts in and among the Investment Options and for any losses incurred or deemed to be incurred as a result of

the Account Participant's allocation or failure to allocate any amount to an Investment Option or any decrease in the value of any Investment Option. Neither the Committee, any Trustee, any Employer nor the Administrative Service Agency is empowered to advise a Participant as to the manner in which the Account Participant's Account shall be allocated among the Investment Options. The fact that a particular Investment Option is available to Participants for investment under the Plan shall not be construed by any Account Participant as a recommendation for investment in such Investment Option. If the Committee elects to make available investment guidance services or investment advice services to Account Participants, such services shall be utilized only at the voluntary election of the Account Participant and shall not limit the Account Participant's responsibility under Section 4.6 for the allocation of his or her Accounts in and among the Investment Options.

4.7 Investment Allocation of Alternate Payee Accounts. Notwithstanding any other provision of the Plan, during any period when an Alternate Payee Account is created and segregated on behalf of an Alternate Payee pursuant to a Qualified Domestic Relations Order from the Accounts of the related Participant, the Alternate Payee shall be entitled to direct the allocation of investments of such Alternate Payee Account in accordance with Sections 4.2 and 4.4, as applicable, and shall be subject to the provisions of Sections 4.5 and 4.6, but only to the extent provided in such order. In the event that an Alternate Payee fails to specify an investment direction on the date of creation of the Alternate Payee Account pursuant to Section 4.9, such Alternate Payee's Alternate Payee Account shall be invested in the same manner as the relevant Participant's corresponding Before-Tax Deferral Account, Roth Account (to the extent applicable) and Rollover Accounts on such date and, except as otherwise provided by the Qualified Domestic Relations Order, shall remain invested in accordance with such initial allocation until the Alternate Payee directs otherwise or until such time as the Alternate Payee ceases to have an Alternate Payee Account under the Plan by reason of distribution or otherwise.

4.8 Investment Allocation of Beneficiary Accounts. Notwithstanding any other provision of the Plan, during any period following the death of a Participant and prior to distribution of the entire Plan Benefit of such Participant, such Participant's Beneficiary shall be entitled to direct the allocation of investments of such Plan Benefit in accordance with Section 4.4 or, as applicable, his or her proportional interest in such Plan Benefit, in accordance with Section 4.4 and shall be subject to the provisions of Sections 4.5 and 4.6. In the event that a Beneficiary fails to specify an investment direction on the date of creation of the Beneficiary Account pursuant to Section 4.4, such Beneficiary's Beneficiary Account shall be invested in the same manner as the relevant Participant's corresponding Before-Tax Deferral Account, Roth Account (to the extent applicable) and Rollover Accounts on such date.

4.9 Initial and Ongoing Investment Allocation with respect to Rollover Contributions and Section 457 Transfers. Unless otherwise directed by the Account Participant, the same deferral and contribution allocation direction applicable to an Account Participant pursuant to Section 4.2 or 4.3, as applicable, shall apply to all Section 457 Transfers and Rollover Contributions. Notwithstanding the foregoing, in accordance with procedures established by the Administrative Service Agency, an Account Participant may make an alternative initial allocation election in accordance with the procedures set forth in Section 4.4 for any applicable Section 457 Transfer or Rollover Contribution. Thereafter, such Account Participant may direct the Administrative Service Agency to liquidate his or her interest in any of the Investment Options and transfer the

proceeds thereof to one or more other Investment Options in accordance with Section 4.4 (in each case subject to the limitations set forth in Sections 4.5 and 4.6). All Rollover Contributions shall be invested by the Trustee in the Investment Options in accordance with such directions as soon as administratively practicable.

4.10 Fund Mapping or Similar Activity. Notwithstanding anything in Section 4 to the contrary, if the Committee eliminates one or more of the Investment Funds or Investment Options or undertakes similar activity on behalf of the Plan, the Committee shall be authorized to liquidate without an Account Participant's consent and without the need for prior notice to the Account Participant the portion of each Account invested in such eliminated Investment Fund or Investment Option and direct the proceeds of such liquidation in one or more remaining or replacement Investment Funds or Investment Options in accordance with such liquidation and transfer procedures as the Committee may determine to be necessary or advisable in connection with such elimination.

SECTION 5 ROLLOVERS

5.1 Transfer from Another Governmental 457 Plan. Compensation previously deferred or contributed by (or contributed on behalf of) a Participant, a Beneficiary or a spousal Alternate Payee pursuant to another eligible deferred compensation plan under Section 457 of the Code maintained by another employer described in Section 457(e)(1)(B) of the Code shall be accepted for a plan-to-plan transfer to the Plan by the Trustee in the form and in the manner prescribed by the Committee. All such Section 457 Transfers shall be credited to the applicable Account Participant's corresponding Before-Tax Deferral Account or Roth Account (to the extent applicable), or a combination thereof and shall be invested in accordance with Section 4.9.

5.2 Acceptance of Assets from an Eligible Retirement Plan.

(a) Rollover Contributions in General. Amounts previously deferred or contributed by (or contributed on behalf of) a Participant, a Beneficiary or a spousal Alternate Payee under another Eligible Retirement Plan (other than a Roth IRA) that (i) are distributed to the Participant, the Beneficiary or the spousal Alternate Payee or (ii) are directly rolled over to the Plan as an eligible rollover distribution from such Eligible Retirement Plan, may be accepted as a Rollover Contribution by the Trustee in the form and in the manner specified by the Administrative Service Agency; *provided*, that Rollover Contributions of amounts from a Qualified Roth Contribution Program may be contributed only to the extent that the Committee has resolved to implement a Roth Program pursuant to Section 3.1(c) of Schedule A and any such contributions must be directly rolled over to the Plan. Notwithstanding the foregoing, other than Rollover Contributions from a Qualified Roth Contribution Program as described in the preceding sentence, the Administrative Service Agency shall not accept any Rollover Contribution, or any portion thereof, that represents deferrals or contributions under another Eligible Retirement Plan that were made from compensation that was included in the Participant, Beneficiary or spousal Alternate Payee's gross income in the year the amounts were deferred or contributed. The Administrative Service Agency may require such documentation from the distributing Eligible Retirement Plan as it deems necessary to effectuate the rollover in accordance with section 402 of the Code and to confirm that such plan is an Eligible Retirement Plan.

(b) Written Request; Acceptance of Assets. The Administrative Service Agency, in accordance with the Code and procedures established by the Committee, shall, as soon as practicable following its receipt of the written request of a Participant, a Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee, determine whether the Rollover Contribution shall be accepted by the Plan. Any written request filed by a Participant, a Beneficiary who is a Participant's Surviving Spouse or a spousal Alternate Payee pursuant to Section 5.2(a) shall set forth the fair market value of such Rollover Contribution and a statement in a form satisfactory to the Administrative Service Agency that the amount to be transferred constitutes a Rollover Contribution. In the event the Administrative Service Agency permits the transfer of the Rollover Contribution, the Trustee shall accept such Rollover Contribution and the transfer of such Rollover Contribution shall be deemed to have been made on the Valuation Date next following the date on which it was paid to the Trust Fund.

(c) Rollover Account. The Rollover Contribution shall be maintained in a separate, fully vested Rollover Account for the benefit of the contributing Participant or the Beneficiary and, in the case of a spousal Alternate Payee, the Alternate Payee Account, and shall be invested in accordance with the investment direction of the applicable Account Participant pursuant to Section 4.9. All amounts so transferred shall be credited to the Account Participant's Rollover Account or Alternate Payee Account and shall be available for distribution at any time during the Plan Year. No other contributions shall be allocated to the Rollover Account. Any Rollover Contributions of amounts from a Qualified Roth Contribution Program shall be segregated and held in a separately designated and maintained Rollover Account from those amounts not from a Qualified Roth Contribution Program. At the election of the Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee, any Rollover Contributions or 457 Transfers from an eligible deferred compensation plan under Section 457(b) of the Code may be held in separately designated and maintained Rollover Accounts for 457(b) Rollover Contributions; *provided* that any such amounts from a Qualified Roth Contribution Program and any such amounts not from a Qualified Roth Contribution Program shall be segregated and held in separately designated and maintained 457(b) Rollover Accounts.

5.3 Form of 457 Transfer or Rollover Contribution. Each 457 Transfer and Rollover Contribution shall consist only of (i) cash and (ii) to the extent that the Employer has resolved to adopt a loan program pursuant to Section 7.3 of Schedule A, solely with respect to 457 Transfers and Rollover Contributions from another eligible deferred compensation plan under Section 457 of the Code maintained by a Public Employer or the Deferred Compensation Plan for Employees of the State of New York and Other Participating Jurisdictions, any outstanding loan to the applicable Account Participant under the transferring or distributing 457 plan, *provided* that (A) such outstanding loan will be subject to the same terms and conditions as in place under the transferring or distributing 457 plan, (B) an Account Participant may not make a Rollover Contribution that includes an outstanding loan unless the entire amount of such Account Participant's plan benefit under the transferring or distributing 457 plan is contributed into the Plan, (C) the source of the outstanding loan disbursement under the transferring or distributing 457 plan must have been from before-tax deferrals, and (D) the Account Participant does not have a loan outstanding, or a defaulted loan that has not yet been repaid, under the Plan at the time of the 457 Transfer or Rollover Contribution.

5.4 Rollover of Assets to Purchase Retirement Service Credit. With respect to trustee-to-trustee transfers, a Participant or Beneficiary may elect, in accordance with procedures established by the Committee, to have all or any portion of the value of his or her Account transferred to the trustee of a defined benefit governmental plan as described in Section 414(d) of the Code; *provided, however*, that such transfer is for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under such plan or a repayment of contributions and earnings with respect to a forfeiture of service under such plan.

SECTION 6
ACCOUNTS AND RECORDS OF THE PLAN

6.1 Participant Accounts.

(a) In General. The Administrative Service Agency shall establish and maintain one or more Accounts for each Participant, including a Before-Tax Deferral Account, a Roth Account (to the extent applicable) and, as necessary, one or more Rollover Accounts (including a segregated Rollover Account relating to contributions from a Qualified Roth Contribution Program, to the extent applicable) with respect to each Participant. Each Account shall record the value of the portion of the Participant's Plan Benefit allocable to that Account, the value of the portion of his or her Plan Benefit, if any, that is invested in each Investment Option (both in the aggregate and by Account) and other relevant data pertaining thereto. With respect to each Participant, all Amounts Deferred or Contributed, all Section 457 Transfers and all Rollover Contributions shall be credited to his or her Before-Tax Deferral Account, Roth Account or Rollover Account, as applicable.

(b) Written Statement. Each Account Participant shall be furnished with a written statement of his or her Accounts (including the value of the interest he or she has, if any, in each Investment Option and the amount of and explanation for each allocation to or deduction from his or her Accounts) at least quarterly, which statement shall be delivered in a manner prescribed by the Committee.

6.2 Beneficiary Accounts. The Administrative Service Agency shall establish and maintain one or more Beneficiary Accounts, including, as applicable, separate Before-Tax Deferral Accounts, Roth Accounts (to the extent applicable), and Rollover Accounts with respect to each Beneficiary of a deceased Participant. Each such Account shall record the value of the portion of the deceased Participant's Plan Benefit allocable to each of the Beneficiary's Accounts, the value of the portion of the Plan Benefit, if any, that is invested in each Investment Option (both in the aggregate and by Account) and other relevant data pertaining thereto. Each Beneficiary shall be furnished with a written statement of his or her Accounts in the same manner set forth in Section 6.1(b).

6.3 Alternate Payee Accounts. The Administrative Service Agency shall establish and maintain one or more Alternate Payee Accounts, including, as applicable, separate Before-Tax Deferral Accounts, Roth Accounts (to the extent applicable), and Rollover Accounts with respect to each Alternate Payee. The Alternate Payee Account shall separately account for all amounts received (i) from the Participant's Rollover Account and (ii) from all amounts rolled into the Plan by a spousal Alternate Payee, pursuant to Section 5.1 or 5.2. Each such Account shall record the value of the portion of the Participant's Plan Benefit allocable to the Alternate Payee's Account, the value of the portion of the Plan Benefit, if any, that is invested in each Investment Option (both in the aggregate and by Account) and other relevant data pertaining thereto. Each Alternate Payee shall be furnished with a written statement of his or her Alternate Payee Accounts in the same manner set forth in Section 6.1(b).

6.4 Allocations and Credits. The establishment and maintenance of, or allocations and credits to, the Account of any Account Participant shall not vest in such Account Participant or

Beneficiary of a Participant any right, title or interest in and to any Trust Fund assets or Plan benefits except at the time or times and upon the terms and conditions and to the extent expressly set forth in the Plan and the Trust Agreement and, in the case of an Alternate Payee Account, the express terms of the Qualified Domestic Relations Order.

6.5 Plan Benefit and Trust Fund.

(a) Plan Benefit Defined. As of the close of each Valuation Date, the Plan Benefit of an Account Participant shall equal the aggregate value of his or her Accounts as of such Valuation Date. As of any date that is not a Valuation Date, a Participant's Plan Benefit shall be calculated in accordance with the previous sentence as of such date, but based upon the value of the Account Participant's Accounts as of the close of the most recent Valuation Date. The value of an Account as of a Valuation Date shall be calculated as of each Valuation Date in accordance with a methodology established by the Committee and reasonably and consistently applied to all similarly situated Account Participants and shall be based upon an Account Participant's aggregate deferrals and contributions to the Trust Fund and distributions and withdrawals from the Trust Fund, the investment performance of the Investment Options in which each Account has been allocated, and any fees, credits or debits allocable to each Account. As of each Valuation Date, each Account shall be adjusted to reflect all Units or dollars credited and Units or dollars distributed, withdrawn or deducted therefrom in accordance with the terms of the Plan and the Trust Agreement. The aggregate Plan Benefit of all Account Participants shall in no event exceed the value of the assets of the Trust Fund and may be less than such value to the extent of any unallocated expense, reserve or similar account maintained as part of the Trust Fund.

(b) Investment Options and Investment Funds. The Trust Fund shall be invested at the direction of Account Participants, in accordance with Section 4, in and among the Investment Options made available through the Plan from time to time by the Committee. Investment Options may include (i) one or more Investment Funds, (ii) a brokerage account or similar investment window through which Account Participants may direct the investment of their Accounts into Mutual Funds (as defined below) or other available investment products that the Committee designates as available for investment through such window, (iii) an individual participant loan fund to record the value of an outstanding loan made to a Participant in accordance with Section 7.3, and (iv) any other investment alternative that the Committee may make available through the Plan. Investment Funds may consist of open-end investment companies registered under the Investment Company Act of 1940, as amended ("Mutual Funds"), separately managed accounts, unregistered commingled funds, group or commingled trusts, or any combination thereof as approved from time to time by the Committee for the investment of the assets of the Trust Fund.

SECTION 7
WITHDRAWALS FOR UNFORESEEABLE EMERGENCIES; WITHDRAWALS
OF SMALL AMOUNTS; LOANS

7.1 Distribution for an Unforeseeable Emergency.

(a) Amount of Distribution for an Unforeseeable Emergency. Upon a showing by a Participant of an Unforeseeable Emergency, the Administrative Service Agency may, permit a payment to be made to the Participant in an amount which does not exceed the lesser of (i) the amount reasonably needed to meet the financial need created by such Unforeseeable Emergency, including estimated income taxes and (ii) an amount which, together with any prior distribution or withdrawal, does not exceed the value of the Participant's Plan Benefit determined as of the most recent Valuation Date. Any such payment shall be made from the Trust Fund by the Trustee upon the direction of the Administrative Service Agency and shall be withdrawn by the Trustee pro rata from the Investment Funds in which the Participant has an interest, unless the Participant specifies in the request for such a payment the portion of the total amount to be withdrawn by the Trustee from each Investment Fund. The Participant shall designate the amount of the distribution that will come from his or her Before-Tax Deferral Account and from his or her Roth Account in accordance with procedures established by the Administrative Service Agency. All payments shall be made in one lump cash sum within sixty days after approval of the request.

(b) Evidence of Other Relief. A Participant must provide evidence that the amount requested for an Unforeseeable Emergency may not be fully relieved (i) through reimbursement or compensation by insurance or otherwise, (ii) by liquidation of a Participant's other non-Plan assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or (iii) by cessation of deferrals and contributions under the Plan.

7.2 Distribution from a Small Inactive Account.

(a) Elective Distribution. An Account Participant with a Plan Benefit, not including the amount in the Participant's Rollover Accounts, of \$5,000 or less (or such greater amount as may be permitted by Section 401(a)(11) of the Code) may elect at any time to receive a lump sum distribution, not to exceed \$5,000 of his or her Account and Rollover Account, which distribution will be made in accordance with procedures established by the Administrative Service Agency, *provided* that both of the following conditions have been met:

- (i) there has been no Amount Deferred or Contributed by such Participant during the two-year period ending on the date of distribution; and
- (ii) there has been no prior distribution made to such Participant pursuant to this Section 7.2.

(b) Automatic Distribution. With respect to a Participant or an Alternate Payee whose Plan Benefit, including any amounts attributable to an in-Plan Rollover Contribution to a Roth Account pursuant to Section 8.8(a), but not including any amounts in the Participant or Alternate Payee's Rollover Accounts, does not exceed the amount set forth in Section 7.2(a), if and to the extent that the Committee has resolved to provide for

automatic distributions pursuant to Section 7.2(b) of Schedule A, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account as soon as practicable, to the extent provided in Section 7.2(b) of Schedule A: (i) following the Participant's Severance from Employment and (ii) upon an Account Participant's Plan Benefit falling below the value set forth in Section 7.2(b) of Schedule A, to the extent that the requirements of Section 7.2(a) are met; *provided, however*, that in the event any such distribution is greater than \$1,000, if the participant does not elect to have such distribution paid directly to an eligible retirement plan specified by the participant in a direct rollover or to receive the distribution directly in accordance with Section 8.1(b), then the Committee will pay the distribution in a direct rollover to an individual retirement plan designated by the Committee; and *provided further*, that such distribution shall be made in accordance with the requirements of Section 401(a)(31) of the Code.

7.3 Loans. To the extent the Committee has resolved to adopt a loan program pursuant to Section 7.3 of Schedule A, this Section 7.3 shall apply.

(a) Eligibility. Participants who are active Employees, and, if the Committee shall determine, Participants who are on an approved leave of absence from their Employer, shall be eligible to request a Plan loan. Each Participant shall have only one outstanding Plan loan at any time. Upon the request of a loan-eligible Participant, the Administrative Service Agency may, on such terms and conditions prescribed herein, direct the Trustee to make a Plan loan to such loan-eligible Participant.

(b) Loan Amount. The principal amount of any Plan loan shall be for an amount equal to at least \$1,000, or such other amount as the Committee shall determine, and shall not exceed the lesser of:

(i) 50% of the value of the sum of the Participant's Accounts (including his or her Before-Tax Deferral Account and Roth Account (to the extent applicable)); and

(ii) \$50,000 reduced by the highest value in the last twelve months of any loans by the Participant from the Plan and other Eligible Retirement Plans sponsored by the Employer or in which the Employer participates.

(c) Repayment Period. All Plan loans, other than those for the purpose of acquiring the dwelling unit which is, or within a reasonable time shall be, the principal residence of the Participant, shall be repaid over a non-renewable repayment period of five years. A Plan loan made for acquiring a principal residence shall be repaid over a non-renewable repayment period of up to 15 years, or such shorter term as the Committee shall determine. Any Plan loan shall be repaid in substantially equal installments of principal and accrued interest that shall be paid at least monthly or quarterly, as specified by the Committee, subject to the methods and procedures as shall be determined by the Administrative Service Agency.

(d) Rate of Interest. Each Plan loan granted shall bear a rate of interest equal to one percentage point above the prime interest rate as published in the Wall Street Journal on the last

Business Day of the month preceding the application for the loan, or such other reasonable rate of interest as the Committee shall determine.

(e) Source of Loans; Security. The Committee shall be required to designate under Section 7.3(e) of Schedule A the source(s) of Plan loans. Plan loans shall be made solely from the source(s) designated by the Committee. All Plan loans shall be made from the Trust Fund and notes evidencing such obligations shall be considered assets of the Trust Fund and shall be treated as a separate loan investment fund for purposes of determining the value as of any Valuation Date of a Participant's Accounts. All Plan loans shall be secured, as of the date of the Plan loan, by the sum of (i) the Participant's Before-Tax Deferral Account and Roth Account (to the extent applicable) and (ii) the Participant's Rollover Accounts, if applicable, *provided, however*, that no more than 50% of the aggregate value of such Participant's Accounts shall be used as security for the Plan loan.

(f) Default. If a Participant fails to make any scheduled repayment of his or her Plan loan within the Loan Grace Period, such Participant shall be considered in default and the Administrative Service Agency shall declare a deemed distribution to have occurred with respect to such Plan loan, effective as of the date of the default and shall reduce the value of the Participant's Plan Benefit by the amount of the deemed distribution. Notwithstanding anything in Section 7.3 to the contrary, a Participant who has defaulted on a loan made under the Plan shall not be eligible to obtain another loan hereunder until the defaulted loan and accrued interest has been repaid, and the new loan shall be subject to any other limitations required under Section 1.72(p) of the Treasury Regulations.

(g) Outstanding Loans. An outstanding loan shall include (i) any loan that is being repaid in compliance with Section 7.3 until repaid in full and (ii) any loan that is considered in default until subsequently repaid in full.

(h) Administration and Fees. The Committee may establish or change from time to time the standards or requirements for making any Plan loan, including assessing an administrative fee against the Participant or the Participant's Account for such Plan loan.

7.4 Death Prior to Distribution of Proceeds. If a Participant dies prior to the payment of any withdrawal for an Unforeseeable Emergency, distribution of a small inactive account or disbursement of the proceeds of any Plan loan, the Participant's withdrawal, distribution or loan request shall be void as of the date of death and no withdrawal, distribution or disbursement shall be made by operation of Section 7 to the Participant's Beneficiary or estate.

SECTION 8
DISTRIBUTIONS FROM THE PLAN AND OTHER ELIGIBLE RETIREMENT PLANS

8.1 Distributions to Participants.

(a) Eligibility for Distribution. A Participant will become eligible to receive a distribution of his Plan Benefit upon the occurrence of any of the following events: (i) the Participant's Severance from Employment with the Employer; (ii) the Participant's attainment of age 70½; provided, however, that for purposes of this Section 8, a Participant will be deemed to have had a Severance from Employment during any period he or she is performing service in the uniformed services described in Section 3401(h)(2)(A) of the Code; . Except as otherwise provided in Section 7, a Participant may not receive distribution of his or her Plan Benefit at any time prior to the occurrence of one of the foregoing events.

(b) Distributions to Participants. Upon a Participant's eligibility for a distribution pursuant to Section 8.1(a), the Participant shall be entitled to receive his or her Plan Benefit, which shall be paid in cash by the Trustee from the Trust Fund in accordance with one of the methods described in Section 8.1(c) and as of the commencement date elected by the Participant in accordance with the procedures prescribed Section 8.1(e).

(c) Distribution Options. Subject to Section 8.6, any payment made under this section shall be made in one of the following methods, as the Participant (or, in the case of the death of a Participant, his or her Beneficiary) may elect any of the following:

(i) A total or partial lump sum payment. Any partial lump sum payment shall be an amount of at least the Minimum Lump Sum Amount, and the number of partial lump sum payments in any Plan Year may not exceed the Maximum Annual Number of Partial Distributions.

(ii) Periodic monthly, quarterly, semi-annual or annual installment payments; provided, however, that a Participant (or, in the case of the death of a Participant, his or her Beneficiary) may elect to receive (A) an initial installment payment in a specified amount and (B) the balance of his or her Account in periodic monthly, quarterly, semi-annual or annual installment payments. Any installment payment made pursuant to Section 8.1(c)(ii) shall be at least the Minimum Installment Amount. If the balance of the Participant's Account and Rollover Account is less than such amount, then the payment will equal the total amount of the Participant's Account and Rollover Account. Installment payments may consist of (A) fixed amounts paid on each payment date as designated by the Participant (or in the case of the death of a Participant, his or her Beneficiary), or (B) formulaic amounts determined by the Administrative Service Agency, based on a fixed period designated by the Participant (or in the case of the death of a Participant, his or her Beneficiary), calculated by dividing the Plan Benefit on the date of the payment by the number of payments remaining during the fixed period.

(iii) A Participant who elects to receive installment payments or who is currently receiving installment payments pursuant to Section 8.1(c)(ii) may elect, subject to any limitations set forth by the Committee and in accordance with procedures established by the Administrative Service Agency, to receive a portion of his or her Account distributed in a lump sum; *provided, however*, that no lump sum payment shall be less than the Minimum Lump Sum Amount; and *provided further*, that the number of such elections in any Plan Year may not exceed the Maximum Annual Number of Partial Distributions, as set forth in Section 8.1(c) of Schedule A. Such lump sum payments shall not result in a discontinuation of subsequent installment payments; *provided, however*, that such subsequent payments may be redetermined in accordance with methods and procedures established by the Administrative Service Agency.

(iv) A Participant who is an eligible retired public safety officer, as defined in Section 402(l) of the Code, may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have up to \$3,000 per year (or such greater amount as may be permitted under applicable guidance issued by the Internal Revenue Service) of amounts from his or her Before-Tax Deferral Account distributable under the Plan used to pay qualified health insurance premiums for an accident or health plan or long-term care insurance contract covering the Participant and his or her spouse and dependents. Such amounts are excludible from the Participant's gross income to the extent the qualified health insurance premiums are paid directly to the provider of the accident or health plan or long-term care insurance contract (determined in accordance with Section 402(l) of the Code) by deduction from a distribution to the Plan.

(v) For each distribution election under Section 8.1(c), a Participant shall designate the percentage of each distribution that will come from his or her Before-Tax Deferral Account and the percentage that will come from his or her Roth Account (to the extent applicable). For the avoidance of doubt, for purposes of the limitations and restrictions described in this Section 8.1(c), each distribution election made by a Participant and each payment made in accordance thereto shall be deemed to be one election and one payment, even if payment is made both from the Participant's Before-Tax Deferral Account and from his or her Roth Account (to the extent applicable).

Notwithstanding the foregoing, a Participant may not elect an installment period extending beyond the longest of (A) his or her life expectancy, (B) if his or her designated Beneficiary is his or her Spouse, the life expectancy of the Participant and his or her Spouse and (C) if his designated Beneficiary is not his or her Spouse, the life expectancy determined using the applicable table contained in the applicable Treasury Regulation.

(d) Calculation of Payments.

(i) If a Participant elects a total lump sum payment, pursuant to Section 8.1(c)(i), the Participant's Plan Benefit shall be determined as of the Valuation Date coincident with or last preceding the date on which the Plan Benefit is

withdrawn from the Investment Options and liquidated for distribution. Such liquidated amount (i) shall be held in the Trust Fund in a payment account maintained by the Trustee for this purpose and (ii) shall not be credited with interest or investment gains or losses following the date of liquidation.

(ii) If a Participant elects to receive a partial lump sum payment pursuant to Section 8.1(c)(i) or (iii), installment payments pursuant to Section 8.1(c)(i), or payment of qualified health insurance premiums for an accident or health plan or long-term care insurance contract covering the Participant and his or her spouse and dependents pursuant to paragraph Section 8.1(c)(iv), any remaining balance in such Participant's Accounts shall continue to participate in the investment performance of the Investment Options in which such amounts are invested and to bear its allocable share of administrative and investment expenses until the Valuation Date coincident with or last preceding the date on which such Plan Benefit amounts are withdrawn from the Investment Funds and liquidated for distribution; *provided, however*, that the amount of the installments need not be redetermined to reflect changes in the value of the Account more frequently than annually. All such redeterminations shall be made by the Administrative Service Agency in accordance with procedures of uniform application. Any amount liquidated for purposes of an installment payment (i) shall be held in the Trust Fund in a payment account maintained by the Trustee for this purpose and (ii) shall not be credited with interest or investment gains or losses following the date of liquidation.

(e) Distribution Election. In the case of the Participant's Severance from Employment with the Employer, a distribution election made by the Participant shall specify the form of payment as provided in Section 8.1(c) and the date on which payments shall commence; *provided, however*, that any such payments that would result in an account balance of less than \$500 may not commence earlier than at the end of the Distribution Waiting Period; *provided, further* that the timing of any distribution must be in compliance with Section 8.6. Subject to Section 8.6, a Participant who is receiving distributions under the Plan may change both the timing and the method of payment elected subject to any limitations set forth by the Committee and in accordance with procedures established by the Administrative Service Agency.

(f) Rollover Accounts. Notwithstanding any other provision of Section 8.1, a Participant who has one or more Rollover Accounts shall be permitted to withdraw all or any portion of such Rollover Accounts at any time during a Plan Year; *provided* that such withdrawal shall be paid pursuant to a method of payment elected by the Participant in accordance with Section 8.1(c) and the value of such Rollover Accounts shall be determined in accordance with Section 8.1(d).

8.2 Distributions to Beneficiaries. If a Participant dies before distribution of his or her Plan Benefit has commenced, a distribution election made by the Beneficiary shall specify the form of payment as provided in Section 8.1(c) and the date on which payments shall commence. If a Participant dies at any time before his or her entire Plan Benefit has been distributed, then the Participant's Beneficiary may make subsequent distribution elections as provided in Section 8.1(c). Notwithstanding the foregoing, any distribution to a Beneficiary shall be made in

accordance with the provisions of Section 401(a)(9) of the Code and subject to Sections 8.6(d) and (e).

8.3 Distributions to Alternate Payees. A distribution to an Alternate Payee may be paid in a single lump sum as soon as practicable following the qualification of the Qualified Domestic Relations Order and the close of all appeals to the Qualified Domestic Relations Order if the Alternate Payee consents to such lump sum distribution. In the event that the Alternate Payee does not consent to receive his or her distribution in a single lump sum as soon as practicable following the qualification of the Qualified Domestic Relations Order, the Alternate Payee may make an election to receive a distribution any time after the Earliest Retirement Date, subject to any requirements of Section 401(a)(9) of the Code and Section 8.1(c), by filing a distribution election specifying the form of payment as provided in Section 8.6 and the date on which payments shall commence.

8.4 Eligible Rollover Distributions.

(a) Participant Rollover Distributions. In connection with a Participant's Severance from Employment, the Distributee may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have all or any portion of the Participant's Accounts that qualifies as an Eligible Rollover Distribution paid directly to the trustee of an Eligible Retirement Plan; *provided* that such other plan provides for the acceptance of such amounts by the trustee. The Plan shall provide written information to Distributees regarding Eligible Rollover Distributions to the extent required by Section 402(f) of the Code.

(b) Beneficiary Rollover Distributions. Upon a Participant's death, a Beneficiary may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have all or any portion of the Participant's Accounts that qualifies as an Eligible Rollover Distribution paid directly to the trustee of an individual retirement arrangement (as defined in Section 7701(a)(37) of the Code) that is established for the purpose of receiving the distribution on behalf of such Beneficiary.

(c) Roth IRA Rollover Distribution. In connection with a Participant's Severance from Employment or upon a Participant's death, as the case may be, a Participant or a Beneficiary may elect, at the time and in the manner prescribed by the Administrative Service Agency, to have all or any portion of the Participant's Accounts that qualifies as an Eligible Rollover Distribution rolled over to a Roth individual retirement arrangement (as defined in Section 7701(a)(37) of the Code, and designated as a Roth arrangement at the time of its establishment). Such amounts will be included in gross income as if the distribution had been made to such Participant or Beneficiary.

8.5 Withholding. The Trustee shall withhold or cause to be withheld from any amounts withdrawn or distributed all federal, state, city or other taxes as shall be required pursuant to any law or governmental ruling or regulation, including Treasury Regulations.

8.6 Required Minimum Distributions.

(a) In General. Notwithstanding any other provision of the Plan to the contrary (except Section 8.6(b)), all distributions under the Plan shall be in accordance with the minimum distribution and timing requirements of Section 401(a)(9) of the Code (including the incidental death benefit requirements of Section 401(a)(9)(G) of the Code) and the final Treasury regulations under Sections 1.401(a)(9)-2 through 1.401(a)(9)-9, which are incorporated herein by reference. Such provisions shall override any distribution options in the Plan that may be inconsistent with Section 401(a)(9) of the Code. Any distributions made pursuant to this Section 8.6 in order to comply with Section 401(a)(9) of the Code shall be charged against the Account or Accounts of the Account Participant in such manner as designated by the Account Participant in accordance with procedures established by the Administrative Service Agency; *provided, however,* that if no such designation is made, such distributions shall be charged first against the Before-Tax Deferral Account, second against the Roth Account (to the extent applicable), third against the Rollover Account or Rollover Accounts not relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program, and fourth against the Rollover Account or Rollover Accounts relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program

(b) 2009 Waiver. Notwithstanding anything to the contrary in Section 8.6, an Account Participant who would have been required to receive required minimum distributions for 2009 but for the enactment of Section 401(a)(9)(H) of the Code ("2009 RMDs"), and who would have satisfied that requirement by receiving distributions that are (i) equal to the 2009 RMDs or (ii) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's Beneficiary, or for a period of at least 10 years, will not receive those distributions for 2009 unless the Participant or Beneficiary chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence.

(c) Distributions During Participant's Life. The Plan Benefit of a Participant shall be distributed (or commence to be distributed) to such Participant as soon as practicable after the Required Beginning Date. If the Participant has not made an election pursuant to Section 8.1(c) prior to such Required Beginning Date, then the Plan Benefit shall be distributed in the form of installment payments commencing on the Required Beginning Date.

(d) Death of a Participant Before the Required Beginning Date.

(i) If a Participant dies before his Required Beginning Date, the remaining portion (if any) of such Participant's Plan Benefit shall be distributed to his or her Beneficiary (or if the Participant has no Beneficiary, his or her Surviving Spouse or estate, as determined under Section 9.2) no later than December 31 of the calendar year containing the fifth anniversary of the Participant's death (determined without regard to 2009), except as set forth in Sections 8.6(d)(i)(a) or (a) as follows:

(a) The Beneficiary may elect to receive a distribution of the Plan Benefit over a period not exceeding the life expectancy of the Beneficiary;

provided that the distribution commences no later than December 31 of the calendar year immediately following the calendar year in which the Participant dies; or

(b) If the sole Beneficiary is the Participant's Surviving Spouse, such Surviving Spouse may elect to receive a distribution of the Account over a period not exceeding the life expectancy of the Surviving Spouse (determined as of the date such payments commence); *provided* that the distribution commences on or before the later of December 31 of the calendar year immediately following the calendar year in which the Participant dies or December 31 of the calendar year in which the Participant would have attained age 70 ½; *provided, further*, that if the Surviving Spouse dies after the Participant but before distributions to the Surviving Spouse commence, Section 8.6(d) (with the exception of Section 8.6(d)(i)(a)) shall apply as if the Surviving Spouse were the Participant.

(ii) The Beneficiary may elect to receive payment of the Plan Benefit as a lump sum or in annual, monthly or quarterly installment payments.

(e) Death After Required Beginning Date and After Commencement of Distributions. If a Participant dies on or after the Required Beginning Date, but before his or her entire Plan Benefit is distributed to him or her, the unpaid portion of his or her Plan Account shall be distributed as follows:

(i) If the Participant has a designated Beneficiary, the longer of the remaining life expectancy of the Participant's Beneficiary and the remaining life expectancy of the Participant determined in accordance with Section 1.409(a)(9)-5 of the Treasury Regulations; or

(ii) If the Participant does not have a designated Beneficiary, the remaining life expectancy of the Participant determined in accordance with Section 1.409(a)(9)-5 of the Treasury Regulations;

provided, however, that if a Beneficiary so elects, the Participant's remaining Plan Benefit may be paid to the Beneficiary at any time in a lump sum so long as the entire Plan Benefit is paid at least as rapidly as it would be paid under Section 8.6(e)(i).

(f) Alternate Payee Accounts. In the case of any Alternate Payee Account, payments to the Alternate Payee must be made in accordance with the Plan and Section 401(a)(9) of the Code.

8.7 Special Proceeds. If the Plan receives Special Proceeds (as defined below) that are allocable to an Account Participant who has received a final distribution of his or her entire Plan Benefit, then the Plan shall distribute such Special Proceeds to the former Participant, Beneficiary, or Alternate Payee (or in accordance with Section 9.2, if the Participant is deceased and no Beneficiary designation was in effect at the time of the Participant's death, or to the estate of Beneficiary or Alternate Payee, as applicable, if such person is deceased) in a lump sum as

soon as practicable after the Plan receives such Special Proceeds unless, at the time of such mandatory distribution, the value of such distribution would exceed \$1,000. For purposes of Section 8.7, "Special Proceeds" means amounts attributable to a settlement of any dispute or controversy related to any of the assets previously attributable to any Account of the former Participant, Beneficiary, or Alternate Payee or any other amounts allocable under the Plan to a former Participant, Beneficiary, or Alternate Payee relating to an adjustment to the amount or value of any such Account.

8.8 In-Plan Rollover to Roth Account.

- (a) A Participant who has not severed employment or a spousal Alternate Payee would be permitted to have all or any portion of the Participant's Plan Benefit not otherwise distributable under the Plan, and not attributable to Roth Contributions or outstanding loans, directly rolled over into a separately maintained Account within his or her Roth Account. Any such amounts will be included in gross income as if the distribution had been made to such Participant or spousal Alternate Payee. After a Participant or spousal Alternate Payee has made an in-Plan rollover into a Roth Account, such Participant or spousal Alternate Payee may elect to take distributions from such Account in accordance with Sections 8.1 or 8.3.
- (b) Upon any distribution event pursuant to which a Participant, a Beneficiary who is a Participant's Surviving Spouse or a spousal Alternate Payee would be permitted to have all or any portion of the Participant's Plan Benefit that qualifies as an Eligible Rollover Distribution rolled over into another Eligible Retirement Plan, such Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee may elect to have the portion of such Eligible Rollover Distribution that is not attributable to Roth Contributions or outstanding loans directly rolled over into a separately maintained Account within his or her Roth Account. Any such amounts will be included in gross income as if the distribution had been made to such Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee. After a Participant, Beneficiary who is a Participant's Surviving Spouse or spouse Alternate Payee has made an in-Plan rollover into a Roth Account, such Participant, Beneficiary who is a Participant's Surviving Spouse or spousal Alternate Payee may elect to take distributions from such Account in accordance with any of the distribution options set forth in Section 8.1(c).
- (c) The provisions in Section 8.8 shall be administered in accordance with procedures established by the Administrative Service Agency and shall be interpreted and administered in accordance with and subject to Section 402A(c)(4) of the Code and any rules, regulations or other guidance issued by the Internal Revenue Service in relation thereto.

**SECTION 9
DESIGNATION OF BENEFICIARIES**

9.1 Written Designation of Beneficiaries. Each Participant shall file with the Administrative Service Agency a written designation of one or more persons as the Beneficiary who shall be entitled to receive the Plan Benefit, if any, payable under the Plan upon his or her death. A Participant may from time to time revoke or change his or her Beneficiary designation without the consent of any prior Beneficiary by filing a new written designation with the Administrative Service Agency. The last such designation received by the Administrative Service Agency "in good order" shall be controlling; *provided, however*, that no designation or change or revocation thereof shall be effective unless received by the Administrative Service Agency in good order prior to the Participant's death, and in no event shall it be effective as of a date prior to such receipt. For purposes of Section 9, a Beneficiary designation shall be deemed to be received in good order only if the Administrative Service Agency can reasonably identify the Beneficiary or Beneficiaries named in the designation.

9.2 No Beneficiaries Designated. (a) If no such Beneficiary designation is in effect at the time of a Participant's death, or if no designated Beneficiary survives the Participant, or if no designated Beneficiary can be located with reasonable diligence by the Administrative Service Agency, the payment of the Plan Benefit, if any, payable under the Plan upon the Participant's death shall be made by the Trustee from the Trust Fund to the Participant's Surviving Spouse, if any, or if the Participant has no Surviving Spouse, or the Surviving Spouse cannot be located with reasonable diligence by the Administrative Service Agency, then to the deceased Participant's estate. If the Administrative Service Agency is in doubt as to the right or entitlement of any person to receive such amount, the Administrative Service Agency shall inform the Committee and the Trustee, and the Trustee may retain such amount, without liability for any interest thereon, until the rights thereto are determined, or the Trustee may pay such amount into any court of appropriate jurisdiction or to any other person pursuant to applicable law and such payment shall be a complete discharge of the liability of the Trustee, Plan, Committee, Employer, Administrative Service Agency and Financial Organizations.

(b) If the Beneficiary so designated by the Participant dies after the death of the Participant but prior to receiving a complete distribution of the amount that would have been paid to such Beneficiary had such Beneficiary's death not then occurred, then, for purposes of the Plan, the distribution that would otherwise have been received by such Beneficiary shall be paid to the Beneficiary's estate.

9.3 Surviving Spouse. Notwithstanding Section 9.2, a Beneficiary who is a Surviving Spouse of the Participant may designate a subsequent Beneficiary, subject to the same filing requirements of Section 9.1, to the extent permitted under Section 401(a)(9) of the Code. To the extent such Surviving Spouse is not permitted or does not elect to designate a subsequent Beneficiary pursuant to the preceding sentence, and the Surviving Spouse dies prior to receiving a complete distribution of the amount that would have been paid to such Surviving Spouse had such Surviving Spouse's death not then occurred, then, for purposes of the Plan, the distribution that would otherwise have been received by such Surviving Spouse shall be paid to the Surviving Spouse's estate.

SECTION 10
QUALIFIED DOMESTIC RELATIONS ORDERS

10.1 Qualified Domestic Relations Order. Payments with respect to a Participant's Plan Benefit may be made by the Trustee from the Trust Fund to one or more Alternate Payees pursuant to the terms of a Qualified Domestic Relations Order. Upon segregation of the assets payable to an Alternate Payee in an Alternate Payee Account or the payment of such benefits to the Alternate Payee, any such amounts paid or segregated shall no longer constitute part of the Participant's Plan Benefit. No liability whatsoever shall be incurred by the Committee, the Trustee, the Employer, the Administrative Service Agency, the Review Committee or any Financial Organization solely by reason of any act or omission undertaken in accordance with this section to comply with the terms of a Qualified Domestic Relations Order.

10.2 Suspension of Distributions During Claim Period. Subject to the discretion of the Administrative Service Agency or the Committee, no distribution of any Plan Benefit shall be permitted in any period during which a purported Qualified Domestic Relations Order claim, against all or part of such Plan Benefit, is being reviewed in accordance with the provisions of Section 11.8. If the Administrative Service Agency reasonably believes that a purported Qualified Domestic Relations Order against all or part of any Plan Benefit is likely to be asserted, the Committee may refuse to permit any distribution of all or part of such Plan Benefit pending determination of such claim.

**SECTION 11
ADMINISTRATION**

11.1 Plan Administration. Except as otherwise provided herein, the operation and administration of the Plan shall be the responsibility of the Committee and the Committee shall have all of the broad, general authority necessary or advisable to operate and administer the Plan. The Committee shall have the power and the duty to take all action and to make all decisions necessary or proper to carry out its responsibilities under the Plan. All determinations of the Committee as to any question involving its responsibilities under the Plan, including, interpretation of the Plan or as to any discretionary actions to be taken under the Plan, shall be solely in the Committee's discretion and shall be final, conclusive and binding on all parties.

11.2 Committee Powers and Duties. Without limiting the generality of the foregoing, the Committee shall have the following powers and duties:

(a) to require any person to furnish such information as it may request for the purpose of the proper administration of the Plan as a condition to receiving any benefit under the Plan;

(b) to make and enforce such rules and regulations and prescribe the use of such forms as it shall deem necessary for the efficient administration of the Plan;

(c) to interpret the Plan and to resolve ambiguities, inconsistencies and omissions in the terms of the Plan or any document related to the Plan;

(d) to decide all questions concerning the Plan and the eligibility of any Employee or other individual to participate in the Plan;

(e) to determine the amount of benefits which shall be payable to any person in accordance with the provisions of the Plan;

(f) to enlarge or diminish any applicable time period set forth in the Plan, subject to applicable law; and

(g) to determine the methods and procedures for the implementation and use of any automated telephone, computer, internet, intranet or other electronic or automated system adopted by the Committee for purposes of Plan administration, including, for receiving and processing enrollments and instructions with respect to the investment of assets allocated to an Account Participant's Accounts and for such other purposes as may be designated from time to time.

11.3 Limitation of Liability. Except as may be prohibited by applicable law, neither the Committee nor any member thereof shall be liable for (a) anything done or omitted to be done by it or by them unless the act or omission claimed to be the basis for liability amounted to a failure to act in good faith or was due to gross negligence or willful misconduct; (b) the payment of any amount under the Plan; or (c) any judgment or reasonable mistake of fact made by it or on its behalf by a member of the Committee. No member of the Committee shall be personally liable under any contract, agreement, bond or other instrument made or executed by him or her or on his or her behalf in connection with the Plan or Trust Fund.

11.4 Trustee. The Trustee shall have responsibility for the custody and safekeeping of the assets of the Plan and the Trust Fund and the valuation of such assets in accordance with the terms of the Trust Agreement and, in conjunction with the Administrative Service Agency, shall be responsible for implementing the aggregated investment decisions of Participants and beneficiaries by allocating the Plan assets to the various Investment Options. The Committee shall periodically review the performance and methods of the Trustee and the Committee may, subject to the terms of the Trust Agreement, appoint and remove or change the Trustee at any time for any reason or for no stated reason. If the Trust Agreement so provides, the Trustee may also serve as the Administrative Service Agency and perform the record keeping services normally performed by a third party Administrative Service Agency or may provide the services normally provided by a Financial Organization, provided that the Trustee otherwise qualifies as an Administrative Service Agency or a Financial Organization, as the case may be.

11.5 Financial Organizations. The Committee shall have the power to appoint or remove one or more Financial Organizations and to delegate to such Financial Organization(s) authority and discretion to manage (including the power to acquire and dispose of) the assets of the Plan and Trust Fund in accordance with the Regulations and the Plan. The Committee shall periodically review the performance and methods of such Financial Organization(s). The Committee has the right to (i) replace any Financial Organization or Investment Option with a successor Financial Organization or Investment Option or (ii) to select any additional Financial Organization or Investment Option.

11.6 Delegation. The Committee may delegate its general authority as it deems appropriate in accordance with the terms of the Plan and all applicable Code sections; *provided, however*, that such delegation shall be subject to revocation at any time at the discretion of the Committee. Notwithstanding any other provision of the Plan, the Committee's general authority shall include the right to review, revise, modify, revoke, or vacate any decision made or action taken by any party under the Plan to whom authority of the Committee has been delegated or to whom authority with respect to the administration of the Plan or the custody and investment of the assets of the Trust Fund has been delegated or assigned under the terms of the Plan, by the Committee or otherwise. The rights of the Committee under Section 11.6 include, the right to review, revise, modify, revoke, or vacate any decision of the Administrative Service Agency or the Review.

11.7 Plan Expenses.

(a) Assessment Against the Trust Fund. Subject to 11.7(b), the expenses of administering the Plan, including (i) the fees and expenses of the Financial Organizations and Administrative Service Agency for the performance of their duties under the Plan, including any fees and expenses associated with a change, termination or addition of an Investment Option, (ii) the fees, if any, of any member of the Committee and any Trustee and the expenses incurred by the Committee or any of its members or any Trustee in the performance of their duties under the Plan (including reasonable compensation for any legal counsel, certified public accountants, consultants, and agents, employees of the Committee and cost of services rendered in respect of the Plan and the Trust Agreement (as provided therein)), and (iii) all other proper charges and disbursements of the Financial Organizations, Administrative Service Agency, the Committee or its members (including settlements of claims or legal actions approved by counsel to the Plan) or

any Trustee shall be allocated to and paid out of the assets of the Trust Fund in accordance with such allocation and payment procedures as the Committee shall establish from time to time. The Committee is authorized to levy a fee against the Accounts of Account Participants for the purpose of paying some or all of such expenses, except where the Employer elects to pay such expenses directly; *provided, however*, that any such fees shall be levied on a pro-rata basis from the Account Participant's various Accounts at any given time, including Before-Tax Deferral Accounts, Roth Accounts (to the extent applicable), Rollover Accounts not relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program, and Rollover Accounts relating to Rollover Contributions of amounts from a Qualified Roth Contribution Program.

(b) Investment Expenses. Unless the Committee determines otherwise, brokerage fees, transfer taxes and any other expenses incident to the purchase or sale of securities for any Investment Option shall be deemed to be part of the cost of such securities, or deducted in computing the proceeds therefrom, as the case may be. The Administrative Service Agency shall appropriately deduct any taxes assessed in respect of any assets held, income received, or transactions effected under any Investment Option proportionately against any Accounts that are invested in such Investment Option.

11.8 Review of Claims.

(a) Initial Claim of Rights or Benefits and Review. Any claim to rights or benefits under the Plan, including, any purported Qualified Domestic Relations Order, or request for an Unforeseeable Emergency Withdrawal must be filed in writing with the Committee, or with such other entity as the Committee may designate. Within sixty days after receipt of such claim, the Committee, or such other entity designated by the Committee, shall notify the claimant and, if such claimant is not the Account Participant, any Account Participant against whose Plan Benefit the claim is made, that the claim has been granted or denied, in whole or in part. Notice of denial of any claim in whole or in part by the Committee, or by such other entity designated by the Committee, shall include the specific reasons for denial and notice of the rights granted by Section 11.8.

(b) Review of Decision. Any claimant or Account Participant who has received notice of denial or grant, in whole or in part, of a claim made in accordance with the foregoing Section 11.8(a) may file a written request within thirty days of receipt of such denial for review of the decision by the Review Committee. Within ninety days after receipt of such request for review, the Review Committee shall notify the claimant and, as applicable, the Account Participant, that the claim has been granted or denied, in whole or in part; *provided, however*, that the Review Committee may in its discretion extend such period by up to an additional 120 days upon notice to the claimant and, as applicable, the Account Participant, prior to expiration of the original ninety days that such additional period is needed for proper review of the claim. Notice of denial of any claim in whole or in part by the Review Committee shall include the specific reasons for denial and shall be final, binding and conclusive on all interested persons for all purposes.

11.9 Advisers. The Committee shall arrange for the engagement of legal counsel and certified public accountants, who may be counsel or accountants for the Employer, and other consultants, including an investment adviser, and make use of agents and clerical or other personnel, for

purposes of this Plan. The Committee may rely upon the written opinions of counsel, accountants and consultants, and upon any information supplied by the Trustee, a Financial Organization or Administrative Service Agency appointed in accordance with the Regulations.

11.10 Limitation on Committee Power. No member of the Committee shall be entitled to act on or decide any matters relating solely to such member or any of his or her rights or benefits under the Plan.

11.11 Committee Action. All actions of the Committee shall be taken at a public meeting in accordance with Article 7 of the Public Officers Law. The Committee shall establish its own procedures and the time and place for its meetings and provide for the keeping of minutes of all meetings.

11.12 General Requirements. Notwithstanding any other provision hereof, the Plan shall at all times be operated in accordance with the requirements of applicable law, including, the Regulations.

SECTION 12
AMENDMENT OR TERMINATION

12.1 Power to Amend and Terminate. Subject to any requirements of State or federal law, the Employer reserves the right at any time and with or without prior notice to any person to amend, suspend or terminate the Plan, to eliminate future deferrals and contributions for existing Participants, or to limit participation to existing Participants, in whole or in part and for any reason and without the consent of any Employee, Account Participant, Beneficiary or other person. No amendment, suspension or termination of any provisions of the Plan or any deferrals or contributions thereunder, the Trust Agreement or any Investment Option may be made retroactively, unless such retroactivity is allowed under State law, the Code and other applicable law.

12.2 Termination of Plan. Upon any action by the Employer to initiate a Plan termination, the Employer shall permit no further deferrals or contributions of Compensation under the Plan, and the Plan termination shall become effective upon the distribution of all Plan Benefits. After taking an action to initiate a Plan termination, the Employer may distribute all Plan Benefits to Account Participants or the Employer may provide that Plan Benefits and other interests in the Trust Fund shall continue to be payable as provided in the Plan. Any distributions, transfers or other dispositions of the Plan Benefits as provided in the Plan shall constitute a complete discharge of all liabilities under the Plan. The Committee and the Trustee(s) shall remain in existence and the Trust Agreement and all of the provisions of the Plan that the Employer determines are necessary or advisable for the administration and distribution, transfer or other disposition of interests in the Trust Fund shall remain in force.

SECTION 13
GENERAL LIMITATIONS AND PROVISIONS

- 13.1 **Plan Binding on Account Participants.** The Plan, as duly amended from time to time, shall be binding on each Account Participant and his or her Surviving Spouse, heirs, administrators, trustees, successors, assigns, and Beneficiaries and all other interested persons.
- 13.2 **No Right to Employment.** Nothing contained herein shall give any individual the right to be retained in the employment of the Employer or affect the right of the Employer to terminate any individual's employment. The adoption and maintenance of the Plan shall not constitute a contract between the Employer and any individual or consideration for, or an inducement in or condition of, the employment of any individual.
- 13.3 **Incapacitation or Incompetency.** If the Administrative Service Agency shall find that any person to whom any amount is payable under the Plan is unable to care for his or her affairs, is a minor, or has died, then any payment due to such person or his or her estate (unless a prior claim therefor has been made by a Beneficiary, Surviving Spouse or duly appointed legal representative or the time period during which a Beneficiary or Surviving Spouse could make a claim under the Plan has not elapsed) may, if the Administrative Service Agency so elects, be paid to his or her spouse, a child, a relative, or any other person maintaining or having custody of such person or otherwise entitled to payment or deemed by the Trustee to be a proper recipient on behalf of such person. Any such payment shall be a complete discharge of all liability under the Plan therefor.
- 13.4 **No Alienation of Plan Benefits.** Except insofar as may otherwise be required by a Qualified Domestic Relations Order or applicable law, no amount payable at any time under the Plan shall be subject in any manner to alienation by anticipation, sale, transfer, assignment, bankruptcy, pledge, attachment, garnishment, charge or encumbrance of any kind, and any attempt to so alienate such amount, whether presently or thereafter payable, shall be void.
- 13.5 **Notice to the Committee.** All elections, designations, requests, notices, instructions, and other communications from the Employer, an Employee, an Account Participant, or any other person to the Committee, Administrative Service Agency or the Employer required or permitted under the Plan shall be in such form as is prescribed by the Committee, shall be mailed by first class mail or delivered electronically in such a form and to such location as shall be prescribed by the Committee from time to time, and shall be deemed to have been given and delivered only upon actual receipt thereof at such location. Copies of all elections, designations, requests, notices, instructions and other communications from an Employee, a Participant, a Beneficiary, a Surviving Spouse or any other person to the Employer shall be promptly filed with the Administrative Service Agency in such a manner specified by the Administrative Service Agency.
- 13.6 **Notice to Participants.** All notices, statements, reports and other communications from an Employer, the Trustee or the Committee to any Account Participant, shall be deemed to have been duly given when delivered to, or when mailed by electronic delivery or other form of delivery approved by the Committee or by first class mail, postage prepaid and addressed to such Employee, Account Participant, Beneficiary, Surviving Spouse or other person or his or her

address last appearing on the records of the Administrative Service Agency, the Trustee or the Employer.

13.7 Trust Sole Source of Plan Benefits. The Trust Fund shall be the sole source of benefits under the Plan and, except as otherwise required by applicable law, neither the Committee, the Employer nor any officer or employee of an Employer assume any liability or responsibility for payment of such benefits, and each Account Participant, his or her spouse or Beneficiary, or other person who shall claim the right to any payment under the Plan shall be entitled to look only to the Trust Fund for such payment and shall not have any right, claim or demand therefor against the Committee or any member thereof, the Employer, or any officer or employee of an Employer. Nothing in Section 13.7 shall relieve an Employer of its obligation to defer or contribute Amounts Deferred or Contributed to the Trust Fund within two Business Days after the applicable payroll date, in the manner contemplated by Section 4.1.

13.8 Account Assets and Account Vesting.

(a) Account Assets Held in Trust Fund. The entire value of each Account for each Account Participant shall be held in the Trust Fund pursuant to the Trust Agreement for the exclusive benefit of the applicable Account Participant and for paying reasonable expenses of the Plan and of the Trust Fund pursuant to Section 11.7 and no part of the Trust Fund shall revert to any Employer; *provided, however,* that the setting-aside of any amounts to be held in the Trust Fund is expressly conditioned upon the following: If an amount is set aside to be held in the Trust Fund by an Employer in a manner which is inconsistent with any of the requirements of Section 457(b) of the Code, such amount shall be returned to such Employer prior to the first day of the first Plan Year commencing more than 180 days after the date of notification of such inconsistency by the Secretary of the Treasury. Any amounts so returned to the Employer, and the earnings thereon, shall be remitted to the Participants on whose behalf such amounts were set aside.

(b) Vesting. Each Account Participant shall be 100 percent vested at all times in his or her Plan Benefit.

13.9 Several Liability. The duties and responsibilities allocated to each person under the Plan and the Trust Agreement shall be the several and not joint responsibility of each, and no such person shall be liable for the act or omission of any other person.

13.10 Interpretation. (i) The term "including" means by way of example and not by way of limitation, and (ii) the headings preceding the sections hereof have been inserted solely as a matter of convenience and in no way define or limit the scope or intent of any provisions hereof.

13.11 Construction. The Plan and all rights there under shall be governed by and construed in accordance with the Code and the laws of the State.

SCHEDULE A

Effective date of last completion or amendment of this Schedule A: 4-25-13

Instructions

This Schedule A and all later amendments to this Schedule A are part of the Plan document and should remain attached to the Plan document.

Schedule A is used by the Committee (1) TO ACTIVATE or TERMINATE optional Plan provisions described below, (2) TO MODIFY the default provisions of the Plan described below or (3) TO INDICATE that the default provisions described below will continue to apply under the Plan.

Each section of this Schedule A must be completed by the Committee in connection with the adoption of this amendment and restatement of the Plan. All selections made shall remain effective until this Schedule A is later amended by the Committee.

All section references refer to the corresponding sections of the Plan and all defined terms have the meanings ascribed to them in the Plan.

Committee Elections – Optional Plan Provisions

3.1(c) ROTH PROGRAM

Section 3.1(c) of the Plan permits Roth Contributions only if the Committee checks YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that Roth Contributions will not be permitted under the Plan or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

The Plan shall maintain a Roth Program under which Participants may make Roth Contributions to the Plan, which Roth Contributions will be made and separately accounted for in compliance with the relevant provisions of the Plan and the Code.

YES

NO

Effective date: 2-3-11

8.8(a) IN-PLAN ROLLOVER TO A ROTH ACCOUNT

Section 8.8(a) of the Plan permits Roth Contributions only if the Committee has checked YES above (permitting a Roth Program) and checked YES below allowing amounts that otherwise qualify as Eligible Rollover Distributions not attributable to Roth Contributions to be directly contributed to a Roth Account under the Plan. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that Eligible Rollover Distributions may not be directly rolled over to a Roth Account under the Plan or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

To the extent the Committee has resolved to implement and maintain a Roth Program pursuant to Section 3.1(c) of Schedule A, a Participant may elect to have the portion of his or her Plan Benefit that is not attributable to Roth Contributions or outstanding loans directly rolled over into a Roth Account in the Plan.

- YES (do not check YES unless Roth Program is in effect)
- NO

Effective date: 4-25-13

3.1(e) SUSPENSION OF DEFERRALS AND CONTRIBUTIONS FOLLOWING AN UNFORESEEABLE EMERGENCY WITHDRAWAL

Section 3.1(e) of the Plan allows the Employer automatically to suspend deferrals and contributions for six months following the date a Participant receives an Unforeseeable Emergency withdrawal only if the Committee checks YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO below to indicate that a suspension of deferrals and contributions will not be required or, at a later time, to change prospectively (as of a specified effective date) a prior election under this section.

A Participant's deferrals and contributions will be suspended for a period of six months following a distribution due to an Unforeseeable Emergency withdrawal.

- YES
- NO

Effective date: 2-3-11

7.2(b) AUTOMATIC DISTRIBUTION OF SMALL ACCOUNTS FOLLOWING A SEVERANCE FROM EMPLOYMENT

Section 7.2(b) of the Plan allows the Employer to automatically distribute certain small account balances following a Severance from Employment only if the Committee has checked YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no automatic distribution will occur following a Severance from Employment or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

With respect to a Participant or an Alternate Payee whose Account or Alternate Payee Account does not exceed the amount set forth in Section 7.2(a) of the Plan, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account as soon as practicable following the Participant's Severance from Employment.

- YES
- NO

Effective date: 2-3-11

7.2(b) AUTOMATIC DISTRIBUTION OF INACTIVE SMALL ACCOUNTS

Section 7.2(b) of the Plan allows the Employer to automatically distribute certain small account balances in inactive accounts only if the Committee has checked YES below and indicated the small account amount below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no automatic distribution of inactive small accounts will occur or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

7.2(b) Automatic Distributions after a Severance from Employment.

With respect to a Participant or an Alternate Payee whose Account or Alternate Payee Account does not exceed the amount set forth in Section 7.2(a) of the Plan, upon an Account Participant's Plan Benefit falling below \$ _____, [Insert any whole dollar amount up to the dollar limit under Section 411(a)(1)(A) of the Code] to the extent that the requirements of Section 7.2(a) of the Plan are met, the Committee shall direct the automatic distribution of the Participant's Account and Rollover Account or the Alternate Payee's Alternate Payee Account in accordance with 7.2(b) of the Plan.

- YES (do not check YES unless a permissible amount is specified above)
- NO

Effective date: 2-3-11

7.3 PLAN LOANS FOR ACTIVE EMPLOYEES

Section 7.3 of the Plan allows active Employees to request a Plan loan only if the Committee has checked YES below. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no Plan loans will be permitted or, at a later time, prospectively (as of a specified effective date) to change a prior election under this section.

SECTION 14 *If the Committee elects "YES" under Section 7.3, the Committee must also make an election as to the source of Plan loans under Section 7.3(e).*

Participants who are active Employees shall be eligible to request a Plan loan and may be granted a loan pursuant to the requirements of Section 7.3 of the Plan.

- YES (requires an election regarding the source under 7.3(e))
- NO

Effective date: 2-3-13 (implemented prior)

7.3(a) PLAN LOANS FOR PARTICIPANTS ON AN APPROVED LEAVE OF ABSENCE

Section 7.3(a) of the Plan allows Participants who are on an approved leave of absence to be eligible to request a Plan loan only if the Committee has checked YES above (permitting Plan loans for active Employees) and checked YES below extending the loan provisions to Participants on an approved leave of absence. The Committee must also indicate below the effective date of this election. The Committee should check NO to indicate that no Plan loans will be permitted for Participants on an approved leave of absence or, at a later time, prospectively to change (as of a specified effective date) a prior election under this section.

Participants who are on an approved leave of absence from their Employer shall be eligible to request a Plan loan and may be granted a loan pursuant to the requirements of Section 7.3 of the Plan.

- YES (do not check YES unless Plan Loans are authorized for active Employees)
- NO

Effective date: 2-3-11

7.3(e) SOURCE OF PLAN LOANS

Section 7.3 of the Plan allows the Committee to permit Plan loans (see elections above). If the Committee elects to permit Plan loans under Section 7.3, the Plan document states that the Committee must elect the source of Plan loans from the options set forth below. Only one option may be elected.

- Plan loans shall be made solely from the Before Tax Deferral Account or, if applicable, Rollover Accounts relating to Rollover Contributions of before tax deferrals; or
- Plan loans shall be made pro rata (based on the balance in the Participant's Before Tax Deferral Account and Rollover Account relating to Rollover Contributions of before tax deferrals) from (i) the Before Tax Deferral Account or, if applicable, the Rollover Accounts relating to Rollover Contributions of before tax deferrals; and (ii) the Roth Account; or
- Participants shall elect whether to have a Plan loan made (i) entirely from such Participant's Before Tax Deferral Account and, if applicable, Rollover Accounts relating to Rollover Contributions of before tax deferrals; or (ii) pro rata (based on the balance in the Before Tax Deferral Account and Rollover Account relating to Rollover Contributions of before tax deferrals) from (A) the Before Tax Deferral Account or, if applicable, the Rollover Accounts relating to Rollover Contributions of before tax deferrals; and (B) the Roth Account.

7.3(f) DURATION OF LOAN GRACE PERIOD

Section 7.3 of the Plan allows the Committee to permit Plan loans (see elections above). If the Committee permits Plan loans, the Plan document states that, unless the Committee makes an election below, any such loan will be in default if a Participant fails to make a required loan repayment within 90 days following the due date for such repayment. The Plan document refers to this period as the "Loan Grace Period."

Section 7.3 of the Plan allows the Committee to specify a shorter Loan Grace Period by indicating a period of fewer than 90 days below and by indicating that such election will apply to Plan loans made after the effective date specified below. The Committee may, at a later time, indicate (as of a specified effective date) a different Loan Grace Period by making a new election under this section.

The Loan Grace Period for purposes of Section 7.3(f) shall be 90 days [a number of days greater than 0 but less than 90] following the due date of a Participant's scheduled loan repayment.

Effective date: 2-3-11

8.1(c)(i) and (iii) MINIMUM LUMP SUM AMOUNT

Sections 8.1 (c)(i) and (iii) of the Plan allow a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum. The Plan document states that, unless the Committee makes an election below, the amount of a partial lump sum distribution cannot be less than \$100. The Plan document refers to this amount as the "Minimum Lump Sum Amount."

Sections 8.1(c)(i) and (iii) of the Plan allow the Committee to specify a different Minimum Lump Sum Amount by indicating a dollar amount below and by indicating that such Minimum Lump Sum Amount will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Minimum Lump Sum Amount by inserting the "none" or "0" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Minimum Lump Sum Amount by making a new election under this section.

The Minimum Lump Sum Amount shall be \$ 100.

Effective date: 2-3-11

8.1(c)(ii) MINIMUM INSTALLMENT AMOUNT

Section 8.1(c)(ii) of the Plan allows a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in periodic monthly, quarterly, semi-annual or annual installments. The Plan document states that, unless the Committee makes an election below, the amount of an installment distribution cannot be less than \$100. The Plan document refers to this amount as the "Minimum Installment Amount."

Section 8.1(c)(ii) of the Plan allows the Committee to specify a different Minimum Installment Amount by indicating a dollar amount below and by indicating that such Minimum Installment Amount will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Minimum Installment Amount by inserting the "none" or "0" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Minimum Installment Amount by making a new election under this section.

The Minimum Installment Amount shall be \$ 100.

Effective date: 2-3-11

8.1(c)(i) and (ii) MAXIMUM ANNUAL NUMBER OF PARTIAL DISTRIBUTIONS PER PLAN YEAR

Sections 8.1(c)(i) and (ii) of the Plan allow a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum. The Plan document states that, unless the Committee makes an election below, the maximum number of partial lump sum distributions in a Plan Year may not exceed 12. The Plan document refers to this amount as the "Maximum Annual Number of Partial Distributions."

Sections 8.1(c)(i) and (ii) of the Plan allow the Committee to specify a different Maximum Number of Partial Distributions per Plan Year by indicating a different limit below and by indicating that such limit will apply to distributions made after the effective date specified below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Maximum Number of Partial Distributions for a Plan Year by making a new election under this section.

The Maximum Annual Number of Partial Distributions for each Plan Year shall be 12.

Effective date: 2-3-11

8.1(e) DISTRIBUTION WAITING PERIOD

Section 8.1(c) of the Plan allows a Participant who is otherwise eligible for a distribution under the Plan to elect to receive that distribution in a total or partial lump sum or in installments. Section 8.1(e) of the Plan document also states that, unless the Committee makes an election below, a distribution will be delayed for 45 days if the distribution would result in the Participant having an account balance of less than \$500. The Plan document refers to this period as the "Distribution Waiting Period."

Section 8.1(e) of the Plan allows the Committee to specify a different Distribution Waiting Period by indicating a different limit below and by indicating that such limit will apply to distributions made after the effective date specified below. The Committee may also indicate there is no Distribution Waiting Period by inserting the word "none" below. The Committee may, at a later time, indicate (as of a specified effective date) on a prospective basis a different Distribution Waiting Period for a Plan Year by making a new election under this Schedule A.

The Distribution Waiting Period shall be 0 days.

Effective date: 2-3-11

Introduced by:

Referral No. 9500

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

**RESOLUTION NO. 379 OF 2015
 APPROPRIATING THE SUM OF \$1,250 TO AMERICAN LEGION SLOATSBURG
 MEMORIAL POST NO. 1643, SLOATSBURG, NEW YORK
 FOR PATRIOTIC OBSERVANCES IN 2015**

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

WHEREAS, the Rockland County Legislature has set aside in the 2015 Budget and designated an account for funding of patriotic observances; and

WHEREAS, the American Legion Post 1643, Sloatsburg, New York is contracting with the County of Rockland to conduct patriotic observances in 2015, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

RESOLVED, that the Legislature of Rockland County hereby appropriates the sum of \$1,250, for providing patriotic observance events in Rockland County in calendar year 2015; and be it further

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

GENERAL FUND

Increase Approp. Acct.:

A-CA-7340-5010	American Legion Sloatsburg Memorial Post 1643 15 Liberty Rock Road Sloatsburg, NY 10974	\$1,250
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Decrease Approp. Acct.:

A-LEG-1010-5042	Patriotic Observances	\$1,250
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Introduced by:

Referral No. 9500

Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. John A. Murphy, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Christopher J. Carey, Sponsor
Hon. Lon M. Hofstein, Sponsor

**RESOLUTION NO. 380 OF 2015
PROVIDING FOR LEAVE, BENEFIT, AND
COMPENSATION POLICIES FOR
NON-UNION MANAGEMENT PERSONNEL
AND OTHER NON-UNION EMPLOYEES**

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

WHEREAS, Certain management and other personnel are not included in any bargaining units within the County of Rockland, and

WHEREAS, Unlike union employees, non-union employees do not receive increments to recognize successful performance or years of service and have not received even general increases with the same certainty or consistency as employees whose titles are included in bargaining units; and

WHEREAS, A systematized, cost effective, and reliable compensation policy is important for optimizing performance outcomes, effectively retaining and attracting skilled and high-performing managers, and facilitating a culture that motivates leaders;

WHEREAS, The Department of Personnel has developed non-union management and non-union non-management compensation plans using a criteria-based point-factor job evaluation method and evaluations of non-union titles in accordance with professional standards, and

WHEREAS, The County Executive has recommended a performance-based, systematized, professional compensation policy for non-union management employees and salary levels for other non-union employees, in order to ensure that they are compensated in an equitable manner and in accordance with the complexity and responsibilities of their positions; and

WHEREAS, It has been the policy of the Legislature of Rockland County to provide for a consistent compensation policy for non-union employees and to ensure that non-union employees are compensated in an equitable manner; and

WHEREAS, Resolution 31 of 2000 provided for a leave and benefit policy for non-R.A.M. management and other non-union employees; and

WHEREAS, Existing salary savings will be utilized to pay for the compensation, leave and benefits which will total less than \$165,000, therefore no funding clause is necessary; and

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

RESOLVED, That the leave and benefit provisions provided in Resolution 31 of 2000 are shall hereby be continued; and be it further

RESOLVED, That the positions listed on the annexed Schedule "A" shall be compensated at the annual salary indicated on Schedule "A", effective immediately; and be it further

RESOLVED, That for all the titles included on the annexed Schedule "A", future compensation increases shall be determined and calculated in accordance with the Rules for the Non-Union Management Compensation Plan provided in annexed Schedule "B" and the compensation groups and salary ranges provided in annexed Schedule "C"; and be it further

RESOLVED, That the positions listed on annexed Schedule "D" are hereby allocated to and to be compensated according to the salary grade indicated; and be it further

RESOLVED, That for the titles included on Schedule "D", future compensation increases shall be determined and calculated in accordance with the Provisions for the Administration of the Rockland County Salary Plan as contained in the Civil Service Employees Association (CSEA) bargaining agreement, Article VIII, Appendix B - Part A; and be it further

RESOLVED, That the Rockland County Department of Personnel shall carry out all such administrative tasks as are required to effectuate and put into operation the terms of this resolution; and be it further

RESOLVED, That existing salary savings will be utilized to pay for the compensation, leave and benefits which will total less than \$165,000, therefore no funding clause is necessary; and be it further

RESOLVED, That the Commissioner of Finance of Rockland County be and is hereby authorized to effectuate the payment of such salary and wages, provided by the terms of this resolution, effective immediately.

SCHEDULE A
Non-Union Management Titles, Compensation Groups, Annual Salaries

TITLE	COMPENSATION GROUP	SALARY
Asst. to the Chair of the Legislature	1	\$66,048
Asst. to the County Exec II (LTFT)	1	\$36,092
Calendar Clerk	1	\$60,844
Community Relations Coordinator	1	\$76,633
Conf. Asst. to the CE	1	\$86,343
Conf. Asst. to the Commissioner of Personnel	1	\$81,885
Coordinator, Community Resource Programs	1	\$111,900
Coordinator of Services, Adults & Seniors	1	\$88,786
Coordinator, Training Program	1	\$70,548
Coordinator, Water Resources Management Task Force	1	\$67,038
Deputy Commissioner of Elections	1	\$76,549
Deputy Commissioner of Elections	1	\$71,548
Legislative Research Coordinator	1	\$78,030
Legislative Analyst	1	\$60,153
Confidential Investigator	1	\$81,151
Stop DWI & Traffic Safety Program Coordinator	1	\$75,191
Commissioner of Elections	2	Per Local Law
Commissioner of Elections	2	Per Local Law
Commissioner of Human Rights	2	Per Local Law
County Auditor (LTFT)	2	Per Local Law
Deputy Clerk to the Legislature	2	\$96,672
Director, Community Relations (County Exec)	2	\$72,397
Director, Medical Services (DSS)	2	\$134,000
Director, Office for the Aging	2	\$95,472
Executive Director, Youth Bureau	2	*
Legislative Fiscal Analyst	2	\$94,658
Assistant Director, Drug Task Force	2	\$92,240
Real Property Tax Services Officer	2	Per Local Law
Chief Advisor to the County Executive (LTFT)	3	\$59,900
Clerk to the Legislature	3	\$111,088
Director, Drainage Agency	3	\$116,802
Dir. Of Public Policy & Intergovernmental Relations	3	\$109,000
Director of Strategic Communications	3	\$109,000
Director of Economic Development	3	\$109,000

**SCHEDULE A
Non-Union Management Titles, Compensation Groups, Annual Salaries**

TITLE	COMPENSATION GROUP	SALARY
Legislative Counsel	3	\$109,000
Legislative Counsel	3	\$92,520
Director, Investigative Technologies Support Center	3	\$121,176
Commissioner of General Services	4	*
Commissioner of Mental Health	4	Per Local Law
Commissioner of Personnel	4	Per Local Law
Commissioner of Planning	4	*
Commissioner of Social Services	4	Per Local Law
County Attorney	4	\$130,635
Deputy County Executive	4	\$129,135
Public Defender	4	Per Local Law
Superintendent of Highways	4	\$138,477
Director, Drug Task Force	4	\$160,000
Undersheriff	4	\$130,680
Commissioner of Finance - Budget Director	5	\$162,200
Commissioner of Health	5	Per Local Law
Exec Director, Sewer Operations & Engineering	5	\$165,251
Chief Criminal Investigator	5	\$169,483
Medical Examiner	5	Per Local Law
Director of Medical Services (LTFT)	A	\$150,000

*Position currently vacant

SCHEDULE B
Non-Union Management Compensation Policy

OVERVIEW

The Non-Union Management Compensation Policy provides the rules and criteria for the administration of a non-union management performance-based compensation plan consisting of compensation groups developed by the Department of Personnel using a criteria-based point-factor evaluation method and evaluations of non-union management titles in accordance with professional standards.

NEW APPOINTMENTS and CONTINUOUS SALARY ADMINISTRATION

New Appointments

1. **Starting salary of a group.** Each newly appointed non-union management employee will be placed at the minimum salary of the range for the group in which his/her title has been placed by the Department of Personnel in accordance with a criteria-based point-factor job evaluation method and evaluations of non-union titles in accordance with professional standards.
2. **Inhiring.** Appointments may be made to a non-union management title at a salary above the minimum salary for a compensation group when it has been documented that it is impossible to recruit qualified persons at the minimum salary or in order to recruit talented, sometimes uniquely qualified individuals who the County of Rockland might otherwise be unable to hire. Longstanding procedures regarding inhiring shall be followed and inhiring criteria shall be evaluated by the Department of Personnel and provided to the County Executive for determinations regarding new hire salaries that are above the minimum salary for a compensation group.

Continuous Salary Administration

In the years following initial placement in the range for a compensation group, an annual review will be completed and an employee's salary may be increased within the range for the compensation group.

1. **Assessment of increases.** By July 1st of each year, beginning in 2016, performance evaluations and recommendations regarding salary increases (increments) shall be completed for each non-union management employee and submitted to the County Executive. Recommendations for increases must be performance-based, using objectively applied criteria, and/or justified by special circumstances such as retention problems and increased responsibilities.
2. **Eligibility.** In order to be eligible for a salary increase (increment), an employee must have been employed for a minimum of one (1) year of continuous service in a non-union title.

3. Implementation of increases. Increases (increments) shall be included in the County of Rockland's annual budget for all non-union management employees, other than those for which a local law must be adopted to increase or decrease salaries during the employee's term of office.
4. Salary caps. Following the initial adoption of the salary structure, each subsequent annual increase (increment) shall not exceed the maximum of the range for the compensation group, and shall not exceed 5% of the employee's salary immediately prior to the increase and total increases (increments) shall be within the salary appropriations provided in the annual budget for each department in which a non-union title(s) has been established.
5. Across the board increases. Effective with the adoption of the salary structure, employees in non-union management titles shall receive their respective salaries, plus the same percentage increases to their annual rate of pay that are included in agreements between the County of Rockland and the Rockland Association of Management (R.A.M.).
6. Leave and benefit policies. The leave and benefit policies adopted by Resolution 31 of 2000 shall be continued. This resolution provides that non-union employees shall receive the leave and benefit provisions, other than those pertaining to salary compensation as set forth in the R.A.M. contract.
7. Commissioner of Elections. Pursuant to New York State Election Law, the salaries for the two (2) positions of Commissioner of Elections, once determined in accordance with these rules, shall be the same for both Commissioners of Elections. Unless implemented at the start of a term of office for a Commissioner of Elections, all changes in salary for each Commissioner of Elections shall be by local law.

SCHEDULE C
Compensation Groups Salary Ranges

COMPENSATION GROUP	MIN	MID	MAX
1	\$60,153	\$75,191	\$90,229
2	\$72,397	\$90,496	\$108,595
3	\$87,200	\$109,000	\$130,800
4	\$108,673	\$135,841	\$163,009
5	\$129,638	\$162,047	\$194,456
A	\$160,000	\$200,000	\$240,000

SCHEDULE D
Non-Union, Non-Management Titles Salary Grades

<u>Title</u>	<u>CSEA Grade</u>
Clerk-Typist (BOE) (Rlf)	5
Election Clerk III	11
Election Clerk IV	12
Election Clerk V	14
Voting Poll Site Coordinator	12
Voting Systems & Mach Tech	15
Legislative Clerk, Proceedings	16
Receptionist-County Leg	10
Sr Committee Clerk	8
Constituent Svcs Asst (LFT)	14
Sr Committee Clerk	8
Committee Clerk (PT)	7

Introduced by:

Referral No. 9500

Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. John A. Murphy, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Christopher J. Carey, Sponsor
Hon. Lon M. Hofstein, Sponsor

**RESOLUTION NO. 381 OF 2015
SETTING A DATE FOR A PUBLIC HEARING
PROVIDING FOR A LOCAL LAW FOR THE SALARIES OF CERTAIN
COUNTY OFFICERS OF THE COUNTY OF ROCKLAND**

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

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 sets the **16th** day of **September 2015 at 7:05 P.M.**, to consider adoption of a local law to provide for the salaries of certain County officers of the County of Rockland; and be it further

RESOLVED, That the Legislature intends the salaries contained in the said local law to be effective upon the local law being filed in the office of the Secretary of State.

Introduced by:

Referral No. 8293

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 382 OF 2015
 APPROVING SUPPLEMENTAL AGREEMENT NO. 13
 IN THE AMOUNT OF \$750,000 (NCTD)
 WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 TO FUND THE COUNTY OF ROCKLAND'S
 TRAVEL DEMAND MANAGEMENT (TDM) PROGRAM
 FOR THE PERIOD FROM OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015
 AND AUTHORIZING THE COUNTY EXECUTIVE
 TO EXECUTE ALL NECESSARY DOCUMENTS
 [DEPARTMENT OF PUBLIC TRANSPORTATION]
 (\$750,000)**

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

WHEREAS, The Commissioner of Public Transportation has advised the County Executive and the Legislature of Rockland County that he desires to enter into supplemental agreement No. 13 with the New York State Department of Transportation in the amount of \$750,000 for the period from October 1, 2014 through September 30, 2015 in order for the County to be reimbursed for \$600,000 of work performed in connection with the County of Rockland's Travel Demand Management (TDM) Program (with a local share of \$150,000, which is funded through MTA discretionary funds and involves the expenditure of no county tax dollars); and

WHEREAS, On October 1, 2001, the County entered into an agreement with New York State Department of Transportation for the Travel Demand Management (TDM) Program Comptroller's Contract No. DO17592 with a term from October 1, 2001 through September 30, 2002; and

WHEREAS, Supplemental agreements to Comptroller's Contract No. DO17592 have been entered into by the County and New York State Department of Transportation on an annual basis since September 30, 2002, the last such agreement for the term from October 1, 2013 through September 30, 2014 which had been approved by the Legislature of Rockland County under Resolution No. 190 of 2014 on May 6, 2014; and

WHEREAS, Funding for the contract is provided through the Federal Congestion Mitigation and Air Quality Program (CMAQ) and administered by New York State Department of Transportation; and

WHEREAS, No funding clause is required since the agreement amount was already appropriated in the 2014 and 2015 Adopted Budgets of the Department of Public Transportation for said period; and

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

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

RESOLVED, That the Legislature of Rockland County approves supplemental agreement No. 13 with the New York State Department of Transportation in the amount of \$750,000 in order for the County to be reimbursed for \$600,000 of work performed in connection with Rockland's Travel Demand Management (TDM) Program (with a local share of \$150,000 is funded through MTA discretionary funds which involves the expenditure of no county tax dollars) for the period from October 1, 2014 through September 30, 2015, and authorizes the County Executive to execute all necessary documents, subject to the approval of the County Attorney; and be it further

RESOLVED, That no funding clause is required since the agreement amount was already appropriated in the 2014 and 2015 Adopted Budgets of the Department of Public Transportation for said period.

Introduced by:

Referral No. 7300

Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Aney Paul, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 383 OF 2015
AUTHORIZING AND DIRECTING THE
CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS
FOR INFRASTRUCTURE REPAIRS AND UPGRADES
TO COUNTY OFFICE BUILDING AND
SHERIFF'S BUILDING PAVING, CURBS AND SIDEWALKS
CAPITAL PROJECT NO. 1452
[DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]**

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

WHEREAS, By Resolution No. 586 of 2008, 478 of 2010, 209 of 2012 and 234 of 2014, the Legislature of Rockland County authorized capital project funds for infrastructure improvements for the New City Government Center, Capital Project No. 1452; and

WHEREAS, Plans and specifications for the design and construction of the repairs to the County Office Building and Sheriff's Building for paving, curbs and sidewalks have been prepared by the Brooker Engineering, PLLC; and

WHEREAS, The Director of Facilities Management recommends to the County Executive and the Legislature of Rockland County that the Clerk to the Legislature be authorized and directed to advertise for bids for paving, curbs and sidewalks; and

WHEREAS, Funding for this project has been authorized in the 2015 Adopted Capital Budget, Capital Project No. 1452; and

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

RESOLVED, That the Legislature of Rockland County hereby authorizes and directs the Clerk to the Legislature to advertise for bids for the County Office Building and Sheriff's Building for paving, curbs and sidewalks, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for this project has been authorized in the 2015 Adopted Capital Budget, Capital Project No. 1452.

RESOLUTION NO. 384 OF 2015

BOND RESOLUTION DATED AUGUST 4, 2015

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF ROCKLAND COMMUNITY COLLEGE FIELDHOUSE/PHYSICAL EDUCATION BUILDING INTERIOR & EXTERIOR IMPROVEMENTS (CAPITAL PROJECT NO. 8310), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,800,000; STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$1,800,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING \$900,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK (DASNY) TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted) August 4, 2015

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

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 8310 for the Department of General Services, Facilities Management, consisting of Rockland Community College Fieldhouse/Physical Education Building interior & exterior improvements including refurbishment, renovation and construction, architectural and engineering design services, all as more particularly described in the County's 2015 Capital Budget, as amended. The estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,800,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and authorizing \$900,000 expected to be received from the State of New York (DASNY) to be expended towards the cost of said specific object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. Bonds of the County in the principal amount of \$1,800,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The existing buildings are of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislators Toney L. Earl and Douglas J. Jobson and duly put to a vote on roll call, which resulted as follows:

AYES:	17
NOES:	0
ABSENT:	0

The resolution was declared adopted.

Roll Call

Legislator Soskin – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Cornell – Yes.

Legislator Diaz – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hofstein – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Vice Chairman Hood, Jr. – Yes.

Chairman Wolfe – Yes.

Introduced by:

Referral No. 5906

Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Aney Paul, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 385 OF 2015
APPROVING AN AGREEMENT IN EXCESS OF \$100,000
WITH OPTIMUM CONTROLS FOR TELEMETRY SYSTEM PREVENTIVE
MAINTENANCE AND EMERGENCY SERVICES
FOR ROCKLAND COUNTY SEWER DISTRICT NO. 1
BY FORMAL PURCHASE ORDER UNDER RFB-RC-2012-077
IN THE ADDITIONAL AMOUNT OF \$23,246.33
FOR THE PERIOD FROM OCTOBER 17, 2014 THROUGH OCTOBER 16, 2015
FOR A TOTAL AMOUNT NOT TO EXCEED \$110,000 FROM THE
COMMENCEMENT DATE OF OCTOBER 17, 2012 THROUGH OCTOBER 16, 2015
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
(\$110,000)**

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

WHEREAS, The Director of Purchasing requested bids for Telemetry System Preventative Maintenance and Emergency Services for the Rockland County Sewer District No. 1 for a one (1) year period with the option to renew for two (2) additional one (1) year terms under RFB-RC-2012-077; and

WHEREAS, One hundred-forty three (143) vendors were notified of the solicitation and the County received two (2) responses; and

WHEREAS, The Director of Purchasing determined that Optimum Controls, 1301 Rosemont Boulevard, Reading, Pennsylvania 19604, was the lowest responsive and responsible bidder; and

WHEREAS, The County of Rockland ("County") entered into an agreement with Optimum Controls, 1301 Rosemont Boulevard, Reading, Pennsylvania 19604, for Telemetry System Preventative Maintenance and Emergency Services for Rockland County Sewer District No. 1 under RFB-RC-2012-077 with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, in an amount not to exceed \$100,000 for the period from October 17, 2012 through October 16, 2013, with the option to renew for two (2) additional one (1) year terms; and

WHEREAS, On October 17, 2013, the Director of Purchasing exercised the first option term with Optimum Controls, 1301 Rosemont Boulevard, Reading, Pennsylvania 19604, for Telemetry System Preventative Maintenance and Emergency Services for Rockland County Sewer District No. 1 under RFB-RC-2012-077 with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from October 17, 2013 through October 16, 2014, with one (1) additional one (1) year option, in an amount not to exceed \$100,000 from the commencement date October 17, 2012 through October 16, 2014; and

WHEREAS, On October 17, 2014, the Director of Purchasing exercised the second option term with Optimum Controls, 1301 Rosemont Boulevard, Reading, Pennsylvania 19604, for Telemetry System Preventative Maintenance and Emergency Services for Rockland County Sewer District No. 1 under RFB-RC-2012-077 with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from October 17, 2014 through October 16, 2015, in an amount not to exceed \$100,000 from the commencement date October 17, 2012 through October 16, 2015; and

WHEREAS, To date, the total cost for purchases for Telemetry System Preventive Maintenance and Emergency Services made by Rockland County Sewer District No. 1 under RFB-RC-2012-077 has not exceeded \$86,753.67; and

WHEREAS, Rockland County Sewer District No. 1 estimates that additional purchases for Telemetry System Preventive Maintenance and Emergency Services under RFB-RC-2012-077 in the amount of \$23,246.33 will be required through October 16, 2015 for a total amount not to exceed \$110,000 from the commencement date October 17, 2012 through October 16, 2015; and

WHEREAS, The Director of Purchasing is recommending that the Rockland County Legislature and County Executive approve purchases in excess of \$100,000 from Optimum Controls, 1301 Rosemont Boulevard, Reading, Pennsylvania 19604, for Telemetry System Preventative Maintenance and Emergency Services for the Rockland County Sewer District No. 1 under RFB-RC-2012-077, with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from October 17, 2014 through October 16, 2015, in the additional amount of \$23,246.33, for a total amount not to exceed \$110,000 from the commencement date October 17, 2012 through October 16, 2015; and

WHEREAS, Sufficient funds for these purchases are provided for in the 2015 Adopted Budget of Rockland County Sewer District No. 1; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves purchases in excess of \$100,000 from Optimum Controls, 1301 Rosemont Boulevard, Reading, Pennsylvania 19604, for Telemetry System Preventative Maintenance and Emergency Services for Rockland County Sewer District No. 1 under RFB-RC-2012-077, with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from October 17, 2014 through October 16, 2015, in the additional amount of \$23,246.33, for a total amount not to exceed \$110,000 from the commencement date October 17, 2012 through October 16, 2015; and be it further

RESOLVED, That sufficient funds for these purchases are provided for in the 2015 Adopted Budget of Rockland County Sewer District No. 1.

Introduced by:

Referral No. 9252

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 386 OF 2015
 APPROVING AN AGREEMENT IN EXCESS OF \$100,000 WITH
 K & P FACILITIES MAINTENANCE INC.
 FOR CUSTODIAL SERVICES FOR THE
 EMERGENCY SERVICES FIRE TRAINING CENTER
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 UNDER RFB-RC-2015-015
 FOR THE PERIOD FROM SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2018
 IN A TOTAL AMOUNT NOT TO EXCEED \$236,790
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 (DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING)
 [\$236,790]**

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

WHEREAS, The Director of Purchasing let requests for proposals for custodial services for the Emergency Services Fire Training Center under RFB-RC-2015-015 for a three year period; and

WHEREAS, Six hundred (600) vendors were notified of this bid and twelve (12) responses were received; and

WHEREAS, Milveen Environmental was the lowest bidder however, it was unable to provide the needed insurance coverage and was deemed to be non-responsive; and

WHEREAS, Executive Cleaning Service Corp., 23 Vincent Street, Nanuet New York 10954 (P.O. Box 702, Elmsford, New York 10523) was deemed the lowest responsible and responsive bidder, however, Executive Cleaning Service Corp., advised the Director of Purchasing that they could not accept the award; and

WHEREAS, K & P Facilities Maintenance Inc., 46 Camelot Road, Poughkeepsie, New York 12601 was deemed the next lowest responsible and responsive bidder; and

WHEREAS, The Director of Purchasing has recommended that the County enter into an agreement with K & P Facilities Maintenance Inc., 46 Camelot Road, Poughkeepsie, New York 12601 for custodial services for the Emergency Services Fire Training Center under RFB-RC-2015-015, for a three (3) year period from September 1, 2015 through August 31, 2018 in a total amount not to exceed \$236,790; and

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

WHEREAS, Sufficient funds for these purchases are provided for in the 2015 Adopted Budget, A-EME-3410-E4090, and are contingent on 2016, 2017, and 2018, Budget Appropriations; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves an agreement with K & P Facilities Maintenance Inc., 46 Camelot Road, Poughkeepsie, New York 12601 to provide custodial services for the Emergency Services Fire Training Center under RFB-RC-2015-015, for a three (3) year period from September 1, 2015 through August 31, 2018 in a total amount not to exceed \$236,790, subject to the approval of the County Attorney, and authorizes its execution by the County Executive; and be it further

RESOLVED, That all purchases of services will be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That Sufficient funds for these purchases are provided for in the 2015 Adopted Budget, A-EME-3410-E4090, and are contingent on 2016, 2017, and 2018, Budget Appropriations.

Introduced by:

Referral No. 9252

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 387 OF 2015
 APPROVING PURCHASES IN EXCESS OF \$100,000
 FROM APPLE MAINTENANCE SERVICES, INC.
 FOR CUSTODIAL SERVICES FOR
 THE ROCKLAND COUNTY FIRE TRAINING CENTER
 UNDER RFB-RC-2011-088
 FOR AN ADDITIONAL AMOUNT OF \$20,013
 FOR A TOTAL AMOUNT NOT TO EXCEED \$241,741
 FOR THE EXTENDED PERIOD MARCH 31, 2015 THROUGH AUGUST 31, 2015
 FROM THE COMMENCEMENT DATE APRIL 1, 2012
 THROUGH AUGUST 31, 2015
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$241,741)**

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 custodial services for the Rockland County Fire Training Center under RFB-RC-2011-088 (the "RFB") for a three-year period; and

WHEREAS, A new solicitation was issued with over 600 vendors notified and 12 returning pricing. The apparent low bidder "Milveen Environmental" was unable to obtain the required insurance and was deemed unresponsive; and

WHEREAS, The second low bidder "Executive Cleaning" was deemed responsive and approved but prior to start up advised Purchasing that they would not be able to accept the award due to unforeseen circumstances; and

WHEREAS, To avoid service interruption "Apple Maintenance" was asked to extend their existing contract until August 31, 2015 to allow time for a new contract to be awarded; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 with "Apple Maintenance" for custodial services for the Fire Training Center under RFB-RC-2011-088 in the additional amount of \$20,013 for the extended period March 31, 2015 through August 31, 2015 for a total amount not to exceed \$241,741 from the commencement date of April 1, 2012 through August 31, 2015; and

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

WHEREAS, Sufficient funding for these additional purchases is provided for in the 2015 Adopted Operating Budget of Fire and Emergency Services; EME-3410-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 Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 with Apple Maintenance Services, Inc., 5 Westchester Plaza, Suite 105, Elmsford, New York 10523, for custodial services for the Rockland County Fire Training Center under RFB-RC-2011-088 in an additional amount of \$20,013 for the extended period March 15, 2015 through August 31, 2015 for a total amount not to exceed \$241,741 from the commencement date of April 1, 2012 through August 31, 2015, 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 these additional purchases is provided for in the 2015 Adopted Operating Budget of Fire and Emergency Services; EME-3410-E4090.

Introduced by:

Referral No. 2799

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 388 OF 2015
 APPROVING AN AGREEMENT IN EXCESS OF \$100,000
 WITH GRANT SUPPLY, A DIVISION OF F.W. WEBB COMPANY
 FOR PLUMBING SUPPLIES UNDER RFB-RC-2013-083
 FOR VARIOUS DEPARTMENTS ON AN AS NEEDED BASIS
 IN THE ADDITIONAL AMOUNT OF \$62,948
 FOR THE PERIOD SEPTEMBER 9, 2015 THROUGH SEPTEMBER 8, 2016
 WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE (1) YEAR TERMS
 FOR A TOTAL AMOUNT NOT TO EXCEED \$150,000
 FROM THE COMMENCEMENT DATE SEPTEMBER 9, 2013
 THROUGH SEPTEMBER 8, 2016
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$150,000)**

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

WHEREAS, The Director of Purchasing let bids for Plumbing Supplies under RFB-RC-2013-083 on an as needed basis for various County Departments, for a one year period with the option to renew for four (4) additional one (1) year terms; and

WHEREAS, One hundred forty four (144) firms were notified of the solicitation and the County received one (1) response; and

WHEREAS, RFB-RC-2013-083 was a rebid of RFB-RC-2013-070, which also received only one response from the same respondent; and

WHEREAS, The Director of Purchasing determined that Grant Supply, a Division of F.W. Webb Company, 901 Joyce Kilmer Avenue, North Brunswick, New Jersey 08902, was the lowest responsive and responsible bidder; and

WHEREAS, The County of Rockland entered into an agreement with Grant Supply, a Division of F.W. Webb Company, 901 Joyce Kilmer Avenue, North Brunswick, New Jersey 08902, for Plumbing Supplies on an as needed basis for various County Departments under RFB-RC-2013-083, with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, in an amount not to exceed \$100,000 for the period from September 9, 2013 through September 8, 2014, with the option to renew for four (4) additional one (1) year terms; and

WHEREAS, On September 9, 2014, the Director of Purchasing exercised the first option term with Grant Supply, a Division of F.W. Webb Company, 901 Joyce Kilmer Avenue, North Brunswick, New Jersey 08902, for Plumbing Supplies on an as needed basis for various County Departments under RFB-RC-2013-083, with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from September 9, 2014 through September 8, 2015, with the option to renew for three (3) additional one (1) year terms, in an amount not to exceed \$100,000 from the commencement date September 9, 2013 through September 8, 2015; and

WHEREAS, To date, the total cost for Plumbing Supplies under RFB-RC-2013-083 has not exceeded \$87,052, however, as purchases are made on an as needed basis by various County Departments the actual future usage is not known; and

WHEREAS, The Director of Purchasing is recommending that the Rockland County Legislature and County Executive approve purchases in excess of \$100,000 from Grant Supply, a Division of F.W. Webb Company, 901 Joyce Kilmer Avenue, North Brunswick, New Jersey 08902, for Plumbing Supplies on an as needed basis for various County Departments under RFB-RC-2013-083, with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from September 9, 2015 through September 8, 2016, with the option to renew for two (2) additional one (1) year terms, in the additional amount of \$62,948, for a total amount not to exceed \$150,000 from the commencement date September 9, 2013 through September 8, 2016; 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 these purchases are provided for in the 2015 Adopted Budget of the various County Departments and are contingent on 2016 Budget Appropriations; and

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

RESOLVED, That the Legislature of Rockland County hereby approves purchases in excess of \$100,000 from Grant Supply, a Division of F.W. Webb Company, 901 Joyce Kilmer Avenue, North Brunswick, New Jersey 08902, for Plumbing Supplies on an as needed basis for various County Departments under RFB-RC-2013-083, with all purchases being made by formal purchase order subject to the approval of the Director of Purchasing, for the period from September 9, 2015 through September 8, 2016, with the option to renew for two (2) additional one (1) year terms, in the additional amount of \$62,948, for a total amount not to exceed \$150,000 from the commencement date September 9, 2013 through September 8, 2016; and be it further

RESOLVED, That sufficient funds for these purchases are provided for in the 2015 Adopted Budget of the various County Departments and are contingent on 2016 Budget Appropriations.

Introduced by:

Referral No. 9007

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 389 OF 2015
 APPROVING A THIRD AMENDMENT AND EXTENSION TO AGREEMENT
 WITH ENHERENT CORP. FOR CONSULTING, IT, SYSTEM INTEGRATION, TRAINING,
 ONGOING MAINTENANCE/REPAIR SERVICES – QSL ON AN AS
 NEEDED BASIS INCREASING THE AMOUNT OF THE AGREEMENT BY \$143,000
 AND EXTENDING THE TERM OF THE AGREEMENT
 FROM MAY 1, 2015 THROUGH APRIL 30, 2016 FOR A TOTAL AMOUNT NOT TO
 EXCEED \$433,000 FOR THE PERIOD FROM JULY 11, 2012 THROUGH APRIL 30, 2016
 WITH ONE (1) REMAINING ONE (1) YEAR OPTIONS AND AUTHORIZING ITS EXECUTION
 BY THE COUNTY EXECUTIVE UNDER RFP-RC-2011-024
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$433,000)**

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

WHEREAS, The Director of Purchasing advertised for proposals for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services - Qualified Suppliers List (QSL) on an as needed basis under RFP-RC-2011-024 (the "RFP") for a period of one (1) year from the date of the award with four (4) one (1) year options; and

WHEREAS, On July 11, 2012, the County entered into an agreement with Enherent Corp. under the RFP in an amount not to exceed \$80,000 for the period from July 11, 2012 through April 30, 2013 with four (4) one additional one (1) year options; and

WHEREAS, By Resolution No. 285 of 2013, the Legislature of Rockland County approved an amendment and extension to the agreement with Enherent Corp., 6800 Jericho Turnpike, Suite 116E, Syosset, NY 11791 for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services - QSL on an as needed basis under RFP-RC-2011-024 ("the RFP") increasing the amount of the agreement by \$80,000 and extending the term of the agreement from May 1, 2013 through April 30, 2014 for a total amount not to exceed \$160,000 for the period from July 11, 2012 through April 30, 2014 with three (3) remaining one (1) year options; and

WHEREAS, By Resolution No. 314 of 2014, the Legislature of Rockland County approved a second amendment and extension to the agreement with Enherent Corp., 6800 Jericho Turnpike, Suite 116E, Syosset, NY 11791 for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services - QSL on an as needed basis under RFP-RC-2011-024 ("the RFP") increasing the amount of the agreement by \$130,000 and extending the term of the agreement from May 1, 2014 through April 30, 2015 for a total amount not to exceed \$290,000 for the period from July 11, 2012 through April 30, 2015 with two (2) remaining one (1) year options; and

WHEREAS, The Sheriff's Department uses Enherent Corp. for preventative maintenance, repair and updates to the Rockland County Police Information Network ("RCPIN"); and

WHEREAS, The Director of Purchasing recommends that the County Executive and the Legislature of Rockland County approve a third amendment and extension to the agreement with Enherent Corp., 6800 Jericho Turnpike, Suite 116E, Syosset, NY 11791 for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services –QSL on an as needed basis under the RFP increasing the amount of the agreement by \$143,000 and extending the term of the agreement from May 1, 2015 through April 30, 2016 for a total amount not to exceed \$433,000 for the period from July 11, 2012 through April 30, 2016, with one (1) remaining one (1) year options; and

WHEREAS, The Sheriff's Department has several separate projects planned for Enherent Corp. during this term as follows: Configuration of firewalls, switches and routers; configuration and installation of wireless access points (patrol and jail); High availability / disaster recovery/ off site server installations and configurations; network penetration testing and hardening estimated at \$93,000 (SHF 3118 - 4380 [\$46,500] and SHF 3118-4090 [\$46,500] along with their annual Preventative Maintenance and repair of the police network \$50,000 (SHF-GS46-E4090 [\$35,000 and SHF-GS48-4090 [\$15,000]); and

WHEREAS, Sufficient funding for the amendment and extension to the agreement is provided for in the 2015 Adopted Budget of the Sheriff's Department and is contingent upon 2016 budget appropriations, in the accounts detailed above; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves a third amendment and extension to the agreement with Enherent Corp., 6800 Jericho Turnpike, Suite 116E, Syosset, NY 11791 for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services –QSL on an as needed basis under the RFP increasing the amount of the agreement by \$143,000 and extending the term of the agreement from May 1, 2015 through April 30, 2016 for a total amount not to exceed \$433,000 for the period from July 11, 2012 through April 30, 2016, with one (1) remaining one (1) year options and authorizing its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the amendment and extension to the agreement is provided for in the 2015 Adopted Budget of the Sheriff's Department and is contingent upon 2016 budget appropriations, in the accounts detailed above.

Introduced by:

Referral No. 6394/5000

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Joseph L. Meyers, Sponsor
- Hon. Patrick J. Moroney, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Aron B. Wieder, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 390 OF 2015
 AMENDING THE 2015 ADOPTED BUDGET AND
 APPROVING ACCEPTANCE OF FUNDS
 FROM THE STATE OF NEW YORK FOR THE
 CONSOLIDATED LOCAL STREETS AND HIGHWAY
 IMPROVEMENT PROGRAM FUNDS (CHIPS)
 IN THE AMOUNT OF \$104,999 (NCTD)
 [DEPARTMENT OF HIGHWAYS]
 (\$104,999)**

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

WHEREAS, The Superintendent of Highways has advised the County Executive and the Legislature of Rockland County that his department has received additional funding from the State of New York Department of Transportation for the Consolidated Local Streets and Highway Improvement Program (CHIPS) in the amount of \$104,999 that will be used to repair county roads that suffered from the extreme winter weather; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to the 2015 Adopted Budget and approves the acceptance of additional funding from the State of New York Department of Transportation for the Consolidated Local Streets and Highway Improvement Program (CHIPS) in the amount of \$104,999 that will be used to repair county roads that suffered from the extreme winter weather; and be it further

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

<u>COUNTY ROAD FUND</u>		
<u>Increase Approp. Acct.:</u>		
D-CRF-5110-E4460	CHIPS – Contract Maintenance	104,999
 <u>Increase Est. Rev. Acct.:</u>		
D-CRF-9552-R3501	Consolidated Highway Aid (CHIPS)	104,999

Introduced by:

Referral No. 6394

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 391 OF 2015
 APPROVING AN AGREEMENT IN EXCESS OF \$100,000
 WITH CSX TRANSPORTATION, INC.
 FOR THE REPLACEMENT OF
 THE ORANGEBURG ROAD BRIDGE OVER CSX RAILROAD
 IN THE TOWN OF ORANGETOWN
 AND AUTHORIZING ITS EXECUTION BY THE
 COUNTY EXECUTIVE
 UNDER CAPITAL ACCOUNT NO. 3280
 [DEPARTMENT OF HIGHWAYS]
 (\$133,847)**

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

WHEREAS, The replacement of the Orangeburg Road Bridge (the "Project") is necessary to replace the existing structurally deficient six-span bridge with a new single span structure; and

WHEREAS, The Project will also provide a precast concrete tunnel, installed in the approach embankment to accommodate a future recreational trail constructed by the NYSDOT, will replace the traffic signal at the Orangeburg Road/Western Highway intersection, and will re-stripe Orangeburg Road between Dutch Hill Road and NYS Route 303 to provide turning lanes and improve safety; and

WHEREAS, The Superintendent of Highways requests that the County enter into an Agreement with CSX Transportation, Inc., Post Office Box 116651, Atlanta, Georgia 30368-6651, for review and flagging for replacement of the Orangeburg Road Bridge over the CSWX Railroad, in the Town of Orangetown, in an amount not to exceed \$133,847; and

WHEREAS, Execution of the Construction Agreement is required as a prerequisite to the County receiving CSX authorization to proceed with construction activities within the railroad's right-of-way or in the vicinity of the CSX tracks; and

WHEREAS, The Project is eighty percent (80%) federally funded to the currently programmed Transportation Improvement Program ("TIP") maximum of \$9,014,000 (matched federal and local shares); and

WHEREAS, Additional funding, as and if needed, will be solicited through the Metropolitan Planning Organization ("MPO")/ New York State Department of Transportation ("NYSDOT") process; and

WHEREAS, The twenty-percent (20%) local (County) share may be reduced to five percent (5%) depending on the availability of State funds; and

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

WHEREAS, The funding for this agreement has been authorized under Capital Account No. 3280; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the agreement in excess of \$100,000, between the County of Rockland and CSX Transportation, Inc., P.O. Box 116651, Atlanta, Georgia 30368-6651, for replacement of the Orangeburg Road Bridge over the CSX Railroad in Town of Orangetown, under Capital Account No. 3280 in an amount not to exceed \$133,847 and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, The funding for this agreement has been authorized under Capital Account No. 3280.

Introduced by:

Referral No. 6394

Hon. Ilan S. Schoenberger, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Joseph L. Meyers, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 392 OF 2015
 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST
 INSTANCE 100% OF THE FEDERAL-AID AND STATE
 "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A
 TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS
 IN THE AMOUNT OF \$3,112,000
 FOR FORSHAY ROAD FROM VIOLA ROAD TO WILLOW TREE ROAD
 IN THE TOWN OF RAMAPO, ROCKLAND COUNTY
 CAPITAL ACCOUNT NO. 3314 (PIN 8756.88), EXTENDING
 THE TERM OF THE AGREEMENT THROUGH SEPTEMBER 30, 2017
 AND APPROVING EXECUTION OF THE AGREEMENT BY
 THE COUNTY EXECUTIVE
 [DEPARTMENT OF HIGHWAYS]
 (\$3,112,000)**

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

WHEREAS, A project for the Reconstruction of Forshay Road from Viola Road to Willow Tree Road in the Town of Ramapo, Rockland County, identified as PIN 8756.88 (the "Project") is eligible for funding under title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 315 of 2014 adopted July 1, 2014 by the Legislature of Rockland County approved and agreed to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of construction, construction inspection and construction supervision work; and

WHEREAS, It was subsequently found necessary to undertake additional construction and construction inspection work not contemplated in the original agreement authorized by the previous resolution(s); and

WHEREAS, It has been found necessary to increase the federal and non-federal share of costs for the additional construction and construction inspection work for the project; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the above-subject Project; and be it further

RESOLVED, That the Legislature of Rockland County hereby authorizes County of Rockland to pay in the first instance 100% of the federal and non-federal share of the cost of additional construction, construction inspection and construction support work for the Project or portions thereof; and be it further

RESOLVED, That the sum of \$3,112,000 (\$12,061,119 minus the previous (\$8,949,119) has been authorized in Capital Account No. 3314, and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, That in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Legislature of Rockland County shall convene as soon as possible to consider the appropriation of said excess amount immediately upon the notification by the County Executive thereof; and be it further

RESOLVED, That the County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Rockland County with the New York State Department of Transportation ("NYSDOT") in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any necessary Agreements or certifications on behalf of the County of Rockland, with NYSDOT in connection with the advancement or approval of the Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary fully executed agreement in connection with the Project; and be it further

RESOLVED, That this Resolution shall take effect immediately.

Introduced by:

Referral No. 6394

Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Aney Paul, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 393 OF 2015
AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST
INSTANCE OF 95% OF FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID
PROJECT AND APPROPRIATING FUNDS FOR THE ORANGEBURG
ROAD/RR & ACCESS ROAD IN THE TOWN OF ORANGETOWN
[DEPARTMENT OF HIGHWAYS]
(\$8,700,000)**

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

WHEREAS, A project for the Orangeburg Road/RR & Access Road, PIN 8755.25 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution Nos. 322 of 1998 and 400 of 2010 adopted by the Rockland County Legislature on June 16, 1998 approved and agreed to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of preliminary engineering work; and

WHEREAS, It was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, It has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the project; and

WHEREAS, Rockland County desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the cost of the additional preliminary engineering and of the construction, construction inspection and construction supervision; and

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

NOW, THEREFORE, The Rockland County Legislature, duly convened does hereby

RESOLVE, That the Rockland County Legislature hereby approves the above-subject project; and it is hereby further

RESOLVED, That the Rockland County Legislature hereby authorizes Rockland County to pay in the first instance 100% of the federal and non-federal share of the cost of additional preliminary engineering and the construction, construction inspection, construction supervision work for the Project or portions thereof; and it is further

RESOLVED, That the sum of \$8,700,000 from the proceeds of the sale of a bond is hereby appropriated from Capital Account No. 3280 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Rockland County Legislature shall convene as soon as possible to consider the appropriation of said excess amount immediately upon the notification by the County Executive thereof, and it is further

RESOLVED, That the County Executive of Rockland County be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Rockland County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and it is further

RESOLVED, This resolution shall take effect immediately.

Introduced by:

Referral No. 6704

- Hon. Toney L. Earl, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. John A. Murphy, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Richard C. Diaz, Sponsor

**RESOLUTION NO. 394 OF 2015
 APPROVING ACCEPTANCE OF A GRANT AWARD
 FROM THE NEW YORK STATE
 DIVISION OF CRIMINAL JUSTICE SERVICES
 IN THE AMOUNT OF \$65,000 (NCTD)
 FOR THE DRUG TREATMENT ALTERNATIVE TO PRISON (DTAP)
 ALTERNATIVE TO INCARCERATION (ATI) PROGRAM
 FOR THE PERIOD JULY 1, 2015 THROUGH JUNE 30, 2016
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$65,000)**

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

WHEREAS, The County Executive and the Rockland County Legislature have been advised that the Office of the District Attorney has been awarded a grant from the New York State Division of Criminal Justice Services in the amount of \$65,000 for the Drug Treatment Alternative To Prison (DTAP) Alternative To Incarceration (ATI) Program for the period July 1, 2015 through June 30, 2016; and

WHEREAS, This program is intended to divert non-violent felony drug offenders who are Rockland residents to long-term residential treatment followed by community residence with outpatient treatment for a minimum of 18 months; and

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

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant from the New York State Division of Criminal Justice Services in the amount of \$65,000 for the Drug Treatment Alternative To Prison (DTAP) Alternative To Incarceration (ATI) Program for the period July 1, 2015 through June 30, 2016, and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

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

GENERAL FUND - 2015

<u>Increase Approp. Acct. (Credit):</u>		
A-DA-1165-GA38-E5060	Program Costs	65,000
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-DA-1165-GA38-R3380	Public Safety Grant(s)	65,000

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 395 OF 2015
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
 TO COVER THE COST OF VARIOUS WIRETAP INVESTIGATIONS
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$100,000)**

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

WHEREAS, The Office of the District Attorney has requested that \$100,000 of federal forfeiture funds in balance sheet account 8890 (Reserved for the DA - Federal Proceeds) be appropriated to the District Attorney's Budget to cover the cost of various wiretap investigations; and

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

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

WHEREAS, The County Attorney advises that the use of these funds for said purposes is permitted under federal guidelines; and

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

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

<u>GENERAL FUND - 2015</u>		
<u>Increase Approp. Acct. (Credit):</u>		
A-DA-1165-FA02-E4500	Forfeiture Funds - Services	100,000
<u>Increase Approp. Fund Bal. (Debit):</u>		
A-UNC-9990-R5990	(Reserved for the DA - Federal Proceeds)	100,000

Introduced by:

R referral No. 6704

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

**RESOLUTION NO. 396 OF 2015
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY
 TO COVER OVERTIME COSTS CONNECTED TO A
 CONFIDENTIAL INVESTIGATION THROUGH THE DRUG TASK FORCE (DTF)
 OF THE REGIONAL INVESTIGATIVE RESOURCE CENTER (RIRC)
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$50,000)**

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

WHEREAS, The Office of the District Attorney has requested that \$50,000 of federal forfeiture funds in balance sheet account 8904 (Reserved for the DTF/RIRC - Federal Proceeds) be appropriated to the District Attorney's Budget to cover overtime costs connected to a confidential investigation through the Drug Task Force (DTF) of the Regional Investigative Resource Center (RIRC); and

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

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$50,000 appropriation exists within said balance sheet account; and

WHEREAS, The County Attorney advises that the use of these funds for said purposes is permitted under federal guidelines; and

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

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

GENERAL FUND - 2015

<u>Increase Approp. Acct. (Credit):</u>		
A-DA-1165-FA04-E4500	Forfeiture Funds - Services	50,000
<u>Increase Approp. Fund Bal. (Debit):</u>		
A-UNC-9990-R5990	(Reserved for the DTF/RIRC - Federal Proceeds)	50,000

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 397 OF 2015
 APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
 IN AN AMOUNT NOT TO EXCEED \$111,167.52
 BETWEEN THE COUNTY OF ROCKLAND,
 THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY,
 AND THE TOWN OF CLARKSTOWN,
 FOR THE DISBURSEMENT OF FORFEITURE FUNDS
 TO SUPPORT THE REGIONAL INVESTIGATIVE
 RESOURCE CENTER CASES
 FOR THE PERIOD MAY 1, 2015 THROUGH DECEMBER 31, 2015
 AND AUTHORIZING EXECUTION OF
 THIS AGREEMENT BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$111,167.52)**

Mr. Grant offered the following resolution, which was seconded by Mr. Carey, Mrs. Cornell, Mr. Diaz, Mr. Earl and Mrs. Paul 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 Clarkstown desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$111,167.52, for the disbursement of forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015; and

WHEREAS, The County Attorney advises that the disbursement of these funds is an authorized use of forfeiture funds under applicable rules; and

WHEREAS, Sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500); and

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement in an amount not to exceed \$111,167.52 between the County of Rockland, through its Office of the District Attorney, and the Town of Clarkstown, for the disbursement of forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500).

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 398 OF 2015
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
IN AN AMOUNT NOT TO EXCEED \$41,687.81
BETWEEN THE COUNTY OF ROCKLAND,
THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY,
AND THE TOWN OF RAMAPO,
FOR THE DISBURSEMENT OF FEDERAL FORFEITURE FUNDS
TO SUPPORT THE REGIONAL INVESTIGATIVE
RESOURCE CENTER CASES
FOR THE PERIOD MAY 1, 2015 THROUGH DECEMBER 31, 2015
AND AUTHORIZING EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$41,687.81)**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl, Mr. Meyers, Mrs. Paul, Mr. Schoenberger, Mr. Soskin, Mr. Wieder and Chairman Wolfe 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 Ramapo desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$41,687.81, for the disbursement of federal forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015; and

WHEREAS, The County Attorney advises that the disbursement of these funds is an authorized use of federal forfeiture funds under applicable rules; and

HEREAS, Sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500); and

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement in an amount not to exceed \$41,687.81 between the County of Rockland, through its Office of the District Attorney, and the Town of Ramapo, for the disbursement of federal forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500).

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 399 OF 2015
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
IN AN AMOUNT NOT TO EXCEED \$27,791.81
BETWEEN THE COUNTY OF ROCKLAND,
THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY,
AND THE TOWN OF ORANGETOWN,
FOR THE DISBURSEMENT OF FEDERAL FORFEITURE FUNDS
TO SUPPORT THE REGIONAL INVESTIGATIVE
RESOURCE CENTER CASES
FOR THE PERIOD MAY 1, 2015 THROUGH DECEMBER 31, 2015
AND AUTHORIZING EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$27,791.81)**

Mr. Grant offered the following resolution, which was seconded by Mrs. Cornell, Mrs. Low-Hogan, Mr. Moroney and Mr. Murphy 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 Orangetown desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$27,791.81, for the disbursement of federal forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015; and

WHEREAS, The County Attorney advises that the disbursement of these funds is an authorized use of federal forfeiture funds under applicable rules; and

WHEREAS, Sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500); and

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement in an amount not to exceed \$27,791.81 between the County of Rockland, through its Office of the District Attorney, and the Town of Orangetown, for the disbursement of federal forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500).

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 400 OF 2015
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
IN AN AMOUNT NOT TO EXCEED \$27,791.87
BETWEEN THE COUNTY OF ROCKLAND,
THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY,
AND THE VILLAGE OF SPRING VALLEY,
FOR THE DISBURSEMENT OF FORFEITURE FUNDS
TO SUPPORT THE REGIONAL INVESTIGATIVE
RESOURCE CENTER CASES
FOR THE PERIOD MAY 1, 2015 THROUGH DECEMBER 31, 2015
AND AUTHORIZING EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$27,791.87)**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl, Mrs. Paul, Mr. Soskin and Mr. Wider 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 Village Of Spring Valley desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$27,791.87, for the disbursement of forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015; and

WHEREAS, The County Attorney advises that the disbursement of these funds is an authorized use of forfeiture funds under applicable rules; and

WHEREAS, Sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500); 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 execution of an intermunicipal cooperation agreement in an amount not to exceed \$27,791.87 between the County of Rockland, through its Office of the District Attorney, and the Village Of Spring Valley, for the disbursement of forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500).

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 401 OF 2015
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
IN AN AMOUNT NOT TO EXCEED \$27,791.81
BETWEEN THE COUNTY OF ROCKLAND,
THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY,
AND THE TOWN OF HAVERSTRAW,
FOR THE DISBURSEMENT OF FORFEITURE FUNDS
TO SUPPORT THE REGIONAL INVESTIGATIVE
RESOURCE CENTER CASES
FOR THE PERIOD MAY 1, 2015 THROUGH DECEMBER 31, 2015
AND AUTHORIZING EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
(\$27,791.87)**

Mr. Grant offered the following resolution, which was seconded by 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 desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$27,791.87, for the disbursement of forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015; and

WHEREAS, The County Attorney advises that the disbursement of these funds is an authorized use of forfeiture funds under applicable rules; and

WHEREAS, Sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500); 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 execution of an intermunicipal cooperation agreement in an amount not to exceed \$27,791.87 between the County of Rockland, through its Office of the District Attorney, and the Town of Haverstraw, for the disbursement of forfeiture funds to said town for law enforcement purposes resulting from the Regional Investigative Resource Center cases, for the period May 1, 2015 through December 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500).

Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 402 OF 2015
 APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
 IN AN AMOUNT NOT TO EXCEED \$31,562.51
 BETWEEN THE COUNTY OF ROCKLAND,
 THROUGH ITS OFFICE OF THE DISTRICT ATTORNEY,
 AND THE TOWN OF RAMAPO,
 FOR THE DISBURSEMENT OF FORFEITURE FUNDS
 TO SAID TOWN FOR LAW ENFORCEMENT PURPOSES,
 FOR THE PERIOD JANUARY 1, 2014 THROUGH MARCH 31, 2015
 AND AUTHORIZING EXECUTION OF
 THIS AGREEMENT BY THE COUNTY EXECUTIVE
 [OFFICE OF THE DISTRICT ATTORNEY]
 (\$31,562.51)**

Mr. Grant offered the following resolution, which was seconded by Mr. Earl, Mr. Meyers, Mrs. Paul, Mr. Schoenberger, Mr. Soskin, Mr. Wieder and Chairman Wolofe 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 Ramapo desire to enter into an intermunicipal cooperation agreement in an amount not to exceed \$31,562.51, for the disbursement of forfeiture funds to said town for law enforcement purposes, for the period January 1, 2014 through March 31, 2015; and

WHEREAS, Pursuant to the Federal Guide for Equitable Distribution Section VIII.A.1.I., cash transfers of forfeiture funds from one State Law Enforcement Agency to another are permitted; and

WHEREAS, The County's sole responsibility in transferring these funds is to verify that the recipient agency is eligible to receive the funds; and

WHEREAS, The Ramapo Police Department is an eligible agency; and

WHEREAS, The County Attorney has advised that this disbursement an authorized use of forfeiture funds under applicable rules; and

WHEREAS, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500); and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement in an amount not to exceed \$31,562.51 between the County of Rockland, through its Office of the District Attorney, and the Town of Ramapo, for disbursement of forfeiture funds to said town for law enforcement purposes, for the period January 1, 2014 through March 31, 2015, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement exists within the 2015 Operating Budget of the District Attorney (Dept. FA02, line E4500).

Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 403 OF 2015
 APPROVING ACCEPTANCE OF GRANT FUNDS
 IN THE AMOUNT OF \$2,400 (NCTD)
 FROM THE FM GLOBAL FOUNDATION
 TO PURCHASE ASSORTED FIRE EQUIPMENT FOR THE SHERIFF'S
 BUREAU OF CRIMINAL INVESTIGATION - ARSON UNIT
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [SHERIFF'S DEPARTMENT]
 (\$2,400)**

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

WHEREAS, The Sheriff has advised the County Executive and the County Legislature that his department has been awarded a \$2,400 grant from the FM Global Foundation to purchase assorted fire equipment for fire investigations conducted by the Sheriff's Bureau of Criminal Investigation - Arson Unit; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant in the amount of \$2,400 from the FM Global Foundation to purchase assorted fire equipment for fire investigations conducted by the Sheriff's Bureau of Criminal Investigation - Arson Unit, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

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

GENERAL FUND - 2015

Increase Approp. Acct. (Credit):

A-SHF-3111-E5060	Program Costs	2,400
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Increase Est. Rev. Acct. (Debit):

A-SHF-3111-R2770	Unclassified Revenue	2,400
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Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 404 OF 2015
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND
THE TOWN OF STONY POINT
TO REIMBURSE SAID TOWN FOR \$766.99
THAT WERE PREVIOUSLY APPROPRIATED
FOR THE PERIOD APRIL 27, 2015 THROUGH APRIL 30, 2015
FOR COSTS RELATED TO ATTENDING THE
2015 NEW YORK TACTICAL OFFICERS TRAINING CONFERENCE
PURSUANT TO THE 2013 HOMELAND SECURITY GRANT PROGRAM
AND AUTHORIZING THE EXECUTION OF SAID
AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$766.99)**

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

WHEREAS, The Sheriff has requested that the County enter into an intermunicipal cooperation agreement with the Town of Stony Point to reimburse said town for \$766.99 that were previously appropriated (in Dept. GS39, line E4090) for the period April 27, 2015 through April 30, 2015 for costs related to attending the 2015 New York Tactical Officers Training Conference pursuant to the 2013 Homeland Security Grant program; 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, The Public Safety and Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement between the County of Rockland and the Town of Stony Point to reimburse said town for \$766.99 that were previously appropriated (in Dept. GS39, line E4090) for the period April 27, 2015 through April 30, 2015 for costs related to attending the 2015 New York Tactical Officers Training Conference pursuant to the 2013 Homeland Security Grant program, and authorizing the execution of said agreement by the County Executive, subject to the approval of the County Attorney.

Introduced by:

Referral No. 9361

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

**RESOLUTION NO. 405 OF 2015
APPROVING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF ORANGETOWN
TO REIMBURSE SAID TOWN FOR \$1,180 THAT WERE PREVIOUSLY APPROPRIATED
FOR THE PERIOD APRIL 28, 2015 THROUGH APRIL 30, 2015
FOR COSTS RELATED TO ATTENDING THE
2015 NEW YORK TACTICAL OFFICERS TRAINING CONFERENCE
PURSUANT TO THE 2013 HOMELAND SECURITY GRANT PROGRAM
AND AUTHORIZING THE EXECUTION OF SAID
AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$1,180)**

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

WHEREAS, The Sheriff has requested that the County enter into an intermunicipal cooperation agreement with the Town of Orangetown to reimburse said town for \$1,180 that were previously appropriated (in Dept. GS39, line E4090) for the period April 28, 2015 through April 30, 2015 for costs related to attending the 2015 New York Tactical Officers Training Conference pursuant to the 2013 Homeland Security Grant program; 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, The Public Safety and Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement between the County of Rockland and the Town of Orangetown to reimburse said town for \$1,180 that were previously appropriated (in Dept. GS39, line E4090) for the period April 28, 2015 through April 30, 2015 for costs related to attending the 2015 New York Tactical Officers Training Conference pursuant to the 2013 Homeland Security Grant program, and authorizing the execution of said agreement by the County Executive, subject to the approval of the County Attorney.

Introduced by:

Referral No. 8634

Hon. Philip Soskin, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Richard C. Diaz, Sponsor
 Hon. Lon M. Hofstein, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Ilan S. Schoenberger, Sponsor

**RESOLUTION NO. 406 OF 2015
 APPROVING ACCEPTANCE OF CONTINUATION GRANT
 FROM THE NEW YORK STATE DEPARTMENT OF HEALTH
 FOR THE FAMILY HEALTH SERVICES PROGRAM
 IN THE AMOUNT OF \$273,133 (NCTD)
 [\$248,302 BASE AWARD + COST-OF-LIVING ADJUSTMENT (COLA)
 OF NO MORE THAN 10% OR \$24,831]
 FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF HEALTH]
 (\$273,133)**

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

WHEREAS, The Commissioner of Health has advised the County Executive and the Legislature of Rockland County that her department has been awarded a continuation grant from the NYS Department of Health for the Family Health Services Program; and

WHEREAS, The grant amount approved for said program includes a base award of \$248,302 and a cost-of-living adjustment (COLA) of no more than 10% or \$24,831, for a total grant amount of \$273,133; and

WHEREAS, The term of the grant is for the period from January 1, 2015 through December 31, 2015; and

WHEREAS, Said grant funds will be used to provide family planning, outreach and education for underserved at-risk young and adult women in Rockland County; and

WHEREAS, In the 2015 Adopted Budget of Dept. 4035 – Family Health Services Program, \$245,000 of said grant award was already appropriated and estimated as revenue (revenue lines R3480 and R4480 added together); and

WHEREAS, The 2015 Adopted Budget of said department needs to be amended in order to appropriate and estimate as revenue the \$43,133 of additional grant funds previously not budgeted (said grant of \$273,133 minus previously budgeted amount of \$245,000 = additional grant funds of \$28,133); and

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

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

WHEREAS, The Multi-Services and Budget and Finance Committees of 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 a continuation grant from the New York State Department of Health for the Family Health Services Program in the base amount of \$248,302, with a cost-of-living adjustment (COLA) of \$24,831, for a total grant amount of \$273,133 for the period from January 1, 2015 through December 31, 2015, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That in the 2015 Adopted Budget of Dept. 4035 – Family Health Services Program, \$245,000 of said grant award was already appropriated and estimated as revenue (revenue lines R3480 and R4480 added together); and be it further

RESOLVED, That the 2015 Adopted Budget of said department needs to be amended in order to appropriate and estimate as revenue the \$43,133 of additional grant funds previously not budgeted (said grant of \$273,133 minus previously budgeted amount of \$245,000 = additional grant funds of \$28,133); and be it further

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

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

GENERAL FUND - 2015

Increase Approp. Acct. (Credit):

A-DOH -4035	-E3030	Medical Supplies	3,302
	-E5060	Program Costs	24,831

Increase Est. Rev. Acct. (Debit):

A-DOH -4035	-R3480	Health Grant(s)	18,848
	-R4480	Health Grant(s)	9,285

and be it further

RESOLVED, That should outside funding be reduced and/or eliminated, any position(s) previously created under this grant shall automatically terminate without further action of this Legislature.

Introduced by:

Referral No. 3977

Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Aney Paul, Sponsor
Hon. Richard C. Diaz, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor

**RESOLUTION NO. 407 OF 2015
APPROVING THE SUBMISSION OF THE
CONSOLIDATED/ACTION PLAN FOR FY2015-2019
TO THE U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT AND APPROVING
EXECUTION OF BY COUNTY EXECUTIVE
OF ALL NECESSARY INSTRUMENTS AND DOCUMENTS
(NO COUNTY TAX DOLLARS)
[OFFICE OF COMMUNITY DEVELOPMENT]**

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

WHEREAS, Various towns and villages within Rockland County have formed a Consortium for the purpose of obtaining funds from the U.S. Department of Housing and Urban Development (HUD) for necessary eligible activities under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, Each member of the Consortium has signed a Cooperation Agreement for the program years 2015, 2016 and 2017 with the County of Rockland to apply for said Community Development funds for said program years and to carry out Community Development activities, and

WHEREAS, The total population of the Consortium communities exceeds 200,000- people, hereby enabling the County of Rockland to apply for said funds as an "Urban County," and

WHEREAS, The County of Rockland has been advised by HUD that its Community Development allocation for the Program Year 2015 will be approximately \$2,321,927, and program income will be approximately \$15,390, and

WHEREAS, It is necessary, in order to obtain the funds, that the County Executive execute and submit to HUD the County's Consolidated/Action Plan for FY2015_(a copy of which is attached as "Schedule A"), and

WHEREAS, It is necessary, in order to implement the Plan and its projects, that the County Executive execute on behalf of the County of Rockland various instruments and documents for each project, including but not limited to, a "Variable/Fixed Rate Note" and a "Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, as Amended;" and

WHEREAS, The Consortium communities have authorized the activities to be included in Rockland County's submission for Program Year 2015, and

WHEREAS, No County funds are required for this program, and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the execution and submission by the County Executive of the County's Consolidated/Action Plan for FY 2015-2019, as recommended by the County Consortium, to the U.S. Department of Housing and Urban Development (HUD), and be it further

RESOLVED, That, upon approval of the County's Consolidated/Action Plan for FY2015 to HUD, the Legislature of Rockland County hereby approves, generally and pursuant to Local Law No. 18 of 1996, the execution by the County Executive of the grant agreement and of any and all necessary instruments and documents with respect to the federal funds in furtherance of the Plan submission and program, subject to the approval of the County Attorney, and be it further

RESOLVED, That, upon approval of the submitted Consolidated/Action Plan for FY2015 by HUD and upon execution of the grant agreement by the County Executive and by HUD, the Commissioner of finance of the County of Rockland be and is hereby authorized, empowered and directed to establish new accounts for the FY2015 Community Development funds.

Rockland County anticipates receiving the following allocations for the various entitlement programs that it operates over the course of this five-year Consolidated Plan: **\$11.6 million in CDBG funds, approximately \$2.8 million in HOME and \$0.9 million in ESG funds.** The County also anticipates receiving HOPWA funding through the New York City consortium. The 2015 allocation is unknown at this time; however, based upon historic funding levels the County could expect to receive **\$1.4 million in HOPWA funds** over the course of this 5-year plan.

Of the County's FY 2015 CDBG allocation of \$2,321,927, \$271,016 is reallocated funds subject to litigation and are currently unavailable for obligation by HUD pursuant to a court order. The anticipated funding for all portions of this Plan based upon the CDBG allocations will be proportionally decreased from the estimated funding levels to match actual allocation amounts.

Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The 2015-2019 Consolidated Plan identified the following priority needs:

1. Affordable housing for Low and Moderate Income Households (LMI).

Median home values increased 99 percent from \$234,300 in 2000 to \$465,100 in 2011. Contract rents also increased from \$811 in 2000 to \$1,156 in 2011 (a 43% increase). The County has insufficient housing for households at the lowest income cohorts with a deficit of 14,333 housing units for households earning between 0-30% AMI needed in Rockland County.

2. Accessible and Supportive Housing.

According to 2009-2013 ACS data 8.4% of the County's total population has a disability. Almost 30 percent of the population 65 years and over reported at least one disability. Additionally, there are an estimated 9,481 persons aged 5 and over (3.0% of the total population) with a reported cognitive disability in Rockland County. The County estimates that there are approximately 3,000 to 4,000 people with serious mental illness to the point of disability in Rockland County.

3. Employment Training and Financial Education Programs.

Job training and placement programs for youth aged 16-24, financial and budgeting education and counselling programs for homeless and public housing residents, and short-term financial help with utilities and medical costs were identified as some of the priority non-housing needs in Rockland County.

4. Public Facilities and Infrastructure Improvements.

The following needs were identified through the public survey and stakeholder outreach: community parks, improved sidewalks, crosswalks and streetlights, improved public transportation (nights and weekends).

5. Housing and Services for Persons with HIV/AIDS.

In 2012 there were a reported 685 cases of HIV or AIDS in Rockland County. In Rockland County, the majority of services are being provided to Haitians arriving, getting tested and coming up positive. In the past 5 years, the trend in new HIV and AIDS cases has been toward heterosexual transmission, with many couples showing up together and infected.

6. Housing and Services for Homeless.

According to the 2015 PIT Counts, there are a total of 100 homeless households (41 in emergency shelters, 34 in transitional housing and 25 unsheltered) and 117 homeless persons (55 in emergency shelters, 37 in transitional housing and 25 unsheltered) in the Rockland County CoC survey area.

Evaluation of past performance

The County continues to assist families, communities and public service organizations utilizing entitlement funds from the United States Department of Housing and Urban Development in accordance to the 2010 – 2014 Consolidated Plan. The funding has been a much needed "shot in the arm" to many in Rockland County, assisting families with rental assistance, communities revitalize their business districts, and with many other quality of life issues. However, recent cuts in the program have had a major impact on many communities through the loss of public services and loss of potential projects.

Funding for Public Facility Improvements has been the highest priority category in funds spent over the past 5 years. This is based on the Towns and Villages use of funds towards infrastructure improvements in the aging communities. Many see the CDBG program as an alternative to bonding or reducing the bonding for capital projects. Communities have been able to make improvements to water lines, sidewalks, drainage, and public spaces that they would not have otherwise been able to complete without CDBG funds.

Affordable Housing, the County's top priority, continued at a slow pace, due mostly to public perception but is beginning to making an impact.

Public Services have been funded at the 15 percent annual maximum cap annually. Many not-for-profit agencies have utilized the CDBG program over the last few years to create, improve and expand services, mostly within the highest low-income neighborhoods in the County. Projects have ranged from day care to senior care to health care.

The County of Rockland would not make any change to the program at this time due to current experiences. The programs serve a great benefit to meeting the needs of residents and communities of Rockland County.

Summary of citizen participation process and consultation process

Rockland County's Office of Community Development has made extensive efforts to consult with other public and private entities that provide assisted housing, health services and social services in the development of this Plan. On May 18, 2015 and May 21, 2015 public, private and non-profit organizations, whose missions focus on providing affordable housing and human services to low and moderate income persons, were invited to participate in a series of stakeholder meetings that assisted in identifying and refining the priorities and strategies of the 2015-2019 Consolidated Plan.

The County, in coordination with its Consultant, facilitated the meetings with small groups of stakeholders, including the County's housing, community development and Continuum of Care providers. The meetings informed the Housing and Homeless Needs Assessment and Strategic Plan. Activities were identified which the County could undertake to enhance coordination among public and assisted housing providers, including private and governmental health, mental health and service agencies. The meetings also focused on the barriers to obtaining and creating affordable rental and ownership housing in Rockland County, informing the *Analysis of Impediments to Fair Housing (AI)* which is attached to this Plan. Methods and strategies were identified to mitigate or eliminate these barriers. The County also distributed a Housing and Homeless Needs and Impediments to Fair Housing Choice Questionnaire to its 62 housing, community development and Continuum of Care providers to help inform the housing, homeless and market needs analysis of the Consolidated Plan and AI.

An online Housing and Community Development Needs and Priorities Survey was made available to the public on the Internet via www.surveymonkey.com, an on-line survey tool. The survey posed a total of 12 questions and was officially launched on May 7, 2015 and closed at 5PM on June 5, 2015 giving area residents approximately 4 weeks to complete the survey. The link was advertised on the County's website and included in Public Notice of the survey which was printed in *The Rockland Journal News* and *The Rockland Times*. A total of 6 responses were received and analyzed.

The first public meeting, which covered topics including housing and community development needs, was held in the County's Community Development offices at 3:00 PM on May 21, 2015. No members of the public attended. Notice, in English and Spanish, of the two meetings was placed in *The Rockland Journal News* and *The Rockland Times* on March 31, 2015 as well as on the County's website. The draft 2015-2019 Consolidated Plan was made available on the County's website for a 30 day public comment period starting on June 10, 2015; the public comment period came to a close on July 10, 2015. Hard copies were available at several locations. The public comment period and subsequent public hearing were advertised on the County's website and published in *The Rockland Journal News* and *The Rockland Times*. The

second public meeting, which will discuss the County's 2015-2019 Consolidated Plan and First Year Annual Action Plan (2015), will be held on Thursday, June 25 at 3:00 PM in the County's Community Development offices.

Summary of public comments

The public comments received as part of the public input process will be included in the appendices of the final Consolidated Plan and 2015 Annual Action Plan to be submitted to HUD. The Appendices will include the comments received from the two public hearings, community needs survey and stakeholder meetings. The County will also include comments received during the 30-day comment period that will conclude on July 10, 2015.

Summary of comments or views not accepted and the reasons for not accepting them.

All comments received to date have been accepted and considered in the development of the Consolidated Plan. A final summary of public comments will be included in the appendix of the Consolidated Plan and 2015 Annual Action Plan to be submitted to HUD.

Summary

The overarching goal of Rockland County's proposed 2015-2019 Consolidated Plan and 2015 First Year Annual Action Plan is to provide a unified vision for community development and housing actions. This is achieved through the identification of the housing and community development needs of predominantly low-income communities of Rockland County and the targeting of available resources to meet the identified needs in order to revitalize neighborhoods and improve the quality of life for Rockland County residents. This is accomplished through the provision of affordable housing and public services, the support of homeless and special needs populations, the revitalization of neighborhoods and the expansion of economic development opportunities.

The 2015 First Year Annual Action Plan identifies funding for projects that address Rockland County's most critical needs. Listed below is the funding the County anticipates receiving from HUD for each of the entitlement programs for the fiscal years 2015-2019.

Entitlement Fund	2015	2016	2017	2018	2019	Total
CDBG*	\$2,321,927	\$2,321,927	\$2,321,927	\$2,321,927	\$2,321,927	\$11,609,635
HOME	\$559,928	\$559,928	\$559,928	\$559,928	\$559,928	\$2,799,640
ESG	\$	\$	\$	\$	\$	\$
HOPWA	\$182,642	\$182,642	\$182,642	\$182,642	\$182,642	\$913,210
Total	\$3,064,497	\$3,064,497	\$3,064,497	\$3,064,497	\$3,064,497	\$15,322,485

*Of Rockland County's FY 2015 allocation of \$2,321,927, \$271,016 is comprised of reallocated funds subject to litigation, which HUD is not sure if or when the County will receive these reallocated funds. As recommended by HUD, the County addressed this issue in the First Year Annual Action Plan by establishing a plan for the total CDBG grant amount and the amount without the reallocated funds.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Table 1 – Responsible Agencies

Agency Role	Name	Department/Agency
Lead Agency	ROCKLAND COUNTY	
CDBG Administrator	ROCKLAND COUNTY	OFFICE OF COMMUNITY DEVELOPMENT
HOME Administrator	ROCKLAND COUNTY	OFFICE OF COMMUNITY DEVELOPMENT
ESG Administrator	ROCKLAND COUNTY	OFFICE OF COMMUNITY DEVELOPMENT
HOPWA Administrator	ROCKLAND COUNTY	OFFICE OF COMMUNITY DEVELOPMENT

Narrative

The Rockland County Office of Community Development (County) is the overall administrative agent for the Federal Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Solutions Grant (ESG) program. The County receives Housing Opportunities for Persons with HIV/AIDS (HOPWA) program funds through a consortium with the City of New York. The Office of Community Development is also designated as the lead agency for the Continuum of Care. These programs, which are all funded through the U.S. Department of Housing & Urban Development (HUD), are intended to support the goals of providing decent housing, providing a suitable living environment and expanding economic opportunities for low and moderate income people.

The County hired a consultant, Ferrandino & Associates Inc., to draft the 2015-2019 Consolidated Plan. The Consultant wrote narrative sections, partnered with the Office of Community Development for public input processes, and conducted consultation meetings and interviews with stakeholders. To write the Strategic Plan, the Consultant worked with the County to establish priorities, goals and projects to meet the needs of the community. The Consultant also updated the County's *Community Participation Plan (CPP)* and *Analysis of Impediments to Fair Housing (AI)* for 2015, incorporating them into the Strategic Plan of this document.

Consolidated Plan Public Contact Information

S. Ram Nagubandi, Director
Office of Community Development
50 Sanatorium Road, Building K
Pomona, NY 10970
(845) 364-3939
nagubandi@co.rockland.ny.us

PR-10 Consultation - 91.100, 91.200(b), 91.215(l)**Introduction**

Rockland County has made extensive efforts to consult with other public and private entities that provide assisted housing, health services and social services in the development of this Plan. The Rockland County Office of Community Development held Consolidated Planning consultation sessions for the consortium member towns and villages and for not-for-profits. The not-for-profits that were consulted are those that have received funding through the process over the last five years. Surveys of needs/gaps/goals were also sent to more than 62 municipalities, agencies and community-based groups, most of which are contract agencies with the County.

On May 18 and May 21, 2015 public, private and non-profit organizations, whose missions focus on providing affordable housing and human services to low and moderate income persons, were invited to participate in a series of stakeholder meetings to assist in identifying and refining the priorities and strategies on the 2015-2019 Consolidated Plan. The County, in coordination with its Consultant, facilitated the meetings with small groups of stakeholders, including the County's housing, community development and Continuum of Care providers. The meetings focused on the Housing and Homeless Needs Assessment and Strategic Plan. Activities were identified which the County could undertake to enhance coordination among public and assisted housing providers, including private, governmental health, mental health and service agencies. The meetings also examined the barriers to obtaining and the creating of affordable rental and ownership housing in the County. Methods and strategies were identified to mitigate or eliminate these barriers. The meetings also reference the *Analysis of Impediments to Fair Housing (AI)* which is attached to this Plan.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The Office of Community Development and its Consultant worked directly with other governmental agencies, public and low-income housing providers and other service providers to complete portions of this Consolidated Plan. Data provided by these housing and service providers helped the County to understand the needs of the assisted housing, homeless and community development community.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Rockland County Office of Community Development is the lead agency for the Rockland County Continuum of Care (CoC). The CoC Executive Committee, the primary decision-making group, meets monthly to coordinate all sub-committees, set project priorities, and oversee the application review and approval process for funding. The CoC also has a Planning Committee, Writing Committee, Resource Committee and HMIS Committee. The CoC is responsible for conducting needs assessments, exploring gaps in services, reviewing proposals for new programs, preparing all final CoC submissions to HUD, establishing a county wide directory of services and providing technical support.

Rockland County CoC reaches out to community groups, as well as, government agencies to describe programs and services that are available to homeless households. Special emphasis is placed upon assisting homeless families with children. First and foremost, the Department of Social Services immediately places homeless families with children in a County operated shelter or with various community groups and religious institutions that provide temporary shelter and food during the winter months.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS.

The CoC Executive Committee, the primary decision-making group, meets monthly to coordinate all sub-committees and determine the allocation of ESG funds.

Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities.

See Table 2 below.

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Rockland County - Department of Social Services
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Services - Victims Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Tony Petriccione, Director of the DSS Housing Unit, attended the May 18, 2015 Stakeholder Meeting.
2	Agency/Group/Organization	Village of Nyack Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Toni Keys, Manager of the Village of Nyack Housing Authority and Lucia martin attended the May 18, 2015 Stakeholder meeting. VNHA also filled out and returned a questionnaire.
3	Agency/Group/Organization	Town of Stony Point
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Town Supervisor, Geoffrey Finn, returned a questionnaire.

4	Agency/Group/Organization	Rockland County - Department of Mental Health
	Agency/Group/Organization Type	Services-homeless Services-Health Services - Victims Health Agency Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Jennifer Clark attended the May 21, 2015 Stakeholder Meeting.
5	Agency/Group/Organization	JOSEPH'S HOME INC. (LOEB HOUSE)
	Agency/Group/Organization Type	Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Ingrid Watzka and Tom Zimmerman attended the May 21, 2015 Stakeholder Meeting.
6	Agency/Group/Organization	ROCKLAND HOUSING ACTION COALITION
	Agency/Group/Organization Type	Housing Services - Housing Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Gerri Levy attended the May 21, 2015 Stakeholder Meeting.

7	Agency/Group/Organization	VILLAGE OF SPRING VALLEY
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Service-Fair Housing Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs HOPWA Strategy Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Matthew Jones attended the May 21, 2015 Stakeholder Meeting on behalf of the Village of Spring Valley.
8	Agency/Group/Organization	JEWISH FAMILY SERVICES OF ROCKLAND INC
	Agency/Group/Organization Type	Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Doris Zuckerberg completed a service provider questionnaire on behalf of Jewish Family Services of Rockland, Inc.
9	Agency/Group/Organization	VILLAGE OF SLOATSBURG
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Non-Homeless Special Needs Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Mayor Carl S. Wright completed a questionnaire.
10	Agency/Group/Organization	Center for Safety & Change
	Agency/Group/Organization Type	Housing Services-Victims of Domestic Violence Services-homeless Services - Victims
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Non-Homeless Special Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Venesia Defrank and Dilcia Suazo completed and returned a service provider questionnaire.

11	Agency/Group/Organization	CHIKU AWALI
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Economic Development
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Alexandraeena Dixon completed a service provider questionnaire.
12	Agency/Group/Organization	Village of Kaser
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs HOPWA Strategy Economic Development Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Binyomin Mermelstein returned a service provider questionnaire.
14	Agency/Group/Organization	Spring Valley Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Keith H. Burrell, Executive Director, returned a service provider questionnaire.

Identify any Agency Types not consulted and provide rationale for not consulting

The County reached out to a wide range of agencies and not-for-profits as part of its Consultation for the Needs Assessment, Housing Market Analysis and Strategic Plan development process. See Appendix C for complete list of service providers contacted.

Table 3 - Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Rockland County – Office of Community Development	Rockland County Office of Community Development is the lead agency in the Rockland County Continuum of Care in its efforts to address homelessness and priority needs of homeless individual and families, including sub-populations. The CoC addresses the housing and supportive service needs in each stage of the process to help homeless persons make the transition to permanent housing and independent living. Rockland County will continue to support the CoC strategy to meet the needs of the homeless persons and those at risk of becoming homeless by providing entitlement funding for programs that emphasize support services to the homeless, in an effort to move the homeless toward self-sufficiency.

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l)).

All 24 municipalities included in the Rockland County consortium area were invited to participate in an all stakeholder meetings and public outreach efforts as part of the 2015-2019 Consolidated Plan process. Copies of the stakeholder questionnaire and the public needs assessment survey were also sent to representatives of all 24 municipalities.

Additionally, County departments that coordinate with the Office of Community Development on the implementation of the Consolidated Plan were consulted as part of the process, including the Department of Social Services and Department of Mental Health.

In implementing the 2015-2019 Consolidated Plan, each consortium member community will be responsible for its own public hearings and group meetings, a public information program and responding to citizen proposals for their respective communities. The Office of Community Development will coordinate the aggregation of all funding requests and preparation of the annual action plan for all consortium member communities.

PR-15 Citizen Participation

Summary of citizen participation process/Efforts made to broaden citizen participation

In determining its housing, homeless and non-housing community development needs and priorities, the County consulted with services providers and the wider public through a number of media, including online surveys, stakeholder meetings and two public forums.

The online Survey was designed to obtain the public's opinion as to the housing, homeless and non-housing community development needs of Rockland County. The information obtained through the Survey is referenced in the Consolidated Plan's Needs Assessment and Strategic Plan sections and the 2015 Annual Action Plan. The Survey (in English and Spanish) was posted online and was available in hard copies at several locations throughout the County from May 7, 2015 through June 5, 2015. The Survey was advertised (in English and Spanish) on the County's website as well as in *The Rockland Times*. Links to the surveys were also sent to all of the County's service providers. Six (6) responses were received to the English version of the survey, no Spanish language versions were received (see Appendix B for summary of survey results).

The County, in coordination with its Consultant, facilitated two meetings with small groups of stakeholders, including the County's housing, community development and Continuum of Care providers. See Appendix C for complete list of service providers contacted. The meetings informed the Housing and Homeless Needs Assessment and Strategic Plan, and the *Analysis of Impediments to Fair Housing (AI)* attached to this Plan. The County also distributed a Housing and Homeless Needs and Impediments to Fair Housing Choice Questionnaire to its 62 housing, community development and Continuum of Care providers to help inform the housing, homeless and market needs analysis of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI). Eleven (11) questionnaires were returned.

To encourage citizen participation, the Rockland County Office of Community Development held two public forums to provide a mechanism for public input into the needs assessment, priorities, and other sections of the Plan. Notice, in English and Spanish, of the two meetings was placed in *The Rockland Times* on March 31, 2015 and June 10, 2015 as well as on the County's website. The purpose of the hearings was to obtain views of citizens, public agencies and other interested parties, and respond to proposals and comments at all stages of the Consolidated Plan submission process. The first public forum obtained the public's opinion as to the housing, homeless and non-housing community development needs of Rockland County and the location of "target areas" where the County should concentrate its resources. The second public forum was an opportunity for the public to respond to and provide comments on the results of the County's Needs Assessment survey and draft Consolidated Plan's Strategic Plan and priorities. See Appendix G for minutes from the two public forums.

Summarize citizen participation process and how it impacted goal-setting

Table 3 – Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Internet Outreach	Non-targeted/ broad community	ON-LINE COMMUNITY SURVEY FOR HOUSING & COMMUNITY DEVELOPMENT NEEDS AND PRIORITIES. The survey was available on the internet via www.surveymonkey.com , an on-line survey tool. The survey posed a total of 12 questions and was officially launched on May 7, 2015 and closed at 5PM on June 5, 2015 giving area residents approximately 4 weeks to complete the survey. The link was advertised on the County's website and included in Public Notice of the survey which was printed in <i>The Rockland Time</i> . Additionally, the survey was emailed to all service providers. A total of 6 responses were received and analyzed.	See Appendix B for analysis of survey results.	No comments were rejected.	
2	Internet Outreach	Other: Service Providers	SERVICE PROVIDER QUESTIONNAIRE. The County also distributed a Housing and Homeless Needs and Impediments to Fair Housing Choice Questionnaire to its 62 housing, community development and Continuum of Care providers to help inform the housing, homeless and market needs analysis of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI).	See Appendix D.	No comments were rejected.	
3	Public Meeting	Non-targeted/ broad community	PUBLIC FORUM #1. The first public meeting, which covered topics including housing and community development needs, was held at the Office of Community Development on Thursday May 21, 2015 at 3:00 PM. No members of the public attended. The public forum was closed at 3:30 PM. Notice of the meeting was placed in <i>The Rockland Time</i> and on the County's website.	See Appendix G.	NA	

4	Public Meeting	Non-targeted/ broad community	PUBLIC FORUM #2. The second public forum was an opportunity for the public to respond to and provide comments on the results of the County's Needs Assessment survey and draft Consolidated Plan's Strategic Plan and priorities. The public forum was held at the Office of Community Development on Thursday June 25, 2015 at 3:00 PM. An announcement detailing proposed funding allocations and the availability of the proposed Consolidated Plan and First Year Action Plan and soliciting public comments was published in <i>The Rockland Time</i> by the County prior to the second public hearing.	See Appendix G.		
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Introduced by:

Referral No. 9019

Hon. Philip Soskin, Sponsor
 Hon. Toney L. Earl, Sponsor
 Hon. Aney Paul, Sponsor
 Hon. Richard C. Diaz, Sponsor
 Hon. Lon M. Hofstein, Sponsor
 Hon. Patrick J. Moroney, Sponsor
 Hon. Aron B. Wieder, Sponsor
 Hon. Harriet D. Cornell, Sponsor
 Hon. Douglas J. Jobson, Sponsor
 Hon. Michael M. Grant, Sponsor
 Hon. Alden H. Wolfe, Sponsor
 Hon. Ilan S. Schoenberger, Sponsor

**RESOLUTION NO. 408 OF 2015
 APPROVING AN INTERMUNICIPAL HOST SITE AGREEMENT
 IN THE AMOUNT OF \$4,800
 BETWEEN THE COUNTY OF ROCKLAND ON BEHALF OF ITS YOUTH BUREAU
 AND THE VILLAGE OF HAVERSTRAW
 FOR THE ROCKLAND CONSERVATION AND SERVICE CORPS
 ENVIRONNEMENTAL CORPS PROGRAM
 FROM JUNE 1, 2015 THROUGH DECEMBER 31, 2015
 AND AUTHORIZING THE COUNTY EXECUTIVE
 TO EXECUTE THE INTERMUNICIPAL HOST SITE AGREEMENT
 [YOUTH BUREAU]
 (\$4,800)**

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

WHEREAS, Both the County of Rockland (the "County") and the Village of Haverstraw (the "Village") are "municipal corporation[s]" as defined in New York General Municipal Law Section 119-n(a); and

WHEREAS, General Municipal Law Section 119-o(1) provides, in relevant part, that "municipal corporations have [the] power to enter into . . . agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a . . . contract basis," provided that such agreements are "approved by each participating municipal corporation . . . by a majority vote of the voting strength of its governing body"; and

WHEREAS, The Rockland Conservation and Service Corps ("RC & SC") is a program of the Rockland County Youth Bureau which enrolls local municipalities and not-for-profit corporations as Host Sites for the Environmental Corps Program (the "Program") which runs from June 1, 2015 through December 31, 2015; and

WHEREAS, RC & SC members that are placed at Host Sites perform various projects for the Host Sites with an emphasis on environmental and beautification work; and

WHEREAS, The Village wishes to participate in the Program and accept for placement RC & SC members referred by RC & SC pursuant to an intermunicipal Host Site agreement; and

WHEREAS, The residents of the County and the Village will benefit from the intermunicipal Host Site agreement; and

WHEREAS, Pursuant to the intermunicipal agreement, the Village will pay the County two (2) installments of \$800 each per member for the services of three (3) RC & SC members in an amount not to exceed \$4,800 for the period June 1, 2015 through December 31, 2015; and

WHEREAS, On May 21, 2015, the Board of the Village of Haverstraw approved the intermunicipal Host Site agreement by its Resolution 2015-79; 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, pursuant to New York General Municipal Law Sections 119-n(a) and 119-o(1), the intermunicipal Host Site agreement between the County of Rockland and the Village of Haverstraw (the "Village"), pursuant to which the Village will pay the County an amount not to exceed \$4,800 for the services of three (3) RC & SC members for the period June 1, 2015 through December 31, 2015; and be it further

RESOLVED, That the Legislature hereby authorizes the County Executive to execute the intermunicipal Host Site agreement on behalf of the County.

Introduced by:

Referral No. 8101

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

**RESOLUTION NO. 409 OF 2015
IMPLEMENTING THE DOWNWARD ALLOCATION
OF A POSITION OF CLERK OF THE WORKS II
IN THE SEWER DISTRICT IN ACCORDANCE WITH
THE ROCKLAND ASSOCIATION OF MANAGEMENT (R.A.M.)
JOB EVALUATION STUDY**

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

WHEREAS, The County of Rockland previously developed a formal job evaluation system that has provided a means for determining appropriate compensation levels for County positions in an equitable manner and in accordance with clear, professionally-derived criteria; and

WHEREAS, Such job evaluation system was used to complete a study to evaluate compensation levels for titles covered by the Rockland Association of Management (R.A.M.), resulting in the determination of appropriate management bands for R.A.M. titles; and

WHEREAS, The County Executive and the Legislature reviewed the May 2001 report of such study, prepared by Dennis Doverspike, Ph.D., Barrett and Associates, Inc., and Laurie H. Rindskopf, Ph.D., Rockland County Department of Personnel; and

WHEREAS, In accordance with the findings of the R.A.M. Job Evaluation Study, Resolution No. 688 of 2002 implemented the upward allocation of management bands, as provided in the collective bargaining agreement between the Rockland Association of Management and the County of Rockland; and

WHEREAS, Resolution No. 688 of 2002 provided that any other banding adjustments not addressed by such resolution, would be addressed by the Legislature on a case by case analysis; and

WHEREAS, Upon the vacancy of the Clerk of the Works II, position control #6386, the Executive Director of Sewer Operations and Engineering and the Department of Personnel has, in accordance with professionally derived criteria, again reviewed the compensation level for Clerk of the Works II; and

WHEREAS, Such review has confirmed the findings of the R.A.M. Job Evaluation Study; 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 position Clerk of the Works II, position control #6386 shall be allocated downward to management band 4, as provided in the collective bargaining agreement between the Rockland Association of Management and the County of Rockland; and be it further

RESOLVED, That all new positions established in the title Clerk of the Works II shall be allocated to management band 4 as provided by the collective bargaining agreement between the Rockland Association of Management and the County of Rockland.

Introduced by:

Referral No. 6311

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

**RESOLUTION NO. 410 OF 2015
ESTABLISHING AND ABOLISHING POSITIONS
IN THE ROCKLAND COUNTY YOUTH BUREAU
ROCKLAND CONSERVATION & SERVICE CORPS PROGRAM**

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

WHEREAS, Resolution No. 221 of 2001 established two positions of AmeriCorps Program Aide (Relief) in connection with a New York State AmeriCorps grant; and

WHEREAS, The position AmeriCorps Program Aide (Relief), position control # 8022 was abolished, effective January 1, 2007; and

WHEREAS, The Assistant Director of the Youth Bureau has requested the establishment of one position and the concurrent abolishment of one position in connection with programmatic changes; and

WHEREAS, The Department of Personnel has reviewed a statement of duties and has made an appropriate civil service classification; and

WHEREAS, The Assistant Director of the Youth Bureau is requesting no additional funds to implement the establishment of this position, as said funding is provided by the New York State Office of Children and Family Services; and

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

RESOLVED, That one position of Conservation & Service Corps Program Aide (Relief), position control #9216 (\$6.00/hour stipend) be hereby established in the Rockland County Youth Bureau - 1251; and be it further

RESOLVED, That one position of AmeriCorps Program Aide (Relief), position control #8021Z (\$6.00/hour stipend) be hereby concurrently abolished; and be it further

RESOLVED, That the stipend for the Conservation & Service Corps Program Aide (Relief) shall be \$6.00 per hour; and be it further

RESOLVED, That should outside funding be reduced and/or eliminated, any position(s) established under the Rockland Conservation & Service Corps Program shall automatically terminate without further action of this Legislature.

Introduced by:

Referral No. 5614

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

**RESOLUTION NO 411 OF 2015
CORRECTION OF 2015 TAX ROLLS
TOWN OF RAMAPO
CONG MESIFTA OHEL TORAH
PROPERTY ID# 49.18-1-40
91 COLLEGE ROAD
MONSEY, NEW YORK 10952
[DIVISION OF REAL PROPERTY TAX SERVICES]**

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

WHEREAS, An application for the correction of the tax rolls for the 2015 Town and County Real Property Taxes levied against property located in the Town of Ramapo as indicated on the annexed Schedule "A", has been filed by Cong Mesifta Ohel Torah with the Real Property Tax Service Officer, pursuant to §556 of the Real Property Tax Law; and

WHEREAS, An exemption code was entered on the parcel for a clergy residence, when in fact this parcel is a school; and

WHEREAS, This created a clerical error on the 2015 Tax Roll; and

WHEREAS, The tax amount of \$8,865.31 on the 2015 County and Town bill to be corrected to read \$2,747.45 and a new bill be issued in the amount of \$2,747.45; and

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

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

WHEREAS, The Real Property Tax Services Officer has recommended approval of said application; and

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

RESOLVED, That the Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for correction of the 2015 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll correct such tax roll and issue a new tax bill accordingly.

SCHEDULE A
Town of Ramapo

OWNER: Cong Mestifta Ohel Torah

PROPERTY ID#: 49.18-1-40

CORRECTION: TAX AMOUNT ON THE 2015 COUNTY & TOWN TAX ROLL BE CORRECTED TO READ \$ 2,747.45 AND A NEW BILL BE ISSUED.

REASON: AN EXEMPTION CODE WAS ENTERED ON THE PARCEL FOR A CLERGY RESIDENCE, WHEN IN FACT THIS PARCEL IS A SCHOOL. THIS RESULTED IN THE PARCEL RECEIVING INCORRECT SPECIAL DISTRICT CHARGES, CREATING A CLERICAL ERROR ON THE 2015 COUNTY & TOWN BILL.

Introduced by:

Referral No. 9470

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

**RESOLUTION NO 412 OF 2015
SETTING A DATE FOR A PUBLIC HEARING
WITH RESPECT TO ADOPTION OF A LOCAL LAW
AMENDING LOCAL LAW NUMBER 5 OF 2011,
CHAPTER 70 OF THE LAWS OF ROCKLAND COUNTY,
REGARDING A MULTIYEAR FINANCIAL PLAN
FOR THE COUNTY OF ROCKLAND**

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

WHEREAS, The County Executive has recommended to the County Legislature of Rockland County that the Legislature adopt a local law amending local law number 5 of 2011, also known as chapter 70 of the laws of Rockland county relating to submittal to the legislature of Rockland county of an annual multiyear financial plan and mid-year report for the county of Rockland, permitting the County Executive to submit the plans and reports required by the New York State Rockland County Deficit Financing Act, Chapter 468 of the Laws of 2013, in lieu of the plans and reports presently required by local law number 5 of 2011, chapter 70 of the laws of Rockland county, during the time that the Rockland County Deficit Financing Act remains effective and in its present form; 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 sets the **16th day of September, 2015, at 7:10 p.m.**, for a public hearing to provide for a local law amending local law number 5 of 2011, also known as chapter 70 of the laws of Rockland county relating to submittal to the legislature of Rockland county of an annual multiyear financial plan and mid-year report for the county of Rockland, permitting the County Executive to submit the plans and reports required by the New York State Rockland County Deficit Financing Act, Chapter 468 of the Laws of 2013, in lieu of the plans and reports presently required by local law number 5 of 2011, chapter 70 of the laws of Rockland county, during the time that the Rockland County Deficit Financing Act remains effective and in its present form.

Introduced by:

Referral No. 5327

Hon. Michael M. Grant, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. John A. Murphy, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Richard C. Diaz, Sponsor
Hon. Aron B. Wieder, Sponsor

**RESOLUTION NO. 413 OF 2015
RECLASSIFYING ONE POSITION IN THE
SHERIFF'S DEPARTMENT**

Mr. Grant offered the following resolution, which was seconded by Mr. Diaz, Mr. Earl, Mr. Jobson, Mrs. Paul, Mr. Schoenberger, Mr. Soskin, Mr. Wieder and Chairman Wolfe and unanimously adopted

WHEREAS, In accordance with New York State Civil Service Law, the Department of Personnel has been provided with information regarding the duties and responsibilities of the Confidential Investigator (Computer Crimes); resulting in a classification review, and

WHEREAS, The Department of Personnel has completed 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 Forensic Investigations Coordinator, position control # 9217 (RAM band 6; \$85,968 - \$111,178), be hereby established in the Sheriff's Department - 3114; and be it further

RESOLVED, That the position of Forensic Investigations Coordinator be allocated to management band 6 (\$85,968 - \$111,178), as provided in the Agreement between the County of Rockland and the Rockland Association of Management; and be it further

RESOLVED, That one position of Confidential Investigator (Computer Crimes), position control #8576 (RAM band 5; \$73,111 - \$94,558) be hereby concurrently abolished.

Introduced by:

Referral No. 2962

Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Aney Paul, Sponsor
Hon. Richard C. Diaz, Sponsor
Hon. Lon M. Hofstein, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 414 OF 2015
CONFIRMING THE APPOINTMENT OF
SARAH STARR GOFORTH, GRAHAMSVILLE, NEW YORK
TO THE ROCKLAND COUNTY
OFFICE FOR THE AGING ADVISORY COUNCIL**

Mr. Soskin offered the following resolution, which was seconded by Mrs. Cornell, Mr. Diaz, Mr. Earl, Mr. Jobson, Mrs. Paul and Chairman Wolfe and unanimously adopted

WHEREAS, By Resolution No. 924 of 1974, the Office for the Aging Advisory Committee (currently referred to as the Rockland County Office for the Aging Advisory Council) was established, to be composed of at least fifty (50%) percent of persons sixty (60) years or over; and

WHEREAS, Section C3.02 of the Charter Law of Rockland County provides that the County Executive shall appoint members of all county boards and commissions, subject to legislative confirmation; and

WHEREAS, The by-laws of the Rockland County Office for the Aging Advisory Council require at least twenty-seven (27) but no more than thirty-three (33) members; and

WHEREAS, There are currently fourteen (14) members on the Rockland County Office for the Aging Advisory Council, the majority of whom are over the age of sixty; and

WHEREAS, The County Executive has appointed Sarah Starr Goforth, Grahamsville, New York, to a vacancy which exists on the Rockland County Office for the Aging Advisory Council, to serve at his pleasure, subject to legislative confirmation, and

WHEREAS, Sarah Starr Goforth is under the age of sixty (60) and has experience working with local non-profit organizations; and

WHEREAS, With the approval of this resolution, there will be up to eighteen (18) vacancies on the Council; and

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

RESOLVED, That Legislature of Rockland County hereby confirms the appointment of Sarah Starr Goforth, Grahamsville, New York, to the Rockland County Office for the Aging Advisory Council, to serve at the pleasure of the County Executive; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to send a copy of this resolution to the Rockland County Advisory Council and to the appointee, Sarah Starr Goforth.

Introduced by:

Referral No. 5128

Hon. Harriet D. Cornell, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 415 OF 2015
CONFIRMING THE REAPPOINTMENT OF
TIMOTHY J. RILEY, SUFFERN, NEW YORK
TO THE ROCKLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

Mrs. Low-Hogan offered the following resolution, which was seconded by Mrs. Cornell, Mr. Diaz, Mr. Grant, Mr. Jobson, Mr. Schoenberger and Chairman Wolfe and unanimously adopted

WHEREAS, General Municipal Law §925-l established the County of Rockland Industrial Development Agency ("IDA"); and

WHEREAS, Pursuant to General Municipal Law §925-l(b) the IDA shall consist of five members who shall be appointed by the County Executive, subject to the approval of the Legislature; and

WHEREAS, By Resolution No. 233 of 2012, the Legislature of Rockland County confirmed the reappointment of Timothy J. Riley, Suffern, New York to the Rockland County Industrial Development Agency for an additional three-year term; and

WHEREAS, The County Executive has reappointed Timothy J. Riley, Suffern, New York to the Rockland County Industrial Development Agency for an additional three-year term; and

WHEREAS, The Economic Development Committee of the Legislature has met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That pursuant to General Municipal Law §925-l(b), the Legislature of Rockland County hereby confirms the reappointment of Timothy J. Riley, Suffern, New York as a member of the Rockland County Industrial Development Agency for an additional three-year term , and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to send a copy of this resolution to the Rockland County Industrial Development Agency and to the appointee, Timothy J. Riley.

**RESOLUTION NO. 416 OF 2015
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
UNDER NEW BUSINESS**

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

RESOLVED, that the Rules of the Legislature be waived to consider Item 13 A, Resolution No. 417 of 2015 under New Business.

Introduced by
Hon. Alden H. Wolfe, Sponsor

NEW BUSINESS
Referral No. 5050

**RESOLUTION NO. 417 OF 2015
APPROVING AN EXTENSION OF AGREEMENT IN EXCESS OF \$100,000
WITH O'CONNOR DAVIES LLP IN AN AMOUNT NOT TO EXCEED \$109,000
FOR THE REVIEW AND ANALYSIS OF THE PROPOSED FISCAL YEAR 2016 BUDGET
FOR THE PERIOD FROM JANUARY 1, 2015 THROUGH
DECEMBER 31, 2015 AND AUTHORIZING ITS EXECUTION
BY THE COUNTY EXECUTIVE
[COUNTY LEGISLATURE]
(\$218,000)**

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

WHEREAS, by Resolution 55 of 2015, the County Legislature approved an agreement in excess of \$100,000 with O'Connor Davies, LLP for the review and analysis of the proposed Fiscal Year 2015 budget in the amount of \$109,000 for the period from February 1, 2014 through December 31, 2014, with an option for one additional fiscal year (2015) for the period from January 1, 2015 through December 31, 2015 in the additional amount of \$109,000, and authorized its execution by the County Executive; and

WHEREAS, the County Legislature wishes to exercise the option for O'Connor Davies, LLP for the review and analysis of the proposed Fiscal Year 2016 budget for the additional amount of \$109,000 for the period from January 1, 2015 through December 31, 2015 and authorizing its execution by the County Executive, for a total contract amount of \$218,000; and

WHEREAS, Sufficient funding for this contract is provided for in the 2015 Budget of the County Legislature;

WHEREAS, Rockland County Charter §C2.01(l) provides that the County Legislature must approve all contracts in excess of \$100,000 entered into by the County; now, therefore be it

RESOLVED, the Count Legislature hereby approves an extension of agreement in excess of \$100,000 with O'Connor Davies, LLP, in an amount not to exceed \$109,000 for the review and analysis of the proposed Fiscal Year 2016 for the period from January 1, 2015 through December 31, 2015, for a total contract amount not to exceed \$218,000, and authorizing its execution by the County Executive; and be it further

RESOLVED, That funding for this contract is provided for in the 2015 Budget of the County Legislature.

Reports of County Officers:

Receive and file 2014 annual report for the Rockland County Department of Social Services.

**ADJOURNMENT IN MEMORY OF
JEANNINE VILSON**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Jeannine Vilson.

**ADJOURNMENT IN MEMORY OF
EVELYN M. LOMBARDI**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Evelyn M. Lombardi.

**ADJOURNMENT IN MEMORY OF
KENNETH NICHOLS**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Kenneth Nichols.

**ADJOURNMENT IN MEMORY OF
PATRICK H. MURPHY**

Mr. Murphy 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 Patrick H. Murphy.

**ADJOURNMENT IN MEMORY OF
MATES FRIESEL**

Mr. Schoenberger 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 Mates Friesel.

**ADJOURNMENT IN MEMORY OF
JOSEPH PATRICK LOW**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Joseph Patrick Low.

**ADJOURNMENT IN MEMORY OF
MARY B. McDONAGH**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mary B. McDonagh.

**ADJOURNMENT IN MEMORY OF
DR. APJ ABDUL KALAM**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dr. APJ Abdul Kalam.

**ADJOURNMENT IN MEMORY OF
AUDREE YORKES**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Audree Yorkes.

**RESOLUTION NO. 418 OF 2015
ADJOURNMENT**

Chairman Wolfe offered the following resolution, which was seconded by Mr. Murphy, Mr. Schoenberger and Mr. Wieder and unanimously adopted: (7:45 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, September 1, 2015 at 7:00 p.m.

Respectfully Submitted,

DARCY SHAPIN-GREENBERG
Proceedings Clerk