NOTICE OF MEETING

Notice is hereby given that the Legislature of Rockland County will meet in its Chambers in the Allison-Parris Office Building, New City, New York on Wednesday, September 19, 2012 at 7:00 P.M., pursuant to the adjournment of the September 4, 2012 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 14th day of September 2012

The Legislature of Rockland County convened in regular session pursuant to the adjournment of the September 4, 2012 meeting.

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

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

Late; Legislator Aron B. Wieder (7:23 p.m.)

Absent: Legislator Christopher J. Carey

Honorable Alden H. Wolfe, Vice Chairman, led in the Salute to the Flag and delivered the invocation.

Special Order of the Day:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Rockland, New York, shall be held at 11 New Hempstead Road, New City, New York, in said County on the **19th day of September, 2012, at 7:05 o'clock P.M.**, for the purpose of conducting a public hearing upon a proposed increased cost and improvement of facilities of Rockland County Sewer District No. 1 (the "District") in said County.

The increase and improvement of such facilities consists of the construction and/or reconstruction of various sewer facilities within the District, being the Clarkstown Pump Station and collection system upgrade project consisting of eight (8) pump stations in need of mechanical/electrical/structural improvements which include pumps, piping valves, pump controls, emergency by-pass, lighting, access, HVAC and alarm system improvements, standby power engine generators, wet well capacity improvements and electrical and site work, in the Town of Clarkstown within the District, all as more fully described in the report and estimate of cost dated February, 2009, which has been filed with the County Legislature and which has been previously approved.

The maximum estimated cost of such increase and improvement of facilities was $10,000,000 and is now determined to be $11,000,000 as a result of additional sanitary sewer improvements, which amount is to be assessed, levied and collected from the real property in the District, in the same manner and at the same time as other County charges, on the basis of the equalized assessed value of lots and parcels of land. The annual expense of operation and maintenance for the project shall be assessed, levied and collected on the basis of unit charges, in the same manner and at the same time as the expense of the improvement is assessed, levied and collected.

The estimated cost of the increased cost of the increase and improvement of facilities to a "typical property" in the District, as defined in the County Law, is $1.10 ($0.82 for a two-family home) for those in the Town of Ramapo and $0.68 ($0.98 for a two-family home) for those in the Town of Clarkstown. The estimated cost of hook-up fees to property owners of a "typical property" in connection with the increase and improvement of facilities, as defined in the County Law, is $150. The Board of Commissioners of the District has heretofore caused to be prepared and filed for public inspection with the Rockland County Clerk and the Clerk to the Rockland County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by and for the Rockland County Sewer District No. 1.

Dated: New City, New York
August 30, 2012

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ROCKLAND
BY: Laurence O. Toole
Clerk, Rockland County Legislature

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

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

RESOLUTION NO. 440 OF 2012
CLOSE PUBLIC HEARING

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

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

Special Order of the Day:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Rockland, New York, shall be held at 11 New Hempstead Road, New City, New York, in said County on the **19th day of September, 2012, at 7:10 o'clock P.M.,** for the purpose of conducting a public hearing upon a proposed increased cost of the Western Ramapo Sewer Extension to Rockland County Sewer District No. 1 (the "District") in said County.

The improvement consists of an advanced wastewater treatment plant, pump stations, a sewer collection system and an interconnection line, all as more fully described in the report and estimate of cost dated June, 2010, as prepared by the County engineers which has been filed with the County Legislature and which has been approved by the Board of Commissioners of the District.

The maximum estimated cost of such Extension is now $168,000,000, which amount is to be assessed, levied and collected from the real property in the District, as extended, in the same manner and at the same time as other County charges, on the basis of the equalized assessed value of lots and parcels of land. The annual expense of operation and maintenance for the project shall be assessed, levied and collected on the basis of unit charges, in the same manner and at the same time as the expense of the improvement is assessed, levied and collected.

The estimated cost of the Extension to a "typical property" in the District, as defined in the County Law, is $437 ($604 for a two-family home) for those in the Town of Ramapo and $360 ($642 for a two-family home) for those in the Town of Clarkstown. The estimated cost of hook-up fees to property owners of a "typical property" in connection with the Extension, as defined in the County Law, is $150. The Board of Commissioners of the District has heretofore caused to be prepared and filed for public inspection with the Rockland County Clerk and the Clerk to the Rockland County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by and for the District.

Dated: New City, New York
August 30, 2012

BY ORDER OF THE COUNTY LEGISLATURE
OF THE COUNTY OF ROCKLAND
BY: Laurence O. Toole
Clerk, Rockland County Legislature

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

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

RESOLUTION NO. 441 OF 2012
CLOSE PUBLIC HEARING

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

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

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

- Matthew Daus, Counsel to MV Transportation, opposed to vote on public transit contract
- Sonia Crannage, In favor of Brega being awarded public transit contract
- Burton Dorfman, Counsel to Brega Transportation, in favor of Brega being awarded public transit contract

Public Participation ended at 7:40 p.m.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider Resolution No.'s 452, 453, 458, 459, 460, 461 and 462 of 2012, as an immediate need.

Introduced by: Referral No. 5906
Hon. Alden H. Wolfe, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor

RESOLUTION NO. 443 OF 2012
AMENDING THE 2012 CAPITAL BUDGET
IN THE AMOUNT OF $1,000,000
INCREASING THE ESTIMATED PROJECT COST
FROM $10,000,000 TO $11,000,000 AND
APPROVING ACCEPTANCE OF AMENDMENT NO. 1
TO THE ENGINEERING REPORT FOR THE
TOWN OF CLARKSTOWN PUMP STATION
AND COLLECTION SYSTEM UPGRADE PROJECT
CAPITAL PROJECT 6260
[ROCKLAND COUNTY SEWER DISTRICT NO. 1]

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

WHEREAS, The Town of Clarkstown Pump Station and Collection System Upgrade Project is included in the Rockland County 2012 Capital Budget under Project No. 6260 in the amount of $10,000,000; and

WHEREAS, By Resolution No. 386 of 2009, the Legislature of Rockland County approved an engineering report prepared by H2M Group describing the details of the Town of Clarkstown Pump Station and Collection System Upgrade Project; and

WHEREAS, By Resolution No. 388 of 2009, the Legislature of Rockland County authorized an Intermunicipal Agreement with the Town of Clarkstown ("Town") for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6220; and

WHEREAS, On April 30, 2009, the Sewer District entered into an Intermunicipal Agreement with The Town of Clarkstown, for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260; and

WHEREAS, The Intermunicipal Agreement with the Town requires that the Sewer District reimburse the Town for the actual cost of the improvements; and

WHEREAS, This project also includes sanitary sewer upgrades in the Town of Clarkstown which will reduce the volume of infiltration/inflow of extraneous sources of water into the collection system; and

WHEREAS, H2M Group has prepared Amendment No. 1 to the engineering report to include sewer upgrades on Main Street and Long Clove Road in New City, New Haven Avenue and Lake Nanuet Park in Nanuet, and North Greenbush Road in West Nyack; and

WHEREAS, The engineering report has been reviewed by staff of the Town of Clarkstown and the staff of the Sewer District and found to be acceptable; and

WHEREAS, By Resolution No. 86 of 2011, the Board of Sewer Commissioners approved Amendment No. 1 to the engineering report for the Town of Clarkstown increasing the estimated project cost by an additional $1,000,000 from $10,000,000 to $11,000,000 for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260; and

WHEREAS, The Executive Director of the Sewer District requests that the Legislature approve Amendment No. 1 to the engineering report for the Town of Clarkstown to reflect the increase in the estimated project cost by an additional $1,000,000 from $10,000,000 to $11,000,000 for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260; 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 2012 Capital Budget to increase the total estimated project cost from $10,000,000 to $11,000,000 by an increase in funding in the amount of $1,000,000 to Capital Account No. 6260, for the Town of Clarkstown Pump Station and Collection System Upgrade Project; and

RESOLVED, That the Legislature of Rockland County hereby approves and accepts Amendment No. 1 to the engineering report prepared by H2M Group dated December 2011; and be it further.

RESOLVED, That the Legislature of Rockland County hereby approves the Amendment 1 to the engineering report for the Town of Clarkstown to reflect the increase in the cost estimate from $10,000,000 to $11,000,000 for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260 and, authorizes the County Executive to execute the amendment to the agreement, subject to review and approval of the County attorney; and be it further

RESOLVED, That the Acting Commissioner of Finance increase the accounts as follows:

CAPITAL PROJECTS FUND

Increase Approp. Acct.:

H6260	Pump Station Upgrade Town of Clarkstown	$1,000,000

Increase Est. Rev. Acct.:

H5710	Proceeds from Bonds	$1,000,000

Referral No. 5906

BOND RESOLUTION NO. 444 OF 2012

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, ADOPTED SEPTEMBER 19, 2012, AUTHORIZING FINANCING FOR THE INCREASE IN COST AND IMPROVEMENT OF FACILITIES OF THE ROCKLAND COUNTY SEWER DISTRICT NO. 1, STATING THE CURRENT ESTIMATED MAXIMUM COST THEREOF IS $11,000,000, APPROPRIATING $1,000,000 IN ADDITION TO THE $10,000,000 HERETOFORE APPROPRIATED FOR SUCH PURPOSE IN RESOLUTION NO. 250 OF 2010, AND AUTHORIZING THE ISSUANCE OF $1,000,000 BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION. [TOWN OF CLARKSTOWN PUMP STATIONS AND COLLECTION SYSTEM UPGRADE PROJECT-CAPITAL PROJECT NO. 6260].

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

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

Section 1. Based upon the review of this action by the County of Rockland (herein called the "County"), the Legislature of the County is hereby authorized to continue existing Capital Project No. 6260, consisting of the construction and/or reconstruction of various sewer facilities within the district, being the Clarkstown Pump Station and collection system upgrade project consisting of eight (8) pump stations in need of mechanical/electrical/structural improvements which include pumps, piping valves, pump controls, emergency by-pass, lighting, access, HVAC and alarm system improvements, standby power engine generators, wet well capacity improvements, and electrical and site work. The current estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is $11,000,000 and $1,000,000 is hereby appropriated therefor in addition to the $10,000,000 heretofore appropriated for such purpose for such purpose in resolution No. 250 of 2010. The plan of financing includes the issuance of $1,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and if not paid from other sources, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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

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

a) The period of probable usefulness to the purpose for which said $1,000,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law is forty (40) years; and

b) The proposed maturity of the bonds authorized by this Resolution will exceed five (5) years.

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

Section 5. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax from all sources including all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

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

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

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

* * * * *

The adoption of the following resolution was seconded by Legislator Philip Soskin and duly put to a vote on roll call, which resulted as follows:

AYES:	16	(Legislators Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	01	(Legislator Carey)

The resolution was declared and adopted.

Roll Call:

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Meyers – Yes.

Legislator Moroney – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell – Yes.

Introduced by: Referral No. 5906
Hon. Alden H. Wolfe, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor

RESOLUTION NO. 445 OF 2012
AUTHORIZING AN AMENDMENT TO THE INTERMUNICIPAL COOPERATION AGREEMENT WITH THE TOWN OF CLARKSTOWN INCREASING THE ESTIMATED PROJECT COST BY $1,000,000 FOR TOTAL PROJECT AMOUNT NOT TO EXCEED $11,000,000 FOR THE TOWN OF CLARKSTOWN PUMP STATION AND COLLECTION SYSTEM UPGRADE PROJECT, CAPITAL PROJECT NO. 6260
[ROCKLAND COUNTY SEWER DISTRICT NO. 1]

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

WHEREAS, By Resolution No. 388 of 2009, the Legislature of Rockland County authorized an Intermunicipal Agreement with the Town of Clarkstown for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260; and

WHEREAS, On April 30, 2009, the Rockland County Sewer District #1 ("Sewer District") entered into an Intermunicipal Agreement with the Town of Clarkstown, for the Town of Clarkstown Pump Station and Collection System Upgrade Project; and

WHEREAS, This project also includes sanitary sewer upgrades in the Town of Clarkstown which will reduce the volume of infiltration/inflow of extraneous sources of water into the collection system; and

WHEREAS, H2M Group has prepared Amendment No. 1 to the engineering report to include sewer upgrades on Main Street and Long Clove Road in New City, New Haven Avenue and Lake Nanuet Park in Nanuet, and North Greenbush Road in West Nyack; and

WHEREAS, Amendment No. 1 to the engineering report includes a revised cost estimate increasing the project amount by $1,000,000 for a total estimated project amount not to exceed $11,000,000; and

WHEREAS, By Resolution No. 85 of 2011, the Board of Sewer Commissioners approved Amendment of the Intermunicipal Agreement with the Town of Clarkstown and the Amendment No. 1 of the engineering report and increasing the estimated project by $1,000,000 for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260; and

WHEREAS, The Executive Director of the Rockland County Sewer District No. 1 requests that the Legislature authorize an amendment to the Intermunicipal Agreement with the Town of Clarkstown and accept Amendment No. 1 to the engineering report increasing the project cost estimate by $1,000,000 for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260; 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 amendment of the Intermunicipal Agreement with the Town of Clarkstown increasing the the estimated project cost by $1,000,000, for a total estimated project amount not to exceed $11,000,000 for the Town of Clarkstown Pump Station and Collection System Upgrade Project, Capital Project No. 6260 and authorizes the County Executive to execute the amendment to the agreement, subject to review and approval of the County Attorney.

Introduced by: Referral No. 5906
Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor

RESOLUTION NO. 446 OF 2012
AWARD OF CONTRACT IIP12-02A, INTERCEPTOR IMPROVEMENT PROJECT PHASE I –CAPITAL PROJECT #6270 AND APPROVING AGREEMENT IN EXCESS OF $100,000 WITH METRA INDUSTRIES, INC. IN THE AMOUNT OF $3,074,622.45 FOR CONTINUATION OF SEWER UPGRADE FOR THE NORTH PASCACK INTERCEPTOR AND THE UNION ROAD INTERCEPTOR AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] ($3,074,622.45)

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

WHEREAS, Contract IIP12-02A, Interceptor Improvement Project Phase I, is for the continuation of sewer upgrade for the North Pascack Interceptor and the upgrade of the Union Road Interceptor including rerouting the flow from Hillcrest Apartments; and

WHEREAS, The work for this contract will take place mainly in the Town of Ramapo, and the Village of Spring Valley; and

WHEREAS, This work will also include sanitary sewer mains within the Village of Spring Valley that are in need of replacement; and

WHEREAS Contract IIP12-02A, Interceptor Improvement Phase I – Capital Project 6270 will provide additional capacity in the North Pascack Interceptor; and

WHEREAS, The work consists of furnishing, installing, testing and placing into satisfactory operating condition approximately 6,339 linear feet of a combination of 8-inch, 12-inch, 21-inch and 24-inch gravity sewers, manholes, laterals with cleanouts, abandoning existing sewer infrastructure and repaving curb to curb; and

WHEREAS, Bids were advertised for the Interceptor Improvement Phase I, Contract IIP12-02A; and

WHEREAS, The Sewer District received bids for the project on June 21, 2012; and

WHEREAS, The Sewer District has indicated that a total of five (5) bids were received and were checked and tabulated by Staff of the Sewer District; and

WHEREAS, Metra Industries has submitted the lowest bid for the work described in the contract documents; and

WHEREAS, The Executive Director and the Board of Commissioners (by its Res. No. 47 of 2012) of the Rockland County Sewer District No. 1 have requested that Award of Contract IIP12-02A with Metra Industries, Inc. be approved in the amount of $3,074,622.45 for 365 days from notice to proceed; and

WHEREAS, Sufficient funds for this agreement exist in Capital Project Account No. 6270 of the Rockland County Sewer District No. 1; 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 Metra Industries has submitted the lowest bid for the work described in the contract documents and is awarded contract IIP12-02A, and be it further

RESOLVED, That the Legislature of Rockland County approves an agreement in excess of $100,000 with the lowest bidder, Metra Industries, Inc., 50 Muller Place, Little Falls, New Jersey 07424, in the amount of $3,074,622.45, to be completed 365 days from notice to proceed and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement exist in Capital Project Account No. 6270 of the Rockland County Sewer District No. 1.

Introduced by: Referral No. 5906/7621
Hon. Michael M. Grant, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor

RESOLUTION NO. 447 OF 2012
RATIFYING AN AGREEMENT IN EXCESS OF $100,000 WITH HESS CORPORATION FOR FIRM ELECTRIC SUPPLY AT THE RATE OF $0.05493 PER KWH UNDER RFB-RC-2012-033 FOR THE COUNTY OF ROCKLAND, THE ROCKLAND COUNTY SEWER DISTRICT NO. 1, ROCKLAND COMMUNITY COLLEGE AND THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY ON A FIRM FIXED PRICE BASIS FOR AN ESTIMATED AMOUNT OF $3,693,855 FOR THE PERIOD FROM AUGUST 1, 2012 THROUGH JULY 31, 2014 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING] ($3,693,855)

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

WHEREAS, By Resolution 579 of 2009, the Legislature of Rockland County amended the County's Procurement Policy and added § 140-15 entitled Energy Advisory Group to the Laws of Rockland County, creating the Energy Advisory Group which consists of the Commissioner of Finance, the Director of Purchasing and the Executive Director of the Rockland County Sewer District No. 1, and permitting the Energy Advisory Group to, among other things, develop and review energy related bids, act as the County's agent in awarding said bids and forward information regarding such awards to the Legislature of Rockland County for ratification; and

WHEREAS, The Director of Purchasing requested bids for firm electric supply under RFB-RC-2012-033 (the "RFB") for the County of Rockland, the Rockland County Sewer District No. 1, Rockland Community College and the Rockland County Solid Waste Management Authority for the period from August 1, 2012 through July 31, 2014; and

WHEREAS, The Purchasing Division received seven (7) responses to the RFB; and

WHEREAS, The Municipal Electric and Gas Alliance (MEGA) did not respond to the RFB because MEGA's contract to supply electricity in the Orange and Rockland service area expires at the end of 2012, and therefore MEGA could not offer long term pricing; and

WHEREAS, The members of the Energy Advisory Group along with representatives from Rockland Community College and the Rockland County Solid Waste Management Authority reviewed the sealed bids and determined that Hess Corporation, 1 Hess Plaza, Woodbridge, New Jersey 07095, was the lowest responsive, responsible bidder for all line items contained in the RFB; and

WHEREAS, On July 30, 2012, the Director of Purchasing, on behalf of the Energy Advisory Group, executed the Commodity Master Agreement as well as the Amendment to that agreement; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that they ratify the agreement in excess of $100,000 with Hess Corporation for firm electric supply at the rate of $0.05493 per kWh under the RFB for the County of Rockland, the Rockland County Sewer District No. 1, Rockland Community College and the Rockland County Solid Waste Management Authority on a firm fixed price basis for an estimated amount of $3,693,855 for the period from August 1, 2012 through July 31, 2014; and

WHEREAS, The County's previous contract through MEGA was $0.07316 per kWh, Orange & Rockland's current price is $0.08373 per kWh for the month of July 2012 and Orange & Rockland's previous twelve (12) month average price is $0.07171 per kWh; and

WHEREAS, Current prices for electricity are the lowest they have been in ten (10) years, and the recommended twenty-four (24) month term will lock in these competitive prices providing some budget certainty for the participating organizations; and

WHEREAS, The total projected annual savings are as follows: (1) $345,529 for the County of Rockland and (2) $267,524 for the Rockland County Sewer District No. 1; Rockland Community College and the Rockland County Solid Waste Management Authority also will realize substantial savings; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations; and

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

WHEREAS, The 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 ratifies the agreement in excess of $100,000 with Hess Corporation, 1 Hess Plaza, Woodbridge, New Jersey 07095, for firm electric supply at the rate of $0.05493 per kWh under RFB-RC-2012-033 for the County of Rockland, the Rockland County Sewer District No. 1, Rockland Community College and the Rockland County Solid Waste Management Authority on a firm fixed price basis for an estimated amount of $3,693,855 for the period from August 1, 2012 through July 31, 2014, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations.

Introduced by: Referral No. 6795
Hon. Michael M. Grant, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank Sparaco, Sponsor

RESOLUTION NO. 448 OF 2012
APPROVING THE EXERCISE OF THE FIRST YEAR OPTION TERM
OF THE AGREEMENT IN EXCESS OF $100,000
CROSS-COUNTRY LANDSCAPE AND TREE SERVICE, INC.
D/B/A/ ROCKLAND TREE SERVICES
FOR TREE CUTTING AND REMOVAL SERVICES
UNDER RFB-RC-2011-047
EXTENDING THE TERM OF THE AGREEMENT FROM
JUNE 10, 2012 THROUGH JUNE 9, 2013
IN AN AMOUNT NOT TO EXCEED $76,774
FOR SAID PERIOD AND IN A TOTAL AMOUNT NOT TO EXCEED $220,000
FOR THE FULL PERIOD FROM JUNE 10, 2011 THROUGH JUNE 9, 2013
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($220,000)

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

WHEREAS, By Resolution No. 479 of 2011, the Legislature of Rockland County approved the purchases in excess of $100,000 from Cross-County Landscape and Tree Service, Inc. d/b/a Rockland Tree Service ("Rockland Tree Service"), P.O. Box 1794, New City, New York 10956, for tree cutting and removal services under RFB-RC-2011-047 (the "RFB") in an amount not to exceed $150,000 for the period June 10, 2011 through June 9, 2012, with one (1) remaining one (1) year option term; and

WHEREAS, From June 2011 through June 2012, $143,226 was spent under the RFB; and

WHEREAS, Increased contract usage has been required to respond to the effects of Hurricane Irene; and

WHEREAS, By this resolution, the Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County exercise the first year option term of the agreement in excess of $100,000 with Rockland Tree Service for the cutting and removal of trees under the RFB, extending the term of the agreement from June 10, 2012 through June 9, 2013, and approve the additional purchases in an amount not to exceed $76,774 for the period June 10, 2012 through June 9, 2013 and in a total amount not to exceed $220,000 for the full period from June 10, 2011 through June 9, 2013; and

WHEREAS, All purchases will be made by formal purchase order for specific projects as they are identified and selected by various Departments; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the exercise of the first year option term of the agreement in excess of $100,000 with Cross-County Landscape and Tree Service, Inc. d/b/a Rockland Tree Service, P.O. Box 1794, New City, New York 10956, for tree cutting and removal services under RFB-RC-2011-047, extending the term of the agreement from June 10, 2012 through June 9, 2013, and approves the additional purchases in an amount not to exceed $76,774 for the period June 10, 2012 through June 9, 2013 and in a total amount not to exceed $220,000 for the full period from June 10, 2011 through June 9, 2013, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budget of the Department of General Services and is contingent upon 2013 budget appropriations.

Introduced by: Referral No. 2973/9473

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

RESOLUTION NO. 449 OF 2012
AMENDING THE 2012 BUDGET
BY APPROVING THE REALLOCATION OF FUNDS
FROM THE NEW YORK STATE OFFICE OF MENTAL HEALTH
WHICH ARE TO BE TRANSFERRED AS FOLLOWS:
(1) $60,794 [NCTD] FROM THE DEPARTMENT OF MENTAL HEALTH (DMH)
TO JAWONIO, INC. ("JAWONIO");
AND (2) $53,617 [NCTD] FROM DMH TO
MENTAL HEALTH ASSOCIATION OF ROCKLAND COUNTY, INC. ("MHA")
IN CONNECTION WITH THE TRANSFER OF THE CASE
MANAGEMENT PROGRAMS FROM DMH TO JAWONIO & MHA
AND AUTHORIZING THE COUNTY EXECUTIVE
TO EXECUTE ALL NECESSARY DOCUMENTS
INCLUDING THE AMENDMENTS TO THE CONTRACTS WITH JAWONIO & MHA
[DEPARTMENT OF MENTAL HEALTH]
($3,265,622)

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Day, Mr. Earl, Mr. Jobson, Mrs. Low-Hogan, Mr. Murphy, Mrs. Paul and Mr Soskin and unanimously adopted:

WHEREAS, The New York State Office of Mental Health (OMH) has approved the transfer of the operation of the Supported Case Management (SCM) and Intensive Case Management (ICM) programs (the "Programs") from the Rockland County Department of Mental Health (DMH) to Jawonio, Inc. ("Jawonio"), 260 North Little Tor Road, New City, New York 10956, and Mental Health Association of Rockland County, Inc. ("MHA"), 140 Route 303, Suite A, Valley Cottage, New York 10989; and

WHEREAS, As a result of the transfer of the Programs, funding from OMH in the amount of $60,794, which currently is allocated to DMH, will be transferred from DMH to Jawonio effective August 1, 2012; and

WHEREAS, The transfer of funds to Jawonio will require an amendment to the County's 2012 contract with Jawonio, Inc. in the amount of $938,069, which was fully executed on April 18, 2012; and

WHEREAS, By this resolution, the County's 2012 contract with Jawonio will be increased to an amount not to exceed $998,863 for the calendar year 2012; and

WHEREAS, As a result of the transfer of the Programs, funding from OMH in the amount of $53,617, which currently is allocated to DMH, also will be transferred from DMH to MHA effective August 1, 2012; and

WHEREAS, The transfer of funds to MHA will require an amendment to the County's 2012 contract with MHA in the amount of $1,898,766, which was fully executed on April 26, 2012; and

WHEREAS, By separate, pending resolution, the County's 2012 contract with MHA will be increased to an amount not to exceed $2,213,142 for the calendar year 2012; and

WHEREAS, By this resolution, the County's 2012 contract with MHA will be increased to an amount not to exceed $2,266,759 for the calendar year 2012; and

WHEREAS, The new total amount of the 2012 contracts with Jawonio and MHA will be an amount not to exceed $3,265,622 (i.e., $998,863 Jawonio + $2,266,759 MHA = $3,265,622); and

WHEREAS, Since these are "administrative actions," OMH has not issued a formal written approval of the transfers; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any County tax dollars [NCTD]; and

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

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

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

RESOLVED, That the Legislature of Rockland County hereby amends the 2012 Budget by approving the reallocation of funds from the New York State Office of Mental Health (OMH), which are to be transferred as follows: (1) $60,794 [NCTD] from the Department of Mental Health (DMH) to Jawonio, Inc. ("Jawonio"), 260 North Little Tor Road, New City, New York 10956, and (2) $53,617 [NCTD] from DMH to Mental Health Association of Rockland County, Inc. ("MHA"), 140 Route 303, Suite A, Valley Cottage, New York 10989, in connection with the transfer of the operation of the Supported Case Management (SCM) and Intensive Case Management (ICM) programs from DMH to Jawonio and MHA, and authorizes the County Executive to execute all necessary documents related to the transfer of these funds, including the amendments to the contracts with Jawonio and MHA, in the new not to exceed amounts of $998,863 and $2,266,759, respectively, for the calendar year 2012, resulting in a total amount not to exceed $3,265,622 (i.e., $998,863 Jawonio + $2,266,759 MHA = $3,265,622), subject to the approval of the County Attorney; and be it further

RESOLVED, That the adoption of this resolution does not involve the expenditure of any County tax dollars [NCTD]; and be it further

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

GENERAL FUND – 2012

Increase Approp. Acct. (Credit):		
A-DMH-4303-E5010	Jawonio, Inc.	60,794
A-DMH-4306-E5010	MHA of Rockland	53,617
114,411		
Increase Est. Rev. Acct. (Debit):		
A-DMH-4303-R3470	NYS OMH.	60,794
A-DMH-4306-R3470	NYS OMH	53,617
		114,411

HOSPITAL FUND - 2012

Decrease Approp. Acct. (Debit):		
EH-DMH-M801-E6600	Appropriation Reserve	66,068
EH-DMH-M802-E6600	Appropriation Reserve	19,635
EH-DMH-M900-E6600	Appropriation Reserve	9,629
EH-DMH-M910-E6600	Appropriation Reserve	19,079
		114,411
Decrease Est. Rev. Acct. (Credit):		
EH-DMH-M801-R3470	NYS OMH	66,068
EH-DMH-M802-R3470	NYS OMH	19,635
EH-DMH-M900-R3470	NYS OMH	9,629
EH-DMH-M910-R3470	NYS OMH	19,079
		114,411

Introduced by: Referral No. 2973
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Frank Sparaco, Sponsor

RESOLUTION NO. 450 OF 2012
APPROVING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT
IN AN AMOUNT NOT TO EXCEED $115,000
BETWEEN THE COUNTY OF ROCKLAND AND THE
BOARD OF COOPERATIVE EDUCATIONAL SERVICES (B.O.C.E.S.)
TO PROVIDE AN INTENSIVE THERAPEUTIC SUPPORT CLASSROOM MODEL
FOR THE PERIOD JULY 1, 2012 THROUGH JUNE 30, 2013
AND AUTHORIZING THE COUNTY EXECUTIVE
TO EXECUTE THE INTERMUNICIPAL AGREEMENT
[DEPARTMENT OF MENTAL HEALTH]
($115,000)

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

WHEREAS, Both the County of Rockland (the "County") and the Board of Cooperative Educational Services (B.O.C.E.S.) 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 residents of the County and the clients of B.O.C.E.S. will benefit from the intermunicipal agreement; and

WHEREAS, Pursuant to the intermunicipal agreement, B.O.C.E.S. will pay to the County two (2) equal installments in the amount of $57,500 for a total amount not to exceed $115,000 and, in return, the County will provide B.O.C.E.S. with an intensive therapeutic support classroom model which includes consultation services, crisis intervention, medication review, liaison with hospital placements and clinical coordination of school-based mental health services; and

WHEREAS, On July 5, 2012, B.O.C.E.S. approved the intermunicipal agreement with the County; and

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

RESOLVED, That the Legislature of Rockland County hereby approves, pursuant to New York General Municipal Law sections 119-n(a) and 119-o(1), the intermunicipal agreement between the County and the Board of Cooperative Educational Services (B.O.C.E.S.), pursuant to which B.O.C.E.S. will pay to the County two (2) equal installments in the amount of $57,500 for a total amount not to exceed $115,000 and, in return, the County will provide B.O.C.E.S. with an intensive therapeutic support classroom model which includes consultation services, crisis intervention, medication review, liaison with hospital placements and clinical coordination of school-based mental health services from July 1, 2012 through June 30, 2013, which agreement was approved by B.O.C.E.S. on July 5, 2012; and be it further

RESOLVED, that the Department of Mental Health will work with B.O.C.E.S. to increase the amount paid by B.O.C.E.S. in its next fiscal year in order to attempt to cover the full salary and benefits of the County employee covered by the inter-municipal agreement; and be it further

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

Introduced by: Referral No. 9372
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Frank A. Sparaco, Sponsor

RESOLUTION NO. 451 OF 2012
APPROVING THE EXERCISE OF THE FIRST YEAR OPTION TERM OF AND AMENDMENT TO THE AGREEMENT IN EXCESS OF $100,000 WITH BIO-REFERENCE LABORATORIES INC. FOR REFERENCE LABORATORY TESTING SERVICES FOR THE DEPARTMENTS OF HEALTH, HOSPITALS AND MENTAL HEALTH UNDER RFB-RC-2010-082 EXTENDING THE TERM OF THE AGREEMENT FROM NOVEMBER 1, 2012 THROUGH OCTOBER 31, 2013 AND INCREASING THE AMOUNT OF THE AGREEMENT BY $135,000 FOR A TOTAL AMOUNT NOT TO EXCEED $400,000 FOR THE FULL PERIOD NOVEMBER 1, 2010 THROUGH OCTOBER 31, 2013 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE EXTENSION/AMENDMENT TO THE AGREEMENT
[DEPARTMENT OF HOSPITALS]
($400,000)

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

WHEREAS, By Resolution No. 615 of 2010, the Legislature of Rockland County approved the agreement with Bio-Reference Laboratories Inc. ("Bio-Reference"), 481 Edward H. Ross Drive, Elmwood Park, New Jersey 07407, for reference laboratory testing services under RFB-RC-2010-082 for the Departments of Health, Hospitals and Mental Health in the amount of $240,000 for the period from November 1, 2010 through October 31, 2012, with the option to renew for one (1) additional one (1) year term; and

WHEREAS, By Resolution No. 356 of 2012, the Legislature approved the amendment to the agreement with Bio-Reference in the additional amount of $25,000 and in a total amount not to exceed $265,000 for the period from November 1, 2010 through October 31, 2013; and

WHEREAS, On July 25, 2012, the Commissioner of Hospitals and the Director of Purchasing executed the amendment to the agreement; and

WHEREAS, The Commissioner of Hospitals and the Director of Purchasing recommend to the County Executive and the Legislature that the County exercise the first year option term of and amend the agreement with Bio-Reference, extending the term of the agreement from November 1, 2012 through October 31, 2013, and increasing the agreement by $135,000 for a total amount not to exceed $400,000 for the full period from November 1, 2010 through October 31, 2013; and

WHEREAS, Bio-Reference has agreed to renew the agreement for the first year option term at current contract prices even though the Consumer Price Index – All Urban Consumers has increased by 1.7% for the previous twelve (12) months, resulting in an annual savings of $2,295; and

WHEREAS, Total expenditures for the agreement can be greater or less than the original bids based upon the census at and the types of tests prescribed for the patients, clients and residents of Summit Park Hospital and the various County clinics; and

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

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

WHEREAS, Sufficient funding for this extension of and amendment to the agreement exists in the 2012 Budgets of the Departments of Health, Hospitals and Mental Health subject to available intradepartmental transfers and is contingent upon 2013 budget appropriations; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the exercise of the first year option term of and amendment to the agreement in excess of $100,000 with Bio-Reference Laboratories Inc., 481 Edward H. Ross Drive, Elmwood Park, New Jersey 07407, for reference laboratory testing services under RFB-RC-2010-082 for the Departments of Health, Hospitals and Mental Health, extending the term of the agreement from November 1, 2012 through October 31, 2013, and increasing the amount of the agreement by $135,000 for a total amount not to exceed $400,000 for the full period from November 1, 2010 through October 31, 2013, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing, and authorizes the County Executive to execute the extension/amendment to the agreement, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this extension of and amendment to the agreement exists in the 2012 Budgets of the Departments of Health, Hospitals and Mental Health subject to available intradepartmental transfers and is contingent upon 2013 budget appropriations.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

Introduced by: Referral No. 5050
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Co-Sponsor
Hon. Alden H. Wolfe, Co-Sponsor
Hon. Harriet D. Cornell, Co-Sponsor
Hon. Michael M. Grant, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor

RESOLUTION NO. 452 OF 2012
RECEIVE AND FILE REPORTS AND MANAGEMENT LETTER OF KPMG LLP –
ROCKLAND COUNTY INFIRMARY/SUMMIT PARK HOSPITAL –
FISCAL YEARS ENDING DECEMBER 31, 2011 AND 2010

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

WHEREAS, KPMG LLP has completed its audit and management letter for the Rockland County Infirmary/Summit Park Hospital for the years ending December 31, 2011 and 2010; and

WHEREAS, copies of the audit report and management letter have been filed with the Clerk to the Legislature of Rockland County and distributed to all members of the Legislature; and

WHEREAS, the Budget and Finance Committee of the Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, therefore be it

RESOLVED, that the audit reports and management letter of KPMG LLP for the Rockland County Infirmary Summit Park Hospital, for the fiscal years ending December 31, 2011 and 2010, be and the same are hereby received and filed; and be it further

RESOLVED, that the Clerk of the Legislature be and is hereby directed to file a copy of the audits with the State Comptroller and publish the required legal notices in accordance with General Municipal Law of the State of New York, Section 35.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

Introduced by: Referral No. 9447
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Co-Sponsor
Hon. Alden H. Wolfe, Co-Sponsor
Hon. Harriet D. Cornell, Co-Sponsor
Hon. Michael M. Grant, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor

RESOLUTION NO. 453 OF 2012
RECEIVE AND FILE REPORT AND MANAGEMENT LETTER
OF O'CONNOR DAVIES PFK –
COUNTY OF ROCKLAND
COMPREHENSIVE ANNUAL FINANCIAL REPORT –
FISCAL YEAR ENDING DECEMBER 31, 2011

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

WHEREAS, O'Connor Davies PKF, has completed its audit and management letter for the Rockland County Budget for the year ending December 31, 2011; and

WHEREAS, copies of the audit report and management letter have been filed with the Clerk to the Legislature of Rockland County and distributed to all members of the Legislature; and

WHEREAS, the Budget and Finance Committee of the Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, therefore be it

RESOLVED, that the audit report and management letter of O'Connor Davies PKF, for the fiscal year ending December 31, 2011, be and the same is hereby received and filed; and be it further

RESOLVED, that the Clerk of the Legislature be and is hereby directed to file a copy of the audit with the State Comptroller pursuant to General Municipal Law Section 30 (5) and publish the required legal notices in accordance with Chapter 376 of the Laws of 1988.

Introduced by: Referral No. 5614/8111
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO 454 OF 2012
CORRECTION OF 2011 TAX ROLLS
AND REFUND OF REAL PROPERTY
TAXES IN AMOUNT OF $2,717.42
ST. JAMES MAR THOMA CHURCH
TOWN OF RAMAPO
SUFFERN, NEW YORK
PROPERTY ID # 47.18-3-1
[DEPARTMENT BUDGET AND FINANCE]

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

WHEREAS, This parcel received special single parcel State legislation giving the Town of Ramapo the authority to grant a retroactive exemption; and

WHEREAS, The Town of Ramapo has granted the exemption per Town Resolution No. 2011-84 making the parcel wholly exempt for assessment year 2009; and

WHEREAS, The tax amount should be corrected and reduced from $2,978.27 to $260.85 on the 2011Town/County Tax Roll, and a refund issued in the amount of $2,717.42; and

WHEREAS, The correction is over $1,000.00 and requires Legislative approval; and

WHEREAS, The Real Property Tax Service 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 Service Officer has recommended approval of said application; 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 Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule “A”, for correction of the 2011 Town and County tax rolls and refund of a portion of the 2011 Town and County real property taxes in the amount of $2,717.42, and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and process said refund accordingly.

SCHEDULE A
Town of Ramapo

OWNER: ST. JAMES MAR THOMA CHURCH

PROPERTY I.D.# 47.18-3-1

CORRECTION: THE TAX AMOUNT OF $2,978.27 ON THE 2011 TOWN TAX ROLL BE CORRECTED TO READ $260.85 AND A CREDIT OR REFUND BE ISSUED IN THE AMOUNT OF $2,717.42

REASON: THE PARCEL RECEIVED SPECIAL SINGLE PARCEL STATE LEGISLATION GIVING THE TOWN OF RAMAPO THE AUTHORITY TO GRANT A RETROACTIVE EXEMPTION FOR THIS PARCEL. THE TOWN HAS GRANTED THE EXEMPTION PER TOWN RESOLUTION # 2011-84 MAKING THE PARCEL WHOLLY EXEMPT FOR ASSESSMENT YEAR 2009.

Introduced by: Referral No. 5614/8111
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO 455 OF 2012
CORRECTION OF 2010 TAX ROLLS
AND REFUND OF REAL PROPERTY
TAXES IN AMOUNT OF $1,589.39
VILLAGE OF AIRMONT
TOWN OF RAMAPO
SUFFERN, NEW YORK
PROPERTY ID # 55.20-1-29-21
[DEPARTMENT BUDGET AND FINANCE]

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

WHEREAS, This parcel received special single parcel State legislation giving the Town of Ramapo the authority to grant a retroactive exemption; and

WHEREAS, The Town of Ramapo has granted the exemption per Town Resolution No. 2011-496 making the parcel wholly exempt for assessment year 2009; and

WHEREAS, The tax amount should be corrected and reduced from $1,659.78 to $70.39 on the 2010 Town/County Tax Roll, and a refund issued in the amount of $1,589.39; and

WHEREAS, The correction is over $1,000.00 and requires Legislative approval; and

WHEREAS, The Real Property Tax Service 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 Service Officer has recommended approval of said application; 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 Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule “A”, for correction of the 2010 Town and County tax rolls and refund of a portion of the 2010 Town and County real property taxes in the amount of $1,589.39, and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and process said refund accordingly.

SCHEDULE A
Town of Ramapo

OWNER: VILLAGE OF AIRMONT

PROPERTY I.D.# 55.20-1-29.21

CORRECTION: THE TAX AMOUNT OF $1,659.78 ON THE 2010 TOWN TAX ROLL BE CORRECTED TO READ $70.39 AND A CREDIT OR REFUND BE ISSUED IN THE AMOUNT OF $1,589.39

REASON: THE PARCEL RECEIVED SPECIAL SINGLE PARCEL STATE LEGISLATION GIVING THE TOWN OF RAMAPO THE AUTHORITY TO GRANT A RETROACTIVE EXEMPTION FOR THIS PARCEL. THE TOWN HAS GRANTED THE EXEMPTION PER TOWN RESOLUTION # 2011-496 MAKING THE PARCEL WHOLLY EXEMPT FOR ASSESSMENT YEAR 2009.

Introduced by: Referral No. 5614/8111
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO 456 OF 2012
CORRECTION OF 2011 TAX ROLLS
AND REFUND OF REAL PROPERTY
TAXES IN AMOUNT OF $40,683.80
CONG. AHAVAS YISRAEL
TOWN OF RAMAPO
SUFFERN, NEW YORK
PROPERTY ID # 67.8-1-73
[DEPARTMENT BUDGET AND FINANCE]

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

WHEREAS, This parcel received special single parcel State legislation giving the Town of Ramapo the authority to grant a retroactive exemption; and

WHEREAS, The Town of Ramapo has granted the exemption per Town Resolution No. 2011-495 making the parcel wholly exempt for assessment year 2009; and

WHEREAS, The tax amount should be corrected and reduced from $50,224.55 to $9,540.75 on the 2011 Town/County Tax Roll, and a refund issued in the amount of $40,683.80; and

WHEREAS, The correction is over $1,000.00 and requires Legislative approval; and

WHEREAS, The Real Property Tax Service 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 Service Officer has recommended approval of said application; 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 Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule “A”, for correction of the 2011 Town and County tax rolls and refund of a portion of the 2011 Town and County real property taxes in the amount of $40,683.80, and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and process said refund accordingly.

SCHEDULE A
Town of Ramapo

OWNER: CONG AHAVAS YISRAEL

PROPERTY I.D.# 67.8-1-73

CORRECTION: THE TAX AMOUNT OF $50,224.55 ON THE 2011 TOWN TAX ROLL BE CORRECTED TO READ $9,540.75 AND A CREDIT OR REFUND BE ISSUED IN THE AMOUNT OF $40,683-80

REASON: THE PARCEL RECEIVED SPECIAL SINGLE PARCEL STATE LEGISLATION GIVING THE TOWN OF RAMAPO THE AUTHORITY TO GRANT A RETROACTIVE EXEMPTION FOR THIS PARCEL. THE TOWN HAS GRANTED THE EXEMPTION PER TOWN RESOLUTION # 2011-495 MAKING THE PARCEL WHOLLY EXEMPT FOR ASSESSMENT YEAR 2009.

VETO OVERRIDE PASSED ON OCTOBER 16, 2012

Introduced by: Referral No. 2994
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney Earl, Sponsor
Hon. Frank Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO. 457 OF 2012
DESIGNATING BREGA TRANSPORT CORP. THE LOWEST RESPONSIBLE BIDDER ON THE RFB-RC-2012-002 FOR THE OPERATION AND MAINTENANCE OF ROCKLAND COUNTY'S PUBLIC TRANSIT SYSTEMS AND AWARDING SAID CONTRACT TO BREGA TRANSPORT CORP.

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

WHEREAS, On or about September 27, 2010, the County began the search for a contractor by issuing RFP-RC-2010-021 (hereinafter RFP-1) for the award of a contract to provide fixed-route public bus operations and maintenance services by which the contractor would be granted a contract to operate the Transport of Rockland and Tappan Zee Express Public Transit Services for a term of five (5) years; and

WHEREAS, The County's transportation operations are funded entirely by federal and state subsidies and fare box revenue; and

WHEREAS, In order to obtain such federal funding, the Federal Transit Administration ("FTA") required that the County award a contract for the necessary transit services by way of a competitive procurement process or adequately documented sole source justification; and

WHEREAS, The FTA also advised the County early on that if such procurement was not completed, the County risked losing its federal funding; and

WHEREAS, After receiving responses to the requests for proposals, on May 12, 2011, members of the Rockland County Evaluation Committee for RFP-1 made an award recommendation to the County Executive; and

WHEREAS, On May 13, 2011 the current transit operation and maintenance provider for the mass transit was made aware that the Evaluation Committee was recommending a firm other than the current provider for the transit contract; and

WHEREAS, Subsequent to May 31, 2011, the County Executive rejected all proposals received under RFP-1 and directed the re-issuance of another Request For Proposal for the service of transit operation and maintenance, without legislative review and approval; and

WHEREAS, On or about August 9, 2011 the Rockland County Department Of General Services - Division Of Purchasing issued a new RFP, RFP-RC-2011-014 (hereinafter RFP –2), for the transportation operation and maintenance service contract; and

WHEREAS, Brega Transport Corp., with regard to the issuance of RFP-2, commenced an Article 78 Proceeding before the Supreme Court State of New York challenging said RFP-2 on several grounds; and

WHEREAS, Brega Transport Corp., in its litigation, amongst several other arguments, asserted that the procurement process should be structured as a competitive sealed bid (RFB) and not as a competitive Request for Proposal; and

WHEREAS, in a Decision and Order dated November 11, 2011, Hon. Francis A. Nicolai, JSC ruled that utilizing the RFP process for awarding this public transit contract violated New York State General Municipal Law 103 and ordered the County to follow New York State General Municipal Law competitive bidding process and procedures not by utilization of RFPs; and

WHEREAS, the County of Rockland complied with the Court's order, and prepared a proposal for bids, which was issued on or about February 1, 2012, (hereafter RFB-1) requiring bidders' submissions to be submitted no later than March 30, 2012. RFB-1 gave an expected contract award date of April 17, 2012 and contract approval and execution by May 15, 2012; and

WHEREAS, Brega Transport Corp, challenged the RFB as discriminatory and went to Court to nullify the RFB-1 on multiple grounds; and

WHEREAS, on March 30, 2012, Hon. Francis A. Nicolai, JSC, issued an order finding that the RFB-1, by including provisions requiring special experience as well as other preconditions not rationally based, effectively limited competition in violation of General Municipal Law 103 and invalidated the unlawful provisions of RFB-1 and granted a stay of proceedings for the County to fix the bid award process that the Judge deemed procedurally flawed; and

WHEREAS, The County has appealed that Decision and Order and moved in the New York State Appellate Division Second Department to stay enforcement of the March 30, 2012 Order pending the final determination and appeal and Brega Transport Corp cross-moved for an Order directing the County to proceed with the RFB without the provisions the lower court found to be invalid. The New York State Appellate Division Second Department granted the County's motion to stay the Judge's Order of March 30, 2012, pending hearing and determination of the appeal; and

WHEREAS, the information provided by the Law Department and The Department of General Services – Division of Purchasing raised issued of a conflict of Federal statues and/or regulations (RFP process) and New York State statutes (competitive bidding process), which resulted in further confusion and delays in attempting to evaluate and award contracts for the operation and maintenance of Rockland County's public transit system; and

WHEREAS, the current transit providers, Rockland Transit Corporation, Hudson Transit Corporation and Hudson Transit Lines whose contracts expired early 2011, were extended by the County several times pending a review and awarding of the bid; and

WHEREAS, had the bid been awarded to the lowest responsible bidder, to wit: Brega Transit Corp., the amount of compensation to Brega Transit Corp. would have been less than the amounts currently being paid to transit providers under the contract extensions for Rockland Transit Corporation; $934,762.25 for Hudson Transit Corporation $280,968.28 and Hudson Transit Lines $24,673.91 for a total of $1,240,404.44 per month); and

WHEREAS, one of the reasons the Budget and Finance Committee has recommended that the Legislature of Rockland County should move to award this bid to the lowest responsible bidder, to wit: Brega Transit Corp. is to save taxpayers money for the monthly cost of extending the services over and above the monthly costs of this contract; and

WHEREAS, On August 7, 2012, the County of Rockland through a separate bid process, awarded to Brega Transport Corp., who was the lowest responsible bidder, the contract for transportation of pre-school and early intervention children with special needs in the amount of $13,837,436.32; and as part of this process, the Department of General Services, Division of Purchasing found and recommended to the Legislature that Brega Transport Corp., was the lowest responsible bidder; and

WHEREAS, Brega Transport Corp., representatives have appeared before the Budget and Finance Committee and Legislature of Rockland County, on numerous occasions and have detailed the operational personnel that they will be using, establishing their qualifications to comply with the terms of the contract; and

WHEREAS, based upon the award to Brega Transport Corp., as set forth above and based upon the submissions in their bid, the Legislature finds and determines that Brega Transport Corp is the lowest responsible bidder; and

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

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and by a vote of 8 ayes, 1 nay; 1 abstention approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby finds and determines Brega Transport Corp is the lowest responsible bidder on the RFB-RC-2012-002 for the operation and maintenance of Rockland County's public transit systems and awards said contract to Brega Transport Corp; and be it further

RESOLVED, That the Legislature of Rockland County hereby approves the execution of the agreement in excess of $100,000 with Brega Transport Corp., 500 Corporate Court, Valley Cottage, New York 10989, RFB-2012-002 in an amount not to exceed $69,990,693 for a five year period commencing with the execution of the contract, and hereby authorizes the County Executive to execute the agreement, subject to the approval of the County Attorney.

The vote resulted as follows:

Ayes:	14	(Legislators Day, Earl, Grant, Hood, Jr., Jobson, Meyers, Moroney, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
Nays:	01	(Legislator Low-Hogan)
Absent:	01	(Legislator Carey)
Abstain	01	(Legislator Murphy, President and Chairman of the Board of Camp Venture. Brega supplies bus service for Camp Venture)

Debate:

Mr. Murphy

I am abstaining from the vote, because I am the President and Chairman of the Board of Camp Venture. Brega Transport is the transportation vendor at Camp Venture and Camp Venture is actually mentioned in one of the bids as a reference. I believe it would be a conflict of interest for me to participate in the vote. Thank you.

Mr. Schoenberger

It is my duty and responsibility as Chair of the Budget and Finance Committee to move the resolutions out of the Budget and Finance Committee, but I would have moved it anyway. Last July this Budget and Finance Committee asked the administration to give us their evaluation and review of the bidders, and their financial ability to perform the job and their staffing ability to perform the job, as requested under the contract. We have yet to this day to receive an answer from the administration on that. We have reviewed, to the best of our ability, the bids that were submitted and we are in compliance with Judge Nicolai's order, which directed us to award the bid to the lowest responsible bidder in accordance with General Municipal Law Section 103.

There is no favoritism being placed upon Brega, because they are a local contractor. My understanding is that MV, which is another bidder, also has a local facility, which they have leased and they are likewise a local contractor as far as I am concerned. I believe that we are under an obligation to award the bid to the lowest responsible bidder. The resolution, which we are voting on tonight, goes into the history and the reasons for awarding the bid to Brega Transport Corp. Among other things, Brega was just recently awarded a bid by the Legislature of Rockland County on August 7, 2012 for the transportation of pre-school and early intervention children in the amount of almost $14,000,000.

This was a bid process that first began almost two years ago. The bids were opened in March. This Legislature has diligently worked to try and go through the bid process and determine who, if anyone, was the lowest responsible bidder and if a bid could be awarded. Unfortunately, we have been told previously and told again in a letter we received tonight from the firm of Windels Marx that we are in essence a rubberstamp of what the administration chooses to do. I am a Legislator. I have been elected to use my God given common sense and my honest full faith in judgment to make a determination and I am doing so in this process without favoritism towards anyone. I believe that the low bidder is in the best interest of the County of Rockland. We have extended the current providers contract for at least a year and a half. Comparing the current providers services that we have extended at the administrations request while they review bids the cost is, compared to the Brega bid, $37,000 more per month. According to our Legislative Financial Analyst it will come to a total of $4,500,000 over the life of the contract if the current contractor was not increased at all.

I recommend that we award this bid to the lowest bidder. I think it has dragged on long enough. I think that they are financially responsible and I believe we are saving our taxpayers money by doing so. Thank you.

Mr. Wolfe

We have a court order directing us to award to the lowest responsible bidder. This Legislature has the authority per our County Attorney to determine the issue of responsibility. So I am comfortable with this as well.

I do want to address Mr. Daus's comments, particularly the threat to sue us. The fact is we are getting sued either way and I recognize that. I have to say that I was particularly put off by your threat to sue some of us individually sir. The last person who threatened to sue us individually ended up getting arrested for dangling off the Tappan Zee Bridge with a sign. This type of tactic doesn't work here in Rockland County. Maybe it works in New York City, but it certainly doesn't work here. You sir have to do what you have to do and so do we.

Right now we stand to lose Federal funds if we do nothing. Now we are faced with the possibility of losing Federal funds if we do something. I would prefer to do something than do nothing. I am certainly comfortable with the proposition directing us to award the contract to the lowest responsible bidder with no local preference, with no regard to who the bidder is; it is simply the lowest responsible bidder. I believe that the lowest bidder is also the lowest responsible bidder. It best serves the taxpayers of Rockland County so I will be supporting this. Thank you.

Mr. Jobson

I want to reflect the same things that my two colleagues have said. This process has gone on long enough. I think this County has gone back-and-forth. It is important that we go on record tonight making a definitive decision and I think tonight we will award this contract to the most responsible lowest bidder. I will be voting in the affirmative.

Mr. Soskin

The County has problems financially. Every employee has been asked to take a pay cut. I have a slip right here that I have to hand in, we are taking a pay cut. Every penny is important to the County and that is the main reason why I am voting for this and recommend that all of my colleagues do the same. I have other reasons, but this is my prime reason. The lowest responsible bidder should get this. We must provide the services for our bus riders. I have ridden the bus for many years. Buses are good and buses are bad. They are on time and they are not on time. The important thing is that we have a responsible operator. In the past our purchasing agent, who happens to be one of the finest in the County and I believe he is the head of the Purchasing Association in New York State, said that all three are responsible bidders. Let's take the cheapest buck for the County. Thank you.

Mr. Grant

By in large the execution of the RFP has been less than elegant in how it has been handled here. It has been a very difficult and made no less difficult tonight by the fact that we are dealing with a red dot resolution, and three letters from three separate attorney's recommending three very different paths to resolve this. I think the resolution that we are considering tonight answers some of the questions that have been presented and demonstrates that there is a legislative record here of review. I believe firmly that all three of the bidders that approached this process are qualified responsible bidders. I think that was made clear to us in the RFP process of this. I think Judge Nicolai also endorsed that position. They are national, regional and local providers with lengthy records of performance. I expect to vote yes for this tonight. It is not my strongest conviction. I would have preferred a process that was cleaner and a process that dealt with the issues before us in a way that was consistent with the way it has been handled in the past.

Our Purchasing Department has performed admirably in virtually every contract that has been brought to us. I am at a loss as to understand why the evaluation team has struggled so much with this. These contracts are not new to the world, they are new to us. The Federal government has a process. That process has been laid out and utilized by different entities and different states without too much trouble. Our Purchasing Department functions very well, efficiently and professionally in virtually all other areas with awards being given, with classes being taught and with accolades being received.

This money is essential to the Department of Transportation. It is all Federal money, $70,000,000, and we are at risk here of losing it. I, like some of the other Legislators, believe that a lawsuit will ensue regardless of what course we take or what decision we make and that will only frustrate the process further. I think I would go so far to acknowledge that some of our Legislative comments have been less than well received, because of their choice of words that led the public to believe that they made up their minds ahead of time. I am making up my mind tonight and I am going to vote yes for this. Let the chips fall where they may.

I am at a loss to understand why the County Executive, whose office has lobbied so strongly to reject these bids, didn't reject them himself. He had that authority and he did it with the RFP. I guess he wanted us to do the heavy lifting again.

Mrs. Paul

We are looking for saving money and jobs. Brega will save the County money by being the lowest responsible bidder. He will also create over 100 jobs. I support this. Thank you.

Mr. Earl

I watched this process go on for over a year. All three of the companies I think are very qualified. I probably spent most of my career (35 years) in buses, trains and subways. Some of the people that have come before us with this issue I felt very comfortable with their answers to the questions that we asked them. I thought too that we did a lot of nitpicking with some of this and so I am glad to see this moving on. I was most impressed when I questioned Brega about the union jobs that they would be supplying I felt very satisfied with that. I am glad to see this move on and will be voting yes for this tonight.

Mr. Moroney

Before I came here tonight I didn't know which way I was going to vote on this. We will be voting on CSEA, RAM and other contract tonight too, which we had no input into at all. We have input here tonight. It is the ratifying process that we go through. This Legislature has had a lot of input into this process for the last year and a half. It is very frustrating to come here night after night, but it has to be moved forward. I am not so sure that this will be the end of it here tonight, but it is moving the process forward. I don't know if it was the County Executive that has dropped the ball on this or been more forceful in the decision of who will get the bid. It is time to move this process along. If it ends up back in the courts again so be it. I think this Legislature has done their job. They have looked at this from top to bottom. They see that Brega is the responsible bidder. I am going to vote for this, because we have done our homework and we are going to move this along. We have done our part.

We have heard complaints over the years about how we are not involved with union negotiations. I have for one have been an advocate of getting more involved with that process. We were certainly involved with this process. All of my colleagues that have worked so diligently to bring this forward to this resolution this evening should be commended. We took the bull by the horns and we are moving forward. It is not easy to make this decision.

I appreciate what Mr. Wolfe said. I do not appreciate being threatened by a lawsuit either, but after twenty-three years I am used to it. I will be voting yes for this tonight.

Mr. Meyers

Like a few other members of this panel I am a practicing attorney, but I practice in commercial real estate and bidding and procurement policies are not my specialty at all. So I come into this vote uncomfortable with what I don't know about this process. I am not really sure that I know that once we know that some of the bid responses were non-compliant with request for bids whether that means they can't be accepted or whether a governmental agency can still accept a bid that is not in compliance or is it unlawful to do so. I don't know if any of my colleagues know the answer to that, but I am not really clear on that. Obviously one of the things Windels Marx will be arguing on behalf of their clients is that the bids were non-responsive. We got a list of how each of the bids were non-responsive. I don't really understand although I have some suspicions about why the County Executive, after the first bid process, didn't modify the request for bids so that the three very qualified bidders could make their bids more responsive or whether they are permitted to go back to the bidders and tell them that they weren't responsive of certain issues and ask them for more information. I know that there were some responses to the bids that couldn't be cured liked experience levels and the Judge had an opinion on that. There were other things that could have been fixed. I don't know if governmental entities are allowed to go back to a bidder and tell them that they didn't fully respond to this question can you give me some supplemental paperwork. Whether that was or wasn't done it seems to me that the County Executive didn't really try very hard to resolve these things in all the time.

This Legislature is doing something that is somewhat unusual for us. We are stepping into the breach and making something happen with a bidder that we feel is qualified, has been qualified in the past and has done work for the County and other organizations, we know will do a good job and is the lowest responsible bidder. I am not sure if the monthly savings is County tax dollars or no local share tax dollars. I know in the past we haven't concerned ourselves too much when it was no local share. Assuming this is no local share I am a little surprised that has been moved to the floor of the debate. I do feel that it is important for this body to sometimes step into the breach. I wish we would do more of that.

On the whole with imperfect information on my part I feel comfortable that Brega is the responsible bidder, although maybe not responsive to all of the different line items on the request for bids, as the others were not either. Whether it is lawful to proceed on that basis or not I don't really know, but based on what I do know I would support the bid of Brega this evening.

Chairwoman Cornell

To set the record straight and speaking only for myself Mr. Dorfman I have not received any emails or any lobbying from MV or Rockland Coach, as a matter of fact.

My concern has been always, because I am very proud of being a County Legislature, that we as a County of Rockland provide a solid, efficient, on time service to our growing communities and that we also fulfill the requirements of the Federal government, which provides funding to us. So that is where I have come from all along.

As I said the other night at the Budget and Finance Committee meeting I have been very uncomfortable with the circuitous nature of this process, because it seemed so very involved and just got more and more confusing. There were two lawsuits that have been filed already. I have also put a lot of stock in Mr. Brennan, who has been a very good service to the County of Rockland, who is very professional and when things have come to us with indications that, as they did the other night, for us to reject all and go back to the drawing board I have to stop and think about what does this mean and why is this happening. I have read those indications in his process and today was the first day that we got a letter from the County Attorney with other kinds of stipulations in terms of raising our concerns and awareness. So between that and the two other letters that we have gotten tonight from lawyers there is a lot to think about.

I supported the other night, and I will support tonight, to move ahead, because obviously the vote is here and there is a feeling that this could just go on and on and on. When this Legislature acts it will go to the County Executive and he will either approve it, veto it or he will do nothing and then it will pass on its own. Then you all will go out and do what you need to do if there is going to be lawsuits. It doesn't make us happy, but this is where it is. I do think it is very important for us, as a Legislative body, to act in the very best interest of the County of Rockland to act in ways that not only are not improper, but they don't give any kind of impression of impropriety and we are really trying to do our best. Even though there has been some sense in the conversation that we have been involved in the process, I wouldn't say we really have been involved in the process; we have been hit on all sides with all kinds of information. Where this stands with regards to the Federal funding I really don't know.

It is very important for us to provide a very good service and to have people approve of the way County government runs itself, runs its bus services and other things. I really just wanted to say that it has been a difficult process and it has made me feel very uncomfortable, because I do believe that there are three good companies that have been seeking this contract. I am going to support it.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

Introduced by: Referral No. 7345
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO. 458 OF 2012
RATIFYING FINAL SETTLEMENT MEMORANDUM
OF AGREEMENT BETWEEN
THE COUNTY OF ROCKLAND AND THE
CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES UNION, AFL-CIO
ROCKLAND COUNTY UNIT, ROCKLAND COUNTY LOCAL 844
FOR THE PERIOD FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2013
WITH SALARY AND WAGES FOR ALL UNIT MEMBERS
FROZEN FROM DATE OF RATIFICATION UNTIL DECEMBER 31, 2013

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

WHEREAS, The County of Rockland and the Civil Service Employees Association, Inc., Local 1000 American Federation of State, County and Municipal Employees Union, AFL-CIO, Rockland County Unit, Rockland County Local 844 have negotiated the terms and conditions of the collective bargaining agreement for the period from January 1, 2011 through December 31, 2013; and

WHEREAS, Such negotiations have resulted in a Final Settlement Memorandum of Agreement, subject to ratification; and

WHEREAS, The Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees Union, AFL-CIO, Rockland County Unit, Rockland County Local 844 has ratified said Final Settlement Memorandum of Agreement, attached hereto and deemed an integral part hereof; and

WHEREAS, The Budget and Finance Committee of this Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, now, therefore be it

RESOLVED, That said Final Settlement Memorandum of Agreement is hereby ratified by the Legislature of Rockland County; and be it further

RESOLVED, That said Final Settlement Memorandum of Agreement shall be incorporated into a contract between the parties, subject to the approval of the County Attorney; 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 the agreement; and be it further

RESOLVED, That the Commissioner of Finance of Rockland County be and he is hereby authorized to effectuate the payment of such salaries and wages, including retroactive payments, if required, as provided for by the terms of the Final Settlement Memorandum of Agreement.

The vote resulted as follows:

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

ROCKLAND COUNTY AND ROCKLAND COUNTY CSEA
FINAL SETTLEMENT MOA
July 30, 2012

ROCKLAND COUNTY and the Rockland County CSEA hereby agree to the following FINAL SETTLEMENT MOA of the existing negotiations with the CSEA for the period January 1, 2011 through December 31, 2013.

1. For the years 2011, 2012 and 2013 the parties agree to execute a three-year Agreement with no changes to terms and conditions except for the following:

   a. During five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the CSEA within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service.

   b. All unit members hired by the County after the ratification of the Agreement shall contribute fifteen percent (15%) of the premium in effect each year for the Health Insurance Plans (including but not limited to Medical, Dental and Vision) in which they are enrolled.

   c. The salary and wages of all unit members, will remain frozen at the level in effect on the date of the ratification of this MOA until December 31, 2013. There will be no percentage increases applied to the salary scale for any period of time during the term of this Agreement. This provision will not apply to the five (5)

year longevity increases or to increases mandated elsewhere in the collective bargaining agreement for promotions.

d. Effective January 1, 2013, Employees receiving benefits from any NY State Retirement System shall not be eligible for benefits under Articles X, XI, XII, XIII, XIV 1, 2, 3 4, 5, 6, 7 9, 11, 13, XV 1, 2, 3, 5 XVI, XVII, XX 10, 16, 20. Upon hire or rehire such employees shall be placed on the salary schedule at a rate most nearly equal to the salary received by incumbents performing similar work with a similar amount of experience.

e. Effective January 1, 2013, under no circumstances shall the Employer be obligated to pay for coverage for any otherwise eligible person if that person is already enrolled under any other health insurance funded by the Employer. Any person eligible for Employer-provided health coverage as an employee and also as the dependent of another eligible person may be enrolled as an employee or as a dependent, but not as both. In the case of a husband and wife, each of whom is eligible for Employer-provided health coverage, both may enroll under one single family coverage or each may enroll individually. A spouse enrolled as a dependent may thereafter be enrolled in his or her individual or family capacity, without any break in coverage, if that dependent coverage is for any reason terminated.

f. The Employer agrees to the 2011, 2012 and 2013 premium rates previously provided to the County by the CSEA for the EBF Family Platinum 12 Vision Plan including progressive lenses.

g. The following language changes shall be made to the Agreement:

1. Article XIV 4 (g): Add the word "layoff"

2. Article XX (9): All written communications from the County to the Union shall be addressed to: President, Rockland County Unit CSEA, 873 Route 45, Suite 203, New City, NY 10956

3. Article VIII Appendix B Part A (9) (e): Delete the words "after four weeks" and in its place insert the words "from the day of assignment." Further the parties agree to

execute a side letter memorializing that the intent of the second paragraph of 9e is not to deprive employees who receive directives from their supervisor to perform out of title work, from receipt of the pay set forth in the first paragraph of 9e.

h. The following language, restricting the right of the County to engage in lay-offs, shall be added to the Agreement:

1. During the term of this Agreement, no person in this bargaining unit shall be terminated or laid off due to budgetary reasons. This provision will terminate on December 31, 2013.

Jay Jason, County Negotiator

The CSEA negotiation committee agrees to unanimously recommend the above MOA to the unit members as the basis of a settlement.

Melissa Chappell

Larry Sparber - CSEA

Since 1910
CSEA
Local 1000 AFSCME, AFL-CIO

SOUTHERN REGION OFFICE
568 State Route 52, Beacon, New York 12508
Office: 845 831-1000 • Fax: 845 831-1117

New York's LEADING Union

Via Facsimile 845.638.5856
and
Regular Mail

September 13, 2012

Honorable C. Scott Vanderhoef
County Executive
County of Rockland
Allison-Parris County Office Bldg.
11 New Hempstead Road
New City, NY 10956

Dear Mr. Vanderhoef:

On September 12, 2012, the Rockland Unit of the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO approved and ratified the tentative agreement between the County of Rockland and CSEA. I am requesting that your office present the Memorandum of Understanding to the Rockland County Legislature for approval.

Please advise me as to when the legislature will be voting on the agreement.

Thank you for your cooperation.

Yours truly,

Larry Sparber (jaw)
Larry Sparber
Labor Relations Specialist

LS/jaw

cc: William Riccaldo, CSEA Region 3 President
P. T. Thomas, CSEA Unit President
Gary Cannonier, CSEA Region 3 Director
Jeffrey Fortunato, Asst. County Attorney *(Via Facsimile 845.638.5676)*
Joan Silvestri, Commissioner of Personnel *(Via Facsimile 845.638.5381)*

Debate:

Mrs. Low-Hogan

This will be our ratifying of the CSEA agreement. I just want to say that I don't feel comfortable voting in favor of the contract without having a much clearer sense of what our budgetary situation is going to be for next year. I just would like to ask people to reflect on that a little bit and think in terms of what school boards do. Try to picture a school board voting for a contract without having a budget and without really knowing what the anticipated deficit is for next year. Without knowing for sure, to vote for this for me would take an incredible leap of faith that the County Executive is going to provide us with a true balanced budget for next year with no increase in taxes, certainly not above the tax cap. I don 't have that faith based on what I have seen already from the County Executive's office and some of the answers to some of the questions that we have been given when we gave them to the Finance Director. For that reason I cannot vote to support this.

Mr. Meyers

I concur with Legislator Low-Hogan. I looked at the changes that are proposed and I am not for a moment suggesting that our CSEA members are not hard-working people deserving of retaining their jobs. We do not have the 2013 budget yet. We do not have the three-year budgets that we are supposed to be getting yet, including 2014. The salary deferments for this and next year are supposed to be paid in 2014 therefore I have to pose the question, how do we know that we will have the money in 2014? How do we know that we will have more money in 2014 and our fiscal health will be better than it is in 2012? I haven't even seen 2013 yet. I think that it is very fair that the CSEA members have agreed to ratify, from their prospective, a contract where they get no increase whatsoever in 2011, 2012 and 2013, except for the longevity raises, which they do get. I do not believe, as unpleasant as it may be, that the County is in a position to agree that no lay offs will occur when we don't have a plan for our fiscal health. We don't even have a 2013 budget yet. I don't think that we could give up that power if we need to exercise it. I think it is dangerous to give it up without seeing the numbers and knowing that 2013 is going to be much brighter.

Our plan for fiscal health for an increase in sales tax did not go through for our deficit bond. We are no better off then we were several months ago except that we did implement some new taxes, which I guess the County Executive's office is excited about the revenues coming in from the new tax we implemented. I think that to support this contract at this time is to basically agree to support another very large property tax increase for 2013 and I for one am not there yet on that. I do not think we have done enough to cut our expenses at the County level. The consultant's report stated that our expenditures exceeded our revenues for 2012 by $23,000,000. Our accumulated deficit has gone up another $23,000,000 in 2011 and the prospects for 2012 are not bright, because we know there were shortfalls to the tune of $25,000,000 that the County did not meet, including $18,000,000 in salary savings. I just don't see how it is possible to support this contract at this time. I would consider tabling it and deferring it until we at least got a peak at the budget to see how the County Executive plans to balance the budget for next year. I think if you support this, therefore not supporting any further lay offs except if whole units are closed in 2013 so where do you go if you have a shortfall – you go to a higher property tax. If you are supporting this you are limiting your options and pushing us in a direction of a very large property tax increase. I don't think anybody who supports this should realistically be able to complain later that the property tax has to go up 30%, because you limited your options on the expenditure side. Thank you.

Mr. Day

I am going to challenge some of the notions that I am hearing. With respect to this matter, I have received many calls and messages. Some were angry; some were frustrated; and I really understand that. But we talked the issues out and invariably a different tone came afterwards. That comes from gaining understanding and listening to each other.

My professional background includes contract negotiation from both sides of the table. With that, I choose to draw on that experience; take a step back and look what is actually in front of us; and make a judgment using experience and common sense. I believe that is what my constituents would expect of me.

On one side, there is a three year agreement, with three years of a zero % increase; salary and wage freeze other than longevity; a 15% health insurance contribution; a deferral of 10 days pay, which as a footnote we should understand that an across the board 10 day pay period in our county has a value in the $6 to $7 million range. As far as our "not having a budget in front of us" the reality is that is far from an unusual occurrence, and I can attest that when the New York City Police Department did the exact same thing to us, the City of New York did not know what the next two years of budgets would be. They just knew they needed help from our union in a fiscal crisis and took it.

On the other side, there is a concession of no layoffs for budget reasons, but only for the next 14 months.

By any measure this contract is consistent with settlements made in municipalities and schools that were facing fiscal crisis. In some ways, this contract is even tougher than a number of those settlements, as some fine-tuning on health care coverage was also included yet not widely reported. More to the point, I would ask anyone how they would feel about that contract if they were that worker directly involved. Having been in that situation, called back then in the NYPD as "zeroes for heroes", I can assure you that you would not be jumping for joy for sure.

Let us remember that these are the folks who are not the highest paid in government. For example, they're the workers who pave and plow our roads; repair our facilities; tend to the sick; ensure the legal system and vital records are effective and uncompromised; and caseworkers who respond to child abuse and other crisis.

We already have cut back these ground forces – that work force I refer to – by more than 15% the past few years. We have laid off others. They are doing much more with much less, and I would urge those who do not think so to do what many of us have – take an honest look at what they do.

While it may not sound good politically, I need to emphasize the following; we are absolutely not going to solve the fiscal crisis we are in on the backs of these workers. The math simply defies that notion. Rather we should look at the contract as a way to get back on the road to solvency, and in that regard, the unions have taken that step, particularly with the deferral, something I and other legislators are doing also.

The crux of the matter, and the key to the solution of our financial challenges, is twofold, and frankly not specifically within the contract discussion.

First, we need clear, direct, viable, and decisive direction from the administration on the largest driver of our deficit – the matter of Summit Park, and we need that when the 2013 budget is proposed. Frankly, and I have spoken to this on a number of occasions, the administration has been all over the map on this issue over the past five years. I maintain that fractured vision and indecision has cost taxpayers millions, and will continue to do so unless addressed.

Secondly, and what is my major issue with this agreement, and I emphasize not with the efforts made in negotiations by the unions, is the glaring failure to even come close to the $17.8 million budget line that we were assured by the administration would be achieved for 2012. That is a major problem, and marks another occurrence where the estimations made in the budget are so off base that it adds once again to the deficit. That matter I lay at the feet of the administration.

Let's have a clear understanding of one unalterable fact. While these deferrals do help us in the critical area of cash flow but despite assertions by the administration, they absolutely do not achieve a savings for 2012. The only savings we are seeing that can be applied to that $17.8 million budget line is within the wage freeze. So for the CSEA, our largest union, only $1 or $2 million of that $17.8 million was achieved. Add in what another couple of million at best from the remainder of our workforce, and we have another shortfall exceeding $13 to $14 million that we as taxpayers have to carry on our backs going forward. The only thing more frustrating, both as a legislator and taxpayer, than again dealing with a shortfall that should not have happened, is the reported comments of the administration that "well, we're going to have to deal with it in 2013". No kidding. How? More taxes? Is there a fund flush with money that we do not know about? Or are we simply going to roll this shortfall into our ever increasing deficit, now ten times, yes, ten times what is was only 3 years ago, further risking our bond ratings and the financial well being of our children and grandchildren.

Finally, to the concerns heard from a couple of my colleagues that they cannot support this agreement until the County Executive gives us a better picture going forward, I hear you and I also have the same concerns. But I am also a practical person and would offer the following.

The last contract expired nearly two years ago, on December 31, 2010. Presumably, there was some negotiation, something we as legislators are neither privy to nor involved in, between the administration and the unions. Certainly that discussion was earnestly engaged since January of this year. After all that time, after all that negotiation, the results are what we have in front of us tonight. Given all that, does anyone really believe that not approving the agreement tonight and sending it back to negotiations with the administration is going to accomplish anything tangibly different than what has been borne out of nearly two years of effort? I think not.

I am going to support this agreement for the reasons stated. I look forward with great interest to administration's proposed 2013 budget next month to see how this multi-million dollar shortfall is addressed, or "dealt with", by the administration. Given that our County Executive is reported to have said that our workers may not even need to defer five days pay for next year indicates to me that he has great confidence that his 2013 proposed budget will both allow for that and stay under the 2% cap. After the rocking that our taxpayers suffered through this year, that is the least we can expect.

Mr. Wolfe

When I first took a look at the contract proposal it wasn't nearly what I suspected. I think we were all somewhat hung-up on this $17,000,000 figure and rightfully so. I really failed to see what the impact would be from a budgetary perspective for 2012. This is a continuing source of frustration for us. Then we had a committee meeting last week and got into the nitty-gritty and found out what the road to the point where the agreement was reached and I have a much better understanding now. What was particularly helpful for me was the information that was provided by our Finance Department. I realized that the salary savings and givebacks were supposed to total $17,000,000 for 2012, but when it came down to it there have been so many changes from an operational perspective that the number became less relevant as we moved forward, because there were other savings that could be achieved. It became less of a dedicated figure that needed to come from this particular source, because it was partly coming from other sources. What was particularly compelling to me was the fact that our Finance Commissioner told us last week and again tonight that he thinks there is a pretty good shot that we may break even for 2012, which actually shocked me, but I think that makes the case for adoption of this contract a lot stronger.

The deferral is exactly that – a deferral. It doesn't even hit us in the bottom-line for 2012, because it has to be carried as an expense. It doesn't affect anything and it is really for cash flow purposes. It was exciting to hear that the Commissioner of Finance was getting positive feedback from the rating agencies, which has a tremendous impact. Subtle change in our rating can have tremendous impact on the cost of our debt service and interest expense. He said that the rating agencies were expecting at least a 2% retroactive salary increase. The fact that we were able to negotiate zero percent increases through the life of the contract was almost unprecedented.

I am weighing those concerns against some of the realities that I have seen. And that is we are not going to be able to solve all of 2012's problems with these contracts. However, what the contract does is it sets us up well for the future. We long recognize that this is not a problem that is going to be solved in any one budget or in any one year. It is something that needs to be chipped at over time to the point where we get ourselves back to where we need to be.

I am the last person to defend the County Executive that is for sure. We had our first meeting of the Joint Task Force earlier this afternoon. It is a Joint Task Force on Fiscal Improvement and we had a pretty good discussion on some of these issues, including the fact that we are going to probably have a comprehensive evaluation with different options and proposals for Summit Park and its disposition within the next six weeks, which was very exciting to hear. Next month we will be discussing the upcoming budget along with the Summit Park plan, which we asked the County Executive to put together. We gave him ninety days in our resolution, which hasn't expired yet. We would have liked to have it a year and a half ago, but I am choosing to be optimistic at this point. I know we have been burned in the past, but it seems to me that the administration realizes what is at stake here and I do expect the budget submission to be a real balanced budget with no fake numbers and no red light taxes and things like that.

I am happy to support this contract. I think all things considered it is the best deal we could have gotten under the circumstances. I don't think we can ignore that. Thank you.

Mr. Sparaco

I obviously too had concerns about these contracts when I first read about them in the newspaper. In no way do I see this as a sign off on a significant property tax increases for next years budget. It is the County Executive's job to negotiate with the unions. It is the County Executive's job to present us with a budget within the property tax cap. I also liked what I heard from the Director of Personnel this evening when she said that the lay offs wouldn't affect cutting of departments. We could still lay off if we cut a department. If we started laying off just randomly a certain amount of people again we are left with employees doing twice as much work for less money, because the responsibilities of their department is still there. I have always advocated reevaluating the role of County government and wholesale cutting of particular departments and then lowing our workforce that way, but to have less workers there to do that work I never thought was the best way to go about lay offs in the first place. Our hands are not exactly tied. We could have meetings about the role of County government and if we can still lower the workforce in a more fair way rather than leaving the people left over holding the bag. Thank you.

Mr. Earl

I would like to commend the union Presidents. I have seen a lot of contracts and for them to make the sacrifices that they made and to get the numbers to buy into that – that is one big task and I commend all of you for that. I think it would be a big mistake for us to try and drag this out any longer or stall this. I will be voting yes on this tonight.

Mr. Wieder

What this contract tells me is that we all realize, including the employees of the County, that we are in this together. We are trying to save the County. We have done so many different things and this contract just reaffirms that everyone has this same understanding. No one expects us to fill the close to $90,00,000 deficit solely and only on the backs of the good employees of the County, it is simply not there. We are trying to do whatever we can. There is a significant amount of sacrifice and savings in this contract therefore I will be voting yes on this resolution. Thank you.

Mr. Grant

I want to thank Commissioner Silvestri and Commissioner DeGroat for their efforts in helping us better understand the contract as it is being presented tonight. For a very long time the Legislature has been left out of the negotiating process, which doesn't necessarily need to be the case, but it is a reality. When the package was first revealed to us it was through the newspapers. I shared many of the same concerns that Legislator Low-Hogan did. Did it go far enough? Was it long enough? How will it be viewed by bond and rating agencies? How will it be viewed in the context of published reports about a Super Control Board being considered by the Governor?

The contract we have before us created a little trepidation for some of the Legislators in terms of going forward and not having a budget to already consider in front of us. I think it really introduces a greater level of certainty into the budget planning process. We know that there are two zero's behind us and a zero in front of us and that means we don't have to pay retroactively a negotiated rate, which even in today's environment in many communities have been 1% to 2%. which is millions of dollars. Over a life of the contract it has savings of upwards of $15,000,000. Am I concerned about the length of the contract? Absolutely. There are more months behind us then there are in front of us in this contract and that is a real concern of mine. Next year is an election year. 2014 the County Executive, whoever he is, starts with this contract issue and that will be the albatross around his neck for his whole first year and will be a problem for us going forward.

There is a 15% contribution by new employees going forward. I think that is closer to what other governments require. It probably should be broader based, but that is a negotiation. A negotiation is give and take. I certainly wouldn't expect any of the bargaining units to sacrifice all that they worked for the last ten to thirty years. They gave in on the salary percentage increase, zero, which is as good as the State got. They did give in terms of the deferral, which was better than what Governor Cuomo trumpeted as such an outstanding negotiation achievement. They are actually taking the time off and getting paid on a deferred basis. Our employees will actually work those days and that salary will be deferred until 2014. In terms of what our employees have given and what the County negotiated it is a much better deal for County residents.

I am inclined to vote for this tonight. I am hopeful that we will move forward and negotiations of other unions will come to this body for consideration and ratification so we do enter the new budget season with much greater certainty. Also, the step freeze is a concession by the labor unions. It is $2,300,000 over the next two years. I am going to vote yes.

Mr. Moroney

The rating agencies are very happy to see the freeze in pay and the pay scale going forward, which was music to my ears. I would like to congratulate the unions and the County Executive for coming to this agreement. It is not an easy thing to do. The unions showed their concerns with this contract that they agreed on. For us to pick and choose things in the contract is not fair. I think the people that were involved with contract negotiations were very responsible to the taxpayers of this County. Our County workforce is a lot less than what it was four to five years ago. Every year through attrition we have reduced the County workforce. We have been trying to balance the budget on the backs of the low paid individuals that work for the County. I really appreciate that. We are still supplying the same services and very proud of the services we provide, including the hospital, nursing home and all the places that we have problems at.

If somebody is concerned about the 2013 budget we have an opportunity when it is presented to us to face the music once more, but we can't do it on the backs of the people that work for us. We have to look at consolidation and other issues. We have to look at things that maybe we should have looked at a long time ago. If we got a little bit more help from our State representatives we wouldn't be talking about cutting this and that. We could have solved these problems with just one introduction up in Albany, but that didn't happened. We have to move forward and put that behind us.

I congratulate the County Executive and the union for coming to this agreement and presenting us with a step forward that we can all live with. We still have to supply services to the people of Rockland County. We are all very proud of those services and to cut any of them is not easy. We have a lot of hard decisions to make. I think this Legislative body is capable of making those decisions and working together. I will be delighted to move forward with this contract tonight and vote for it in a positive way.

Mr. Soskin

I want to thank the heads of our unions, Bill Riccaldo, PT Thomas, and everybody else for their part in negotiating this. I think it was done fairly rapidly this year even though it was a year and a half. I want to thank the County Executive and his staff, for the first time in the ten years that I am here, for giving us so much information, because it is unusual and I think my colleagues will agree. We have a good contract here. It impressed the rating agencies and enabled prospective lenders to give us a very fine low rate on the monies that the County just went out to borrow to carry us through to the end of this year. It shows that we are all working together toward a goal of straightening out our financial position - the Legislature, its workers and the Executive branch. It is a small step forward, but an important one for the County. I am going to vote for this and urge all my fellow Legislators to do likewise.

Mrs. Paul

As you all know we have a big deficit. We won't be able to fill this big gap overnight, but step-by-step we can do it and that is what the union leaders did. We are saving about $3,000,000 and that is because of what the union leaders negotiated. I support this and thank the union leaders especially PT Thomas and all the workers for their support.

Chairwoman Cornell

I strongly believe in collective bargaining. I can remember from my days studying Public Administration at NYU that the best outcomes are a result of two very strong teams sitting on either side of the collective bargaining table. I want to add my voice of appreciation and thanks to the very strong and dedicated leaders of the CSEA, because that is the biggest union and from that everything else is following. Larry Sparber, Billy Riccaldo and PT Thomas are here and I commend their ability to get their membership to ratify the agreement. Everybody has given quite a lot in this. I also want to thank the management team, although I don't know exactly who worked on the management. I think Commissioner Silvestri did and I am sure people from the County Executive's office as well. I think it is very important that these two teams sat there and worked out their differences.

We in the Legislature every year get invited by the Department of Social Services to have a luncheon at which time the members of the department talk about what it is that they have been doing. We have seen people doing double and triple duty. We have seen the size of County government shrinking and it is not easy to see the very fine services that often disappear, because we know that they may never come back. County government employees work very hard to make sure that the things that we do are done well and done efficiently and really put themselves on the line. It has been a difficult time for everyone.

We are going to solve this. We have a variety of plans that will continue as far as deficit reduction. The important thing is that the people who work for County government are dedicated people who work really hard and we hope that the people in our County recognize this.

Following the CSEA approval we have two other unions who have come to an agreement, which we will be voting on also tonight and there will be others to come. I do want to express my appreciation to everyone for getting us to this point. I believe that we will have a budget that is balanced for 2013. We talked to Mr. DeGroat on several occasions and I asked him earlier today to repeat what he told us before about his meeting with Moody's. In addition to that Mr. DeGroat has indicated that he feels by what Moody's has said that with a solid budget, and he believes he can deliver a solid budget that is balanced, that Moody's will then remove any negative credit watch that still remains on the County. I think we are moving ahead. We are all on the same wavelength and we will continue.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

Introduced by Referral No. 8222
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO. 459 OF 2012
PROVIDING FOR COMPENSATION FOR VARIOUS NON-UNION NON-MANAGEMENT EMPLOYEES

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

WHEREAS, It is 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 in accordance with the complexity and responsibilities of their positions; and

WHEREAS, The salary and wages of all Unionized C.S.E.A. employees will remain frozen at the level in effect on the date of ratification of the Final Settlement Memorandum of Agreement dated July 30, 2012, until December 31, 2013; and

WHEREAS, During five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the CSEA within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service, and

WHEREAS, A copy of said Final Settlement Memorandum of Agreement dated July 30, 2012 is attached hereto and deemed an integral part hereof; and

WHEREAS, Certain personnel are not included in various bargaining units within the County of Rockland, and are identified by position on the attached Schedule "A"; and

WHEREAS, The Budget and Finance Committee of this Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, now, therefore be it

RESOLVED, That as of the date of ratification of the Final Settlement Memorandum dated July 30, 2012, the positions listed on the annexed Schedule "A" shall have their salaries frozen and receive no further salary increases until December 31, 2013; and be it further

RESOLVED, That during five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County within 60 days) all employees in positions listed on the annexed Schedule "A" shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all such employees then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such employees deferred at their rate of pay on December 1, 2014. All such employees who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service; 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 the Commissioner of Finance of Rockland County be and he is hereby authorized to effectuate the payment of such salaries and wages, including retroactive payments, if required, as provided for by the terms of the Memorandum of Agreement referred to above.

The vote resulted as follows:

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

SCHEDULE A

Election Clerk II
Election Clerk III
Election Clerk IV
Election Clerk V
Voting Systems and Machine Technician
Voting Poll Site Coordinator
Clerk-Typist (Relief) (in the Board of Elections)
Constituent Services Assistant
Legislative Clerk (Proceedings)
Receptionist (County Legislature)
Committee Clerk
Senior Committee Clerk
Confidential Aide to the County Attorney
Confidential Aide to the District Attorney
Confidential Investigations Assistant
Confidential Secretary to the District Attorney
Confidential Secretary to the Superintendent of Highways
Confidential Secretary to the Commissioner of Mental Health
Confidential Secretary to the Medical Examiner
Confidential Secretary to the Commissioner of Health
Confidential Secretary the Commissioner of Social Services
Confidential Secretary to the Board of Ethics
Confidential Secretary to the Commissioner of Hospitals
Confidential Secretary to the Chair of the Legislature
Secretary to the President (at RCC)

ROCKLAND COUNTY AND ROCKLAND COUNTY CSEA
FINAL SETTLEMENT MOA
July 30, 2012

ROCKLAND COUNTY and the Rockland County CSEA hereby agree to the following FINAL SETTLEMENT MOA of the existing negotiations with the CSEA for the period January 1, 2011 through December 31, 2013.

1. For the years 2011, 2012 and 2013 the parties agree to execute a three-year Agreement with no changes to terms and conditions except for the following:

   a. During five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the CSEA within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service.

   b. All unit members hired by the County after the ratification of the Agreement shall contribute fifteen percent (15%) of the premium in effect each year for the Health Insurance Plans (including but not limited to Medical, Dental and Vision) in which they are enrolled.

   c. The salary and wages of all unit members, will remain frozen at the level in effect on the date of the ratification of this MOA until December 31, 2013. There will be no percentage increases applied to the salary scale for any period of time during the term of this Agreement. This provision will not apply to the five (5)

year longevity increases or to increases mandated elsewhere in the collective bargaining agreement for promotions.

d. Effective January 1, 2013, Employees receiving benefits from any NY State Retirement System shall not be eligible for benefits under Articles X, XI, XII, XIII, XIV 1, 2, 3 4, 5, 6, 7 9, 11, 13, XV 1, 2, 3, 5 XVI, XVII, XX 10, 16, 20. Upon hire or rehire such employees shall be placed on the salary schedule at a rate most nearly equal to the salary received by incumbents performing similar work with a similar amount of experience.

e. Effective January 1, 2013, under no circumstances shall the Employer be obligated to pay for coverage for any otherwise eligible person if that person is already enrolled under any other health insurance funded by the Employer. Any person eligible for Employer-provided health coverage as an employee and also as the dependent of another eligible person may be enrolled as an employee or as a dependent, but not as both. In the case of a husband and wife, each of whom is eligible for Employer-provided health coverage, both may enroll under one single family coverage or each may enroll individually. A spouse enrolled as a dependent may thereafter be enrolled in his or her individual or family capacity, without any break in coverage, if that dependent coverage is for any reason terminated.

f. The Employer agrees to the 2011, 2012 and 2013 premium rates previously provided to the County by the CSEA for the EBF Family Platinum 12 Vision Plan including progressive lenses.

g. The following language changes shall be made to the Agreement:

1. Article XIV 4 (g): Add the word "layoff"

2. Article XX (9): All written communications from the County to the Union shall be addressed to: President, Rockland County Unit CSEA, 873 Route 45, Suite 203, New City, NY 10956

3. Article VIII Appendix B Part A (9) (e): Delete the words "after four weeks" and in its place insert the words "from the day of assignment." Further the parties agree to

execute a side letter memorializing that the intent of the second paragraph of 9e is not to deprive employees who receive directives from their supervisor to perform out of title work, from receipt of the pay set forth in the first paragraph of 9e.

h. The following language, restricting the right of the County to engage in lay-offs, shall be added to the Agreement:

1. During the term of this Agreement, no person in this bargaining unit shall be terminated or laid off due to budgetary reasons. This provision will terminate on December 31, 2013.

Jay Jason, County Negotiator

The CSEA negotiation committee agrees to unanimously recommend the above MOA to the unit members as the basis of a settlement.

Melissa Chappell

Lori Sparber - CSEA

3

Debate:

Mr. Schoenberger

This resolution applies to employees that were historically treated like CSEA. When CSEA negotiates a contract there is a group of employees who are non-union/non-management that would have followed the CSEA were they union. We treated them the same way that we treated the CSEA and that is what we are doing with this resolution. It is about 40-50 employees.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

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

Referral No. 8222

RESOLUTION NO. 460 OF 2012
PROVIDING FOR COMPENSATION FOR VARIOUS
NON-UNION MANAGEMENT EMPLOYEES

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

WHEREAS, It is the policy of the Legislature of Rockland County to provide for a consistent compensation policy for non-union and non-union management employees and to ensure that non-union and non-union management employees are compensated in an equitable manner and in accordance with the complexity and responsibilities of their positions; and

WHEREAS, The salary and wages of all Rockland Association of Management employees will remain frozen at the level in effect on the date of ratification of the Final Settlement Memorandum of Agreement dated September 13, 2012, until December 31, 2013; and

WHEREAS, During five pay periods between October 1, 2012 to December 28, 2012 (maximum-two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the RAM within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service, and

WHEREAS, Certain personnel are not included in various bargaining units within the County of Rockland, and are identified by position on the attached Schedule “A”; and

WHEREAS, In order to support the County’s goals and ensure such equitable compensation policy, certain other non-union management employees identified by position on the attached Schedule “B” have been requested to defer payment for ten (10) days of work in accordance with the agreement between the County of Rockland and the Rockland Association of Management (R.A.M); and

WHEREAS, A copy of said Final Settlement Memorandum of Agreement dated September 13, 2012 is attached hereto and deemed an integral part hereof; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, therefore be it

RESOLVED, That as of the date of ratification of the Final Settlement Memorandum dated September 13, 2012, the positions listed on the annexed Schedule "A" shall have their salaries frozen and receive no further salary increases until December 31, 2013; and be it further

RESOLVED, That during five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County within 60 days) all employees in positions listed on the annexed Schedule "A" shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all such employees then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such employees deferred at their rate of pay on December 1, 2014. All such employees who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service; 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 the Commissioner of Finance of Rockland County be and he is hereby authorized to effectuate the payment of such salaries and wages, including retroactive payments, if required, as provided for by the terms of the Memorandum of Agreement referred to above.

The vote resulted as follows:

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

SCHEDULE A
NON-UNION MANAGEMENT TITLES

Assistant to the Chair of the Legislature & Community Liaison
Assistant Director, Drug Task Force
Assistant District Attorney
Assistant to the County Executive II
Budget Director
Calendar Clerk
Chief Assistant District Attorney
Chief Criminal Investigator
Chief of Staff (County Executive)
Clerk to the Legislature
Commissioner of Finance
Commissioner of General Services
Commissioner of Planning
Community Relations Coordinator
Confidential Investigator
Confidential Assistant to the Commissioner of Personnel
Confidential Assistant to the County Executive
Coordinator of Services, Child, Youth and Family
Coordinator of Services, Adults & Senior
Coordinator, Community Resources Programs
County Attorney
Deputy Clerk to the Legislature
Deputy Commissioner of Elections
Director, Drainage Agency
Director, Drug Task Force
Director, Intergovernmental Relations
Deputy Medical Examiner (LFT)
Director, Medical Services
Director, Medical Services (DSS)
Director of Communications (County Executive)
Director of Community Relations (County Executive)
Director of Housing & Community Development
Director of Insurance and Risk Management
Director, Office for the Aging
Executive Assistant District Attorney
Executive Assistant District Attorney (Narcotics)
Executive Assistant District Attorney (Special Programs/Investigations)
Executive Director of Sewer Operations and Engineering (SD#1)
Executive Director, Youth Bureau
First Assistant District Attorney
Legislative Analyst
Legislative Counsel
Legislative Fiscal Analyst
Legislative Research Coordinator
Research Assistant, County Executive
Senior Assistant District Attorney

SCHEDULE A
NON-UNION MANAGEMENT TITLES

Stop DWI and Traffic Safety Program Coordinator
Supervising Assistant District Attorney
Supervising Assistant District Attorney (Financial Crimes)
Superintendent of Highways
Tourism and Local Development Coordinator
Undersheriff

SCHEDULE B

TITLES NOT INCLUDED IN SCHEDULE A: NON-UNION MANAGEMENT TITLES

Statutory terms or terms concurrent with County Executive

Commissioner of Elections
Commissioner of Health
Commissioner of Hospitals
Commissioner of Human Rights
Commissioner of Mental Health
Commissioner of Personnel
Commissioner of Social Services
County Auditor
Medical Examiner
Public Defender
Real Property Tax Services Officer

Elected Officials

County Clerk
County Executive
District Attorney
Sheriff
Legislators (to include Chair of the Legislature)

ROCKLAND COUNTY AND ROCKLAND ASSOCIATION OF MANAGEMENT FINAL SETTLEMENT MOA September 13, 2012

ROCKLAND COUNTY and the Rockland Association of Management (RAM) hereby agree to the following FINAL SETTLEMENT MOA of the existing negotiations with RAM for the period January 1, 2011 through December 31, 2013.

1. For the years 2011, 2012 and 2013 the parties agree to execute a three-year Agreement with no changes to terms and conditions except for the following:

   a. During five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to RAM within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service.

   b. All unit members hired by the County after the ratification of the Agreement shall contribute fifteen percent (15%) of the premium in effect each year for the Health Insurance Plans (including but not limited to Medical, Dental and Vision) in which they are enrolled.

   c. The salary and wages of all unit members will remain frozen at the level in effect on the date of the ratification of this MOA until December 31, 2013. There will be no percentage increases applied to the salary scale for any period of time during the term of this Agreement. This provision will not apply to the five (5) year longevity increases or to increases mandated elsewhere in the collective bargaining agreement for promotions.

   d. Effective January 1, 2013, Employees receiving benefits from any NY State Retirement System shall not be eligible for benefits under Articles X. 1,2,3,4,5,8, and 10; XI; XII; XIII; XIV; XV. 1, 4, 9, 12, 13, 15, 16, 17; and Appendix A. Upon hire or rehire such employees shall be placed on the salary schedule at a rate most nearly equal to the

salary received by incumbents performing similar work with a similar amount of experience.

e. Effective January 1, 2013, under no circumstances shall the Employer be obligated to pay for coverage for any otherwise eligible person if that person is already enrolled under any other health insurance funded by the Employer. Any person eligible for Employer-provided health coverage as an employee and also as the dependent of another eligible person may be enrolled as an employee or as a dependent, but not as both. In the case of a husband and wife, each of whom is eligible for Employer-provided health coverage, both may enroll under one single family coverage or each may enroll individually. A spouse enrolled as a dependent may thereafter be enrolled in his or her individual or family capacity, without any break in coverage, if that dependent coverage is for any reason terminated.

f. The Employer agrees to the 2011, 2012 and 2013 premium rates previously provided to the County for the EBF Family Platinum 12 Vision Plan including progressive lenses.

g. The following language changes shall be made to the Agreement:

1. Article X.2.f (1): Add the word "layoff"

h. The following language, restricting the right of the County to engage in lay-offs, shall be added to the Agreement:

1. During the term of this Agreement, no person in this bargaining unit shall be terminated or laid off due to budgetary reasons. This provision will terminate on December 31, 2013.

Jay Jason, County Negotiator

The RAM negotiation committee agrees to unanimously recommend the above MOA to the unit members as the basis of a settlement.

Jem. Mueller

Mary Barbera

Adam Beers

Arlene Miller

Carl Rush

Paul J. Pr

2

Debate:

Mr. Schoenberger

This applies to non-union management, which are people who are not in R.A.M. but could be in R.A.M. were they union. Therefore historically they have been treated like R.A.M. and since we are about to approve a contract with R.A.M., which is similar to CSEA, this treats those people the same way. Schedule B is the Local Law people who are mainly commissioners whose salaries cannot be raised except by Local Law, and elected officials. Those are people who are being asked to agree to the same provision as the CSEA contract with the salaries that are going to be deferred. That is a voluntary sign up. I signed the form today to be part of that and Chair Cornell also agreed. Legislator Wieder just signed his. I think most of the people will and should agree that they will enter the same deferred payment as CSEA, R.A.M. and the Doctors Council. This resolution treats the non-union management that has historically been treated like R.A.M. and the voluntary people who I just described.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

Introduced by: Referral No. 7577
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO. 461 OF 2012
RATIFYING FINAL SETTLEMENT MEMORANDUM
OF AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND
ROCKLAND ASSOCIATION OF MANAGEMENT (R.A.M.)
FOR THE PERIOD FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2013
WITH SALARY AND WAGES FOR ALL UNIT MEMBERS
FROZEN FROM DATE OF RATIFICATION UNTIL DECEMBER 31, 2013

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

WHEREAS, The County of Rockland and the Rockland Association of Management (R.A.M.) have negotiated the terms and conditions of the collective bargaining agreement for the period from January 1, 2011 through December 31, 2013; and

WHEREAS, Such negotiations have resulted in a Final Settlement Memorandum of Agreement dated September 13, 2012, subject to ratification; and

WHEREAS, During five pay periods between October 1, 2012 to December 28, 2012 (maximum-two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the RAM within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service, and

WHEREAS, The Rockland Association of Management (R.A.M.) has ratified said Final Settlement Memorandum of Agreement dated September 13, 2012, attached hereto and deemed an integral part hereof; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, therefore be it

RESOLVED, That said Final Settlement Memorandum of Agreement dated September 13, 2012 is hereby ratified by the Legislature of Rockland County; and be it further

RESOLVED, That said Final Settlement Memorandum of Agreement dated September 13, 2012 shall be incorporated into a contract between the parties, subject to the approval of the County Attorney; 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 the agreement; and be it further

RESOLVED, That the Commissioner of Finance of Rockland County be and he is hereby authorized to effectuate the payment of such salaries and wages, including retroactive payments, if required, as provided for by the terms of the Final Settlement Memorandum of Agreement dated September 13, 2012.

The vote resulted as follows:

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

ROCKLAND COUNTY AND ROCKLAND ASSOCIATION OF MANAGEMENT FINAL SETTLEMENT MOA September 13, 2012

ROCKLAND COUNTY and the Rockland Association of Management (RAM) hereby agree to the following FINAL SETTLEMENT MOA of the existing negotiations with RAM for the period January 1, 2011 through December 31, 2013.

1. For the years 2011, 2012 and 2013 the parties agree to execute a three-year Agreement with no changes to terms and conditions except for the following:

   a. During five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to RAM within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service.

   b. All unit members hired by the County after the ratification of the Agreement shall contribute fifteen percent (15%) of the premium in effect each year for the Health Insurance Plans (including but not limited to Medical, Dental and Vision) in which they are enrolled.

   c. The salary and wages of all unit members will remain frozen at the level in effect on the date of the ratification of this MOA until December 31, 2013. There will be no percentage increases applied to the salary scale for any period of time during the term of this Agreement. This provision will not apply to the five (5) year longevity increases or to increases mandated elsewhere in the collective bargaining agreement for promotions.

   d. Effective January 1, 2013, Employees receiving benefits from any NY State Retirement System shall not be eligible for benefits under Articles X. 1,2,3,4,5,8, and 10; XI; XII; XIII; XIV; XV. 1, 4, 9, 12, 13, 15, 16, 17; and Appendix A. Upon hire or rehire such employees shall be placed on the salary schedule at a rate most nearly equal to the

salary received by incumbents performing similar work with a similar amount of experience.

e. Effective January 1, 2013, under no circumstances shall the Employer be obligated to pay for coverage for any otherwise eligible person if that person is already enrolled under any other health insurance funded by the Employer. Any person eligible for Employer-provided health coverage as an employee and also as the dependent of another eligible person may be enrolled as an employee or as a dependent, but not as both. In the case of a husband and wife, each of whom is eligible for Employer-provided health coverage, both may enroll under one single family coverage or each may enroll individually. A spouse enrolled as a dependent may thereafter be enrolled in his or her individual or family capacity, without any break in coverage, if that dependent coverage is for any reason terminated.

f. The Employer agrees to the 2011, 2012 and 2013 premium rates previously provided to the County for the EBF Family Platinum 12 Vision Plan including progressive lenses.

g. The following language changes shall be made to the Agreement:

1. Article X.2.f (1): Add the word "layoff"

h. The following language, restricting the right of the County to engage in lay-offs, shall be added to the Agreement:

1. During the term of this Agreement, no person in this bargaining unit shall be terminated or laid off due to budgetary reasons. This provision will terminate on December 31, 2013.

Jay Jason, County Negotiator

The RAM negotiation committee agrees to unanimously recommend the above MOA to the unit members as the basis of a settlement.

Rockland Association of Management

P.O. Box 621
Pomona, New York 10970

September 19, 2012

Joan Silvestri
County of Rockland
Department of Personnel
18 New Hempstead Road
New City, New York 10956

Dear Ms. Silvestri:

This is to confirm that MOA dated September 13, 2012 has been ratified by the membership.

Very truly yours,

Thomas M. Micelli
President

RECEIVED 09-19-'12 14:11 FROM- 8453643809 TO- PERSONNEL P001/001

Debate:

Mr. Schoenberger

This is the approval of the settlement of the contract with R.A.M., Rockland Association of Management. These are our unionized management employees. The settlement is comparable to the settlement for CSEA. The financial impact is the same. There are some slight differences, because the two contracts are not identical in language, but for all intent and purposes it does the same thing for R.A.M. as it does for CSEA and will do the same for the next one I am going to move, which is the Doctors Council. So in essence we will be approving settlement of three contracts today and two non-union management groups and CSEA non-union and management non-union. We will be doing five resolutions tonight all designed to put the County and its employees on equal footing across the board and have the financial benefits of the County for the long run.

RESOLUTION NO. 442 OF 2012
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
AS AN IMMEDIATE NEED

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

RESOLVED, that the Rules of the Legislature be waived to consider the next proposed resolution, as an immediate need.

Introduced by: Referral No. 7577
Hon. Ilan S. Schoenberger, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Douglas J. Jobson, Sponsor

RESOLUTION NO. 462 OF 2012
RATIFYING MEMORANDUM OF AGREEMENT BETWEEN
THE COUNTY OF ROCKLAND AND
DOCTORS COUNCIL, SEIU LOCAL 10MD,
FOR THE PERIOD FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2013
WITH SALARY AND WAGES FOR ALL UNIT MEMBERS
FROZEN FROM DATE OF RATIFICATION UNTIL DECEMBER 31, 2013

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

WHEREAS, The County of Rockland and the Doctors Council, SEIU Local 10MD have negotiated the terms and conditions of the collective bargaining agreement for the period from January 1, 2011 through December 31, 2013; and

WHEREAS, Such negotiations have resulted in a Memorandum of Agreement dated September 13, 2012, subject to ratification; and

WHEREAS, During five pay periods between October 1, 2012 to December 28, 2012 (maximum-two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the Doctors Council within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service, and

WHEREAS, The Doctors Council, SEIU Local 10MD has ratified said Memorandum of Agreement dated September 13, 2012, attached hereto and deemed an integral part hereof; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and approved this resolution, however, it was approved within 120 hours of the full legislative meeting and was deemed an immediate need by its Chair, therefore be it

RESOLVED, That said Memorandum of Agreement dated September 13, 2012 is hereby ratified by the Legislature of Rockland County; and be it further

RESOLVED, That said Memorandum of Agreement dated September 13, 2012 shall be incorporated into a contract between the parties, subject to the approval of the County Attorney; 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 the agreement; and be it further

RESOLVED, That the Commissioner of Finance of Rockland County be and he is hereby authorized to effectuate the payment of such salaries and wages, including retroactive payments, if required, as provided for by the terms of the Memorandum of Agreement dated September 13, 2012.

The vote resulted as follows:

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

ROCKLAND COUNTY AND DOCTORS COUNCIL
MEMORANDUM OF AGREEMENT
September 13, 2012

ROCKLAND COUNTY and the Rockland County Doctors Council hereby agree to the following FINAL SETTLEMENT MOA of the existing negotiations with the Doctors Council for the period January 1, 2011 through December 31, 2013.

1. For the years 2011, 2012 and 2013 the parties agree to execute a three-year Agreement with no changes to terms and conditions except for the following:

   a. During five pay periods between October 1, 2012 to December 28, 2012 (maximum -two per month), and five pay periods between July 1, 2013 to November 30, 2013 (one per month), (the exact pay periods to be designated by the County to the Doctors Council within 60 days) all unit members shall defer payment for 10 days of work. That is, their paychecks during that period shall reflect that they shall receive pay for one day less than they actually work during that period. On December 1, 2014 all unit members then employed who deferred payment for those 10 days worked shall, at their option, be entitled to receive either a one-time grant of ten additional vacation days or an additional paycheck equal to one hundred percent of the base salary that such unit members deferred at their rate of pay on December 1, 2014. All unit members who leave the County Service either on retirement or any other cause shall receive the additional paycheck for all deferred days taken at the time they leave the County Service.

   b. All unit members hired by the County after the ratification of the Agreement shall contribute fifteen percent (15%) of the premium in effect each year for the Health Insurance Plans (including but not limited to Medical, Dental and Vision) in which they are enrolled.

   c. The salary and wages of all unit members will remain frozen at the level in effect on the date of the ratification of this MOA until December 31, 2013. There will be no percentage increases applied to the salary scale for any period of time during the term of this Agreement. This provision will not apply to the five (5) year longevity increases or to increases mandated elsewhere in the collective bargaining agreement for promotions.

   d. Effective January 1, 2013, Employees receiving benefits from any NY State Retirement System shall not be eligible for benefits under Articles V (Holidays); VI (Vacation); VII (Sick Leave); VIII (Personal Leave), IX (Other Leaves) – 2 (Civil Service Examination), 5 (Bereavement), 6 (Professional

Conferences/ Continuing Medical Education); X (Leave without Pay); XI (Medical, Surgical and Hospitalization Insurance and Other Benefits); XII (Participation in the New York State Retirement System; and XX (Continuing Medical Education Reimbursement).

e. The Employer agrees to the 2011, 2012 and 2013 premium rates previously provided to the County by the CSEA for the EBF Family Platinum 12 Vision Plan including progressive lenses.

f. The following language changes shall be made to the Agreement:

1. Article VI 8: Add the word "layoff", after "death".

g. The following language, restricting the right of the County to engage in lay-offs, shall be added to the Agreement:

1. During the term of this Agreement, no person in this bargaining unit shall be terminated or laid off due to budgetary reasons. This provision will terminate on December 31, 2013.

h. The Memorandum of Agreement dated 8/23/11 concerning Doctors On Duty is hereby incorporated in full into the collective bargaining agreement as Article XXIV.

Jay Jason, County Negotiator

The Doctors Council negotiation committee agrees to unanimously recommend the above MOA to the unit members as the basis of a settlement.

09-13-12

September 18, 2012

C. Scott Vanderhoef, County Exectuive
County Executive Office
Allison-Parris County Office Building
11 New Hempstead Rd
New City, NY 10956
office 845-638-5122; fax 845-638-5856
Email vanderhs@co.rockland.ny.us

VIA PERSONAL DELIVERY
VIA EMAIL

RE: Notice of Ratification of Memorandum of Agreement (MOA) for successor Collective Bargaining Agreement by and between Doctors Council SEIU ("Union") and the County of Rockland ("Employer")

Dear Mr. Vanderhoef:

This is to serve as official written notification by our Union, Doctors Council SEIU, and confirm and memorialize that I have informed you today, September 18, 2012, that our Union has today ratified the Memorandum of Agreement (MOA) that both parties, the County of Rockland and Doctors Council, reached on September 13, 2012. Therefore, pursuant to the terms of the MOA, this is to inform you that Doctors Council ratified the MOA to be incorporated into a successor Collective Bargaining Agreement for the period January 1, 2011 through December 31, 2013. We urge review by the County Legislature immediately.

We are glad that the bargaining process is behind us and we look forward to working together in the future. Please contact me if you have any questions regarding this or any other matter of concern.

Sincerely,

Frank Proscia, M.D.
Executive Director / First V.P., Doctors Council

Cc: Barry Liebowitz, M.D, President, Doctors Council
Kevin Collins, Chief of Staff, Doctors Council
Richard Betheil, Esq., Counsel, Doctors Council
Doctors Council Members of Rockland County
Jay Jayson, Esq., Negotiator, Rockland County
Jeff Fortunato, Deputy County Attorney, Rockland County
Sean Mathews, Chief of Staff, County Executive, Rockland County
Joan Silvestri, Commissioner of Personnel, Rockland County
Amy Savoury, Personnel Administrator, Rockland County

Barry Liebowitz, M.D., President ∘ email: info@doctorscouncil.com http://www.doctorscouncil.com
50 Broadway, 11th Floor, Suite 1101, New York, NY 10004 ∘ Phone (212) 532-7690 ∘ Fax (212) 481-4137
Affiliated with the Service Employees International Union (SEIU)

Introduced by: Referral No. 5128
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Ilan S. Schoenberger, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 463 OF 2012
CONFIRMING THE APPOINTMENT OF
RICHARD M. STRUCK, PEARL RIVER, NEW YORK
TO THE COUNTY OF ROCKLAND
INDUSTRIAL DEVELOPMENT AGENCY

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

WHEREAS, General Municipal Law §925-I established the County of Rockland Industrial Development Agency ("Board"), and

WHEREAS, Pursuant to General Municipal Law §925-I(b) the Board shall consist of five members who shall be appointed by the County Executive, subject to the approval of the Legislature, for a three year term, and

WHEREAS, The County Executive has appointed Richard M. Struck, Pearl River, New York to a three year term on the Board of the County of Rockland Industrial Development Agency; and

WHEREAS, With this appointment, the Board shall be fully constituted; 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-I(b), the Legislature of Rockland County hereby confirms the appointment of Richard M. Struck, Pearl River, New York as a member of the County of Rockland Industrial Development Agency, for a three year term from the date of this resolution; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to send a copy of this resolution to the County of Rockland Industrial Development Agency and to the appointee, Richard M. Struck.

Debate:

Mr. Grant

I would just like to mention that Mr. Struck was here tonight for this resolution. He appeared before the Economic Development Committee. He presented his credentials. He answered questions. He is also a member of the Workforce Investment Board and I think he will make a fine addition to the Industrial Development Agency.

Chairwoman Cornell

I think we are very fortunate that Mr. Struck is willing to serve on the IDA. We know what kind of expertise he brings and his dedication to the County of Rockland.

Comments from Legislators:

Legislator Ilan S. Schoenberger

Every Legislator should be aware that Saturday, 11:00 am at Emeline Park in Haverstraw, there is a dedication in memory of Jay Hood's father.

Legislator Jay Hood, Jr.

Major John André and General Benedict Arnold's memorial that was on 9W had a cannon there for many years from the twenties through the seventies. The cannon was stolen or vandalized and disappeared in the mid-seventies and we are going to rededicate that in memory of my father at Emeline Park instead of 9W where it is more accessible. It is going to be very nice.

Legislator Ilan S. Schoenberger

Since Benedict Arnold they couldn't have dedicated after a better man.

ADJOURNMENT IN MEMORY OF DOMINIC PHILIP CAIAZZO

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dominic Philip Caiazzo.

ADJOURNMENT IN MEMORY OF PHILIP J. "STUMP" MARTINO, SR.

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Philip J. "Stump" Martino, Sr..

ADJOURNMENT IN MEMORY OF MICHELE V. "MIKE" PRESTIPINO

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Michele V. "Mike" Prestipino.

ADJOURNMENT IN MEMORY OF BRYAN R. PURDY

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Bryan R. Purdy.

ADJOURNMENT IN MEMORY OF DANIEL MCWEENEY

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Daniel McWeeney.

ADJOURNMENT IN MEMORY OF BERNARD MULLIGAN

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Bernard Mulligan.

ADJOURNMENT IN MEMORY OF ROSE M. MOCCIO

Mr. Day 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 Rose M. Moccio.

ADJOURNMENT IN MEMORY OF PAMELA A. GOODY CIRILLI

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Pamela A. Goody Cirilli.

ADJOURNMENT IN MEMORY OF RICHARD MICHAEL STRANIERE

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

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

RESOLUTION NO. 464 OF 2012 ADJOURNMENT

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and adopted (9:07 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Wednesday, October 3, 2012 at seven o'clock in the evening.

The vote resulted as follows:

Ayes:	15	(Legislators, Day, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
U.A. Nay	01	(Legislator Earl)
Absent:	01	(Legislators Carey)

Respectfully Submitted,

DARCY M. GREENBERG
Proceedings Clerk