

**NOTICE OF MEETING**

Notice is hereby given that the Legislature of Rockland County will meet in its Chambers in the Allison-Parris Office Building, New City, New York on Tuesday, June 4, 2013 at 7:00 P.M., pursuant to the adjournment of the May 21, 2013 meeting.

Very truly yours,

Laurence O. Toole  
Clerk to the Legislature

Dated at New City, New York  
This 30<sup>th</sup> day of May 2013

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The Legislature of Rockland County convened in regular session pursuant to adjournment of the May 21, 2013 meeting.

A Roll Call being taken (7:03 p.m.), the following Legislators were present and answered to their names:

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

Late: Legislator Douglas J. Jobson (7:05 p.m.)

Absent: Legislators Joseph L. Meyers and Patrick J. Moroney

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Honorable Aron B. Wieder, Legislator, District 13, led in the Salute to the Flag and delivered the invocation.

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**RESOLUTION NO. 316 OF 2013  
ADOPTION OF MINUTES OF LEGISLATIVE MEETING  
APRIL 16, 2013**

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

Resolved, that the transcribed minutes of the Legislative meeting of April 16, 2013, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

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Introduced by:

Referral No. 9341

Hon. Edwin J. Day, Sponsor  
Hon. Philip Soskin, Co-Sponsor  
Hon. Jay Hood, Jr., Co-Sponsor  
Hon. Aney Paul, Co-Sponsor  
Hon. Douglas J. Jobson, Co-Sponsor  
Hon. Harriet D. Cornell, Co-Sponsor  
Hon. Michael M. Grant, Co-Sponsor  
Hon. Alden H. Wolfe, Co-Sponsor

**RESOLUTION NO. 317 OF 2013  
PROCLAIMING ROCKLAND COUNTY AS A PURPLE HEART COUNTY –  
HONORING THE SERVICE AND SACRIFICE OF OUR NATION’S MEN AND  
WOMEN IN UNIFORM WOUNDED OR KILLED BY THE ENEMY WHILE SERVING  
TO PROTECT THE FREEDOMS ENJOYED BY ALL AMERICANS**

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

WHEREAS, on August 7, 1782 at his headquarters in Newburgh, New York, Commander in Chief General George Washington established the Badge of Military Merit, the precursor to the modern day Purple Heart, for singular meritorious action; and

WHEREAS, 150 years later on February 22, 1932 General Douglas MacArthur’s General Order Number Three created the modern day Purple Heart; and

WHEREAS, the Purple Heart is awarded to any member of the United States Armed Services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, Rockland County is known for having the first four permanent WATCHFIRE sites in the Nation. Back in the 1700s watchfires were used to signal the ceasefire ending the Revolutionary War. Watchfires are still built today every Memorial Day along the Hudson River so the symbolism - keeping vigil by the WATCHFIRE for fallen brothers and sisters, the lost patrols that still have not returned, and the patrols of past wars - goes back to our country’s first soldiers who fought along these very shores; and

WHEREAS, the people of the County of Rockland have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm’s way for the good of all; and

WHEREAS, the contributions and sacrifices of the men and women from Rockland County who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, many citizens of our community have earned the Purple Heart Medal as a result of being wounded or killed while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service. Additionally, Rockland County has the distinction of having four Congressional Medal of Honor recipients; and

WHEREAS, it is intended that August 7th be designated by official proclamation as the day in Rockland County to remember and recognize veterans who are recipients of the Purple Heart Medal; and

WHEREAS, The Multi Services Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED that the Rockland County Legislature hereby proclaims Rockland County as a Purple Heart County, honoring the service and sacrifice of our Nation's men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Eric K. Shinseki, Secretary of the United States Department of Veterans Affairs; Eric J. Hesse, Director of the New York State Division of Veteran Affairs; Jerry Donnellan, Director of the Rockland County Veterans Services Agency; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

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**Debate:**

**Mr. Day**

I want to thank the leadership and Clerk for moving this along so quickly. What amazes me is the respect and approach by our veteran's who put their lives on the line for this country. We should be doing for them as a matter of routine and regularity. I am proud that all of my colleagues are supporting this issue. The reason why this was rushed was because a number of a Veteran's, especially from World War II, are not staying around so it was important to do it soon. I am very proud to be able to do this for the veterans.

**Mr. Soskin**

I would like to thank Legislator Day. This honor should be granted to all veterans who are injured or killed in service of our country. This is an award/medal that goes back many years. We have about 27 veterans from Rockland County who received this honor. I am very proud of my fellow Legislators for acting as fast as we did. We wish all veterans God speed and they should all come home safe and sound.

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**Special Order of the Day:**

**PUBLIC NOTICE**

NOTICE is hereby given that a public hearing will be held by the Legislature of Rockland County at its Legislative Chambers, 11 New Hempstead Road, New City, Rockland County, New York, on the **4<sup>th</sup> day of June, 2013, at 7:05 P.M.**, prevailing time, to consider adoption of a local law prohibiting the treatment of hydrofracking wastewater in any wastewater treatment plant in Rockland County and the use of hydrofracking brine to treat roads in Rockland County.

Dated: New City, New York  
May 22, 2013

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

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The Chairwoman opened the public hearing at 7:12 p.m. and the following spoke:

- ❖ Lorinda Hill, In favor
- ❖ Allan Clark, In favor
- ❖ Jessica Clark, In favor
- ❖ Ed Berry, In favor
- ❖ Kara Cressman, In favor
- ❖ Krista Yacovone, In favor
- ❖ Greg Talmini, In favor
- ❖ Laurie Seeman, In favor
- ❖ Laura Niederhofer, In favor
- ❖ Ellen Weininger, In favor
- ❖ Michele Solomon, In favor
- ❖ Jacquelyn Dreschsler, In favor
- ❖ Susan McDonnell, In favor

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

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**RESOLUTION NO. 318 OF 2013  
CLOSE PUBLIC HEARING**

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

RESOLVED, that the public hearing be and it is hereby closed. (7:49 p.m.)

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**LOCAL LAW NO. 2 OF 2013  
COUNTY OF ROCKLAND  
STATE OF NEW YORK**

(Introduced by: Hon. Harriet D. Cornell; Co-Sponsor: Hon. Alden H. Wolfe)

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

A local law within the County of Rockland.

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

**Section 1. Name of local law**

This law shall be known as the "Keep Rockland County Safe from Hydrofracking By-Products Act."

**Section 2. Legislative intent.**

The wastewater from the gas and oil extraction process known as hydraulic fracturing, or hydrofracking is known to contain numerous carcinogenic chemicals as well as many other hazardous compounds. Unable to treat this hazardous waste effectively, extractors frequently truck wastewater to municipal wastewater treatment plants that are unable to effectively treat and remove many of the hazardous chemicals. Many municipalities have passed legislation banning hydrofracking wastewater from their wastewater treatment plants due to the potentially damaging impact of the waste on the plant infrastructure and equipment and because the plants are not equipped to adequately treat the waste.

Further, the brine from hydrofracking, water that has been trapped in the shale for thousands of years, is sold to municipalities as a deicing fluid and to control dust on roadways. In addition to extremely high levels of sodium, which is hazardous to drinking supplies, this brine has also been found to contain high levels of radioactive compounds. Many municipalities have banned the use of hydrofracking brine on their roads.

The Rockland County legislature believes that the treatment of hydrofracking wastewater in any (public or private) wastewater treatment plant in Rockland County should be prohibited and the use of hydrofracking brine to treat roads should be banned in Rockland County.

**Section 3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

- A. COUNTY** – The County of Rockland, New York.
- B. HYDRAULIC FRACTURING** - the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
- C. NATURAL GAS EXTRACTION ACTIVITIES** - all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- D. NATURAL GAS WASTE** - shall mean any waste that is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials ("NORMs") and heavy metals. Natural gas waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
- E. APPLICATION** - shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Rockland.

**Section 4. Prohibitions.**

- A.** The introduction of natural gas waste into any wastewater treatment facility within or operated by the County is prohibited.
- B.** The sale of natural gas waste within the County is prohibited.
- C.** The application of natural gas waste on any road or real property located within the County is prohibited.

**Section 5. Provision to be included in bids and contracts related to the construction or maintenance of County roads.**

- A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.
- B. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be utilized in providing such a service.

**Section 6. Duty of Employees to be familiar with this Chapter.**

The County Executive or, at the County Executive's option, any Department head or commissioner appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a contractor or vendor of the County.

**Section 7. Penalties.**

This law shall apply to any and all actions occurring on or after the effective date of this law. Any violation of Section 4 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days' imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. Effective date.**

This local law shall take effect sixty days after it is filed with the New York State Department of State.

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**Debate:****Chairwoman Cornell**

This law shall be known as the "Keep Rockland County Safe from Hydrofracking By-Products Act." The Legislative intent is laid out first in the Local Law. The wastewater from the gas and oil extraction process known as hydraulic fracturing, or hydrofracking is known to contain numerous carcinogenic chemicals as well as many other hazardous compounds. Unable to treat this hazardous waste effectively, extractors frequently truck wastewater to municipal wastewater treatment plants that are unable to effectively treat and remove many of the hazardous chemicals. Many municipalities have passed legislation banning hydrofracking wastewater from their wastewater treatment plants due to the potentially damaging impact of the waste on the plant infrastructure and equipment and because the plants are not equipped to adequately treat the waste. Further, the brine from hydrofracking, water that has been trapped in the shale for thousands of years, is sold to municipalities as a deicing fluid and to control dust on roadways. In addition to extremely high levels of sodium, which is hazardous to drinking supplies, this brine has also been found to contain high levels of radioactive compounds. The Rockland County Legislature believes that the treatment of hydrofracking wastewater in any public or private wastewater treatment plant in Rockland County should be prohibited and the use of hydrofracking brine to treat roads should be banned in this County.

Sections of the Local Law:

Section 4. Prohibitions. Under this law the prohibitions would be the introduction of natural gas waste into any wastewater treatment facility within or operated by the County is prohibited, the sale of natural gas waste within the County is prohibited and the application of natural gas waste on any road or real property located within the County is prohibited.

Section 5. Provision to be included in bids and contracts related to the construction or maintenance of County roads. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County and all bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be utilized in providing such a service.

Less attention has been paid to the fact that there is an existing gas drilling operation in New York State. There are well over 6,000 low volume vertical hydraulic wells used to drill for natural gas. The vertical wells are less deep than the horizontal wells, but the drilling process for the low volume vertical wells use less liquid, but have the same hazardous contents as the deeper wells that are considered high volume. The hazardous contents are heavy metals and a variety of chemicals.

We have heard from speakers about the risk of applying brine on roads as a deicer or to dust the roads. There have been tests on that showing that the runoff puts waterways at risk. The concern about treating the fracking wastewater in municipal treatment plants has also been mentioned by speakers, because of the potentially damaging impacts on the waste on the plant infrastructure and equipment. Also the fact that they are not prepared to assess the components in the waste or determine the impacts on the sludge. In Rockland County that is a byproduct from our Sewer Districts, sludge. Rockland County plants only treat or test for nitrogen and phosphorous. The State will certainly have to, if they are going to move ahead in any way, consider what the health hazards are and develop a process to determine the impacts on a product like sludge.

There are many counties and towns that have put a moratorium or outright ban on hydrofracking. Last year New Jersey banned hydrofracking liquids from coming in under the Commerce clause and the Legislature also voted to prohibit the use of wastewater on their roads.

An Assembly member from Northern Westchester, Robert Castelli, really called attention to the fact that out of state drillers, many from Ohio and Pennsylvania, were sending wastewater from fracking to New York for treatment.

I did want to layout the components of the law, because I sponsored it and felt very strongly about it.

Mr. Schoenberger

I commend Chair Cornell for her leadership and the introduction of this Local Law. I want to thank the speakers who spoke and the singer who sung. It is my intention to support this Local Law and I will be voting yes.

There are a couple of questions I must raise, more in the nature of technical questions in reference to penalties.

Section 7. Penalties.

This law shall apply to any and all actions occurring on or after the effective date of this law. Any violation of Section 4 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days' imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

I am concerned. I understand the desire to have a very strict penalty, because of the seriousness of the violation, but I am not sure that an unclassified misdemeanor, which is not a civil penalty, it is a criminal penalty, and punishable by a fine and or jail up to thirty days for each violation – whether that can have as high a fine for an unclassified misdemeanor. Class B misdemeanors in this State I believe the maximum fine is \$500.00 and Class A misdemeanors in this State I believe the maximum fine is \$1,000. To have a \$25,000.00 fine for an unclassified misdemeanor raises a question of concern, because I want to make sure that this law, if and when it is passed, is a law that has real meat and teeth and not something that will not be enforceable because of the level of the fine.

I am supporting this. I am prepared to vote yes. If we have to amend it later on I am prepared to do that as well.

Chairwoman Cornell

I thought that Rockland County was equally as important as Westchester County in our approach to this so I used the same penalty as the Westchester Law that was passed last year.

Mr. Carey

I am going to support this tonight, but I do have concerns. I would like to hear from the Rockland County experts in this area and from the DEC. I feel very strongly when we vote on technical issues like this we should have those experts before us. We should ask for someone from the DEC and Rockland County to come before a committee to educate us more on this. I have questions that need to be answered. This is a very important issue and I would like the expert's input. I want all of the facts from all different sides and places. I make that request going forward.

Chairwoman Cornell

My assistant has been on the telephone with the DEC. No, we don't use this brine on the road currently. We are trying to prevent it from happening in the future. Certainly, Legislative staff is always happy to reach out to experts for Legislators on anything.

Mr. Day

I concur with Legislator Carey. I am going to support this. I have had conversations with a number of our Highway Superintendents of our towns and they do not use this particular item at all. They use regular brine. The reality is that what is being used now will still be used.

Mr. Wolfe

I offer my unqualified support for this Local Law. I think this Legislature has a history of standing up for the health and safety of our citizens. Particularly when it comes to fracking we have taken a stand on this issue. I am proud to support it tonight.

The financial penalties for an unclassified misdemeanor are as set forth in the ordinance that defines it. I think that will be nice and clean.

A point was made during the public hearing about the composition of the hydro fracturing fluid. The things that we know are in it are scary enough, but what is even scarier are the things that we don't know. The point was well made that it is proprietary. The companies are actually under no obligation to disclose to anyone what they are injecting into the ground and certainly not what is coming out of it. It is important that we keep this out of our County and out of our waters system.

Mrs. Low-Hogan

This is the easiest vote perhaps I have had in the two years I have been on the Legislature. Will our law supercede any special approvals of the DEC or State laws?

Mr. McKay

I don't believe there is any statute that is preempting us from adopting this. It is conceivable that the Federal government could at some time in the future regulate this area and declares preemption and then it will override what we have done.

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The Chairwoman opened the public participation portion of the meeting at 8:10 p.m. and there were no speakers.

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**Comments from the Chairwoman:**

Honorable Harriet D. Cornell

Earlier before our meeting we had a group of forty young college and high school students who are members of Rockland County AmeriCorps. This was the night that they were taking their Oath of Office as they start their summer program with Rockland County. It was so inspiring. I have the opportunity to "swear them in." They are so looking forward to this experience. I call it the Domestic Peace Corp. They are going to be learning so much and giving so much to the community this summer. They do receive a small stipend and credits for their education. They will be doing projects that will benefit the community.

August 15<sup>th</sup> they will be in these chambers in the afternoon at the end of their projects with AmeriCorps presenting their projects. I ask all Legislators to put that on your calendars. We are very fortunate to have such wonderful public-spirited young people. They will gain as much from this as the community will gain from their service.

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Introduced by:

Referral No. 9481

- Hon. Christopher J. Carey, Sponsor
- Hon. Patrick J. Moroney, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Michael M. Grant, Co-Sponsor
- Hon. Harriet D. Cornell, Co-Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Philip Soskin, Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor
- Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO. 319 OF 2013  
 APPROPRIATING THE SUM OF \$1,500 TO  
 AMERICAN LEGION NAURASHANK POST 794,  
 NANUET, NEW YORK  
 FOR PATRIOTIC OBSERVANCES IN 2013**

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

WHEREAS, the Rockland County Legislature has set aside in the 2013 Budget and designated an account for funding of patriotic observances; and

WHEREAS, the American Legion Naurashank Post No. 794, Nanuet, New York, is contracting with the County of Rockland to conduct patriotic observances in 2013, for the citizens of Rockland County in memory of all those who have served and/or died for their Country; and

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

RESOLVED, that the Legislature of Rockland County hereby appropriates the sum of \$1,500 to the American Legion Naurashank Post No. 794, Nanuet, New York, for providing patriotic observance events in Rockland County in calendar year 2013; and be it further

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

<u>GENERAL FUND</u>		
<u>Increase Approp. Acct.:</u>		
A-CA- 7579-5010	American Legion Naurashank Post 794 30 South Lexow Avenue Nanuet, NY 10954	\$1,500
 <u>Decrease Approp. Acct.:</u>		
A-LEG-1010-5042	Patriotic Observances	\$1,500

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**RESOLUTION NO. 320 OF 2013****REFUNDING BOND RESOLUTION DATED JUNE 4, 2013**

**REFUNDING BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING SERIAL BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$21,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$21,000,000 REFUNDING BONDS OF SAID COUNTY OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.**

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

(Adopted) June 4, 2013

Recitals

Whereas, the County of Rockland, New York (herein called "County"), has heretofore issued on October 1, 2002, its \$16,673,000 Various Purposes Serial Bonds - 2002 (herein called the "2002 Bonds"), now outstanding in the principal amount of \$6,915,000; on June 3, 2003, its \$21,027,000 Various Purposes Serial Bonds - 2003 (herein called the "June 2003 Bonds"), now outstanding in the principal amount of \$13,715,000; and on December 15, 2003, its \$4,000,000 Various Purposes Serial Refunding Bonds - 2003 (herein called the "December 2003 Bonds"), now outstanding in the principal amount of \$890,000; (the respective outstanding amounts of each of the 2002 Bonds, the June 2003 Bonds and the December 2003 Bonds shall be hereinafter collectively referred to as the "Outstanding Bonds"), now outstanding in the principal amount of \$21,520,000; such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County;

now, therefore,

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

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Outstanding Bonds of the County.
- b. "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.
- c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest

rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

- e. "Redemption Date" means July 15, 2013 or such later date as may be determined by the Commissioner of Finance in the final refunding financial plan.
- f. "Refunding Bond" or "Refunding Bonds" means all or a portion of the \$21,000,000 bonds of the County of Rockland, authorized pursuant to Section 2 hereof.
- g. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of (i) the principal amount of Bonds To Be Refunded, (ii) the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, (iii) redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, and (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The Legislature of the County (herein called "Legislature"), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$21,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$21,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$21,000,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Capital Markets Advisors, LLC and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balance of three (3) consolidated issues of bonds originally issued pursuant to various bond resolutions of the County, adopted on their respective dates and authorizing various capital improvements for the County. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$21,000,000 have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Commissioner of Finance, the chief fiscal officer of the County, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the following table:

**2002 Bonds**

<b><u>Resolution No.</u></b>	<b><u>Description</u></b>	<b><u>Maximum Life</u></b>
619-00	Reconstruction of Court House	19
427-95	Property Reassess	7
594-00	Correctional Center – Plans & Specs	5
299-02	Jail Fire Alarm Upgrade	5
410-00	Court House HVAC & Renovations	9
186-02	Sheriff-Digital Photo Equipment	5
447-01	Personal Software	5
277-01	Election Equipment	10
512-02	Computer Hardware	5
120-02	Budget Department Hardware	5
380-02	Veteran's Cemetery	5
435-02	Distance Learning Center	10
203-00	FTC Improvements	9
261-02	Hudson River Park	15
428-02	Open Space Property-Clausland Mountain	30
671-00	Health Center Site Improvement/Plan	5
451-00	Furniture-Department of Health	4
183-02	Upgrade County-Wide Computer Network	5
108-01	HC Improvement Building J	19
76-99	North Main/New City	12
330-00	Suffern Lane Retaining Wall	5
628-00	Middletown Road Reconstruction-Plans	4
686-00	Washington/Main St. Reconstruction/Plans	5
260-02	Highway Department Equipment	10
497-99	Geographic Information System	3
488-00	Various County Drainage Improvements	30
80-00	Various County Drainage Improvements	28
28-02	RCC Water System Improvements	40
445-01	RCC Computer Technology Equipment	5
684-00	Laundry Equipment Building E	5
466-00	Building A Reconstruction	20
185-02	Building A Reconstruction	20
517-02	Building A Reconstruction	20
616-00	Hospital Diagnostic Equipment	4
264-01	Patient Info System	5

**June 2003 Bonds**

<b><u>Resolution No.</u></b>	<b><u>Description</u></b>	<b><u>Maximum Life</u></b>
135-02	Reconstruction of County Courthouse	20
595-00	County Jail Housing Unit	20
344-01	Sheriff's Complex Roofs	20
108-03	Land and BONY Acquisition	30
261-02	Land Acquisition and Park Construction	15
720-02	Land Acquisition for Park	15
184-02	Improvements to Building J	20
704-02	Sickletown Road Bridge	20
26-03	Rockland Road Bridge	20
27-03	Bridge Street Drawbridge	20
486-97	Nauraushaun Brook	30
262-02	Gagen and McNamara Road Reconstruction	15
488-00	Drainage Improvements	30
28-02	RCC Water System	40
409-00	Building A Kitchen Facilities	20
410-00	Construction of the Improvements at the County Courthouse Building	10
203-00	Construction of improvements to Curbs and Sidewalks at the Fire Training Center	10
94-03	Construction of Infrastructure Improvements of the Fire Training Center	10
122-03	Acquisition of Certain Parcels of Real Property located in the County for Parkland Purposes	5
175-01	Construction of Additional Childcare Classroom Space	10
260-02	Acquisition of Highway Department Equipment	10
160-03	Acquisition of Highway Department Equipment	10
511-02	Construction of Drainage Improvements to Pascack Brook	10
363-00	Construction of Improvements to HVAC to Building A	10

**December 2003 Bonds**

<b><u>Resolution No.</u></b>	<b><u>Description</u></b>	<b><u>Maximum Life</u></b>
772-80	Sewer District Improvements	40

Section 5. The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law is \$678,856.26.

Section 6. (a) Said \$21,000,000 Refunding Bonds shall be sold at private sale, and the Commissioner of Finance, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Commissioner of Finance shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; (b) in connection with such sale, the County hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution; (c) the Commissioner of Finance is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the Legislature relative to (i) prescribing the terms, form and contents of the Refunding Bonds, (ii) the sale and issuance of the Refunding Bonds, (iii) the making of determinations to issue Refunding Bonds and provide for substantially level or declining debt service, (iv) authorizing and executing agreements for credit enhancement of the Refunding Bonds, and (v) executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Commissioner of Finance as the chief fiscal officer of the County.

Section 9. Prior to the issuance of the Refunding Bonds the County shall contract with a bank or trust company located and authorized to do business in New York State for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it

consistent with the provisions of the final refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such call for redemption to be given in the name of the County by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this section shall become irrevocable and the provisions of this section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this section may be amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13. The validity of the Refunding Bonds may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of publication of this resolution 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 14. The Clerk of the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES", published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 15. This resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

\* \* \*

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

AYES: 15 (Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson,  
Low-Hogan, Murphy, Paul, Schoenberger, Soskin,  
Sparaco, Wieder, Wolfe, Cornell)

NOES: 0

ABSENT: 02 (Legislators Meyers, Moroney)

The resolution was declared adopted.

\* \* \*

## Exhibit A

## Proposed Refunding Financial Plan

**County of Rockland, New York**

\$19,555,000 Refunding Serial Bonds, 2013

Rockland Pricing Spread from 10/2012 - 4.22.13

**Project Summary**

Dated 06/15/2013 | Delivered 06/15/2013

	2002 Bonds	2003 Bonds	2003 Ref. Bonds	Issue Summary
<b>Sources Of Funds</b>				
Par Amount of Bonds	\$6,825,000.00	\$11,850,000.00	\$880,000.00	\$19,555,000.00
Reoffering Premium	247,919.80	1,044,943.10	36,739.70	1,329,602.60
<b>Total Sources</b>	<b>\$7,072,919.80</b>	<b>\$12,894,943.10</b>	<b>\$916,739.70</b>	<b>\$20,884,602.60</b>
<b>Uses Of Funds</b>				
Total Underwriter's Discount (0.600%)	40,950.00	71,100.00	5,280.00	117,330.00
Costs of Issuance	40,136.79	69,688.06	5,175.15	115,000.00
Deposit to Net Cash Escrow Fund	6,990,460.56	12,754,063.71	903,014.82	20,647,539.09
Rounding Amount	1,372.45	91.33	3,269.73	4,733.51
<b>Total Uses</b>	<b>\$7,072,919.80</b>	<b>\$12,894,943.10</b>	<b>\$916,739.70</b>	<b>\$20,884,602.60</b>
<b>Flow of Funds Detail</b>				
State and Local Government Series (SLGS) rates for Date of OMP Candidates	4/23/2013	4/23/2013	4/23/2013	4/23/2013
Primary Purpose Fund Solution Method	Net Funded	Net Funded	Net Funded	Net Funded
Total Cost of Investments	\$6,990,460.56	\$12,754,063.71	\$903,014.82	\$20,647,539.09
Interest Earnings @ 0.030%	172.36	314.48	22.26	509.10
Total Draws	\$6,990,632.92	\$12,754,378.19	\$903,037.08	\$20,648,048.19
<b>PV Analysis Summary (Net to Net)</b>				
Net PV Cashflow Savings @ 2.441%(AIC)	241,462.46	429,664.73	25,874.93	678,856.26
Contingency or Rounding Amount	1,372.45	91.33	3,269.73	4,733.51
Net Present Value Benefit	\$242,834.91	\$429,756.06	\$29,144.66	\$683,589.77
Net PV Benefit / \$20,505,000 Refunded Principal	3.512%	3.384%	3.275%	3.334%
Net PV Benefit / \$19,555,000 Refunding Principal	3.558%	3.627%	3.312%	3.496%
<b>Bond Statistics</b>				
Average Life	1.872 Years	5.566 Years	2.163 Years	4.124 Years
Average Coupon	3.7251538%	4.3595475%	3.7157246%	4.2438385%
Net Interest Cost (NIC)	2.1051436%	2.8830583%	2.0628024%	2.7404456%
Bond Yield for Arbitrage Purposes	2.4412738%	2.4412738%	2.4412738%	2.4412738%
True Interest Cost (TIC)	2.0479738%	2.7146834%	2.0058478%	2.5902720%
All Inclusive Cost (AIC)	1.7273649%	2.6030850%	1.7285067%	2.4412738%

2013 Refunding 2 - 4.22.1 | Issue Summary | 4/23/2013 | 11:48 AM

**Roll Call:**

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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Introduced by:

Referral No. 6394/9325

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

**RESOLUTION NO. 321 OF 2013  
APPROVING THE PURCHASE IN EXCESS OF \$100,000  
OF A SECOND 4-6 TON ROLLER TOW-BEHIND  
FROM FERGUSON MANUFACTURING CO. INC.  
FOR THE HIGHWAY DEPARTMENT  
UNDER BELL COUNTY, TEXAS BID #14-13  
IN THE AMOUNT OF \$60,326  
AND FOR A TOTAL AMOUNT NOT TO EXCEED \$120,652  
WHICH PURCHASE IS TO BE MADE BY FORMAL PURCHASE ORDER  
[DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]  
(\$120,652)**

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

WHEREAS, Pursuant to New York General Municipal Law § 103(16), which is a new “piggybacking” law, “any officer ... of a county ... authorized to make purchases of apparatus, materials, equipment or supplies ... may make such purchases ... as may be required by such county ... through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities”; and

WHEREAS, In accordance § 103(16), the Highway Department purchased a 4-6 Ton Roller Tow-Behind from Ferguson Manufacturing Co. Inc. (“Ferguson”), 100 Digital Drive, Clear Lake, Wisconsin, 54005, under Bell County, Texas Bid #14-13 in the amount of \$60,326; and

WHEREAS, The Director of Purchasing and the Superintendent of Highways recommend to the County Executive and the Legislature of Rockland County that the County approve the purchase in excess of \$100,000 of a second 4-6 Ton Roller Tow-Behind from Ferguson for the Highway Department under Bell County, Texas Bid #14-13 in an amount not to exceed \$60,326 and for a total amount not to exceed \$120,652; and

WHEREAS, The County advertised for its own bids for this equipment, and the lowest responsive bid was in the amount of \$79,887; and

WHEREAS, The purchases from the Bell County, Texas bid represent a cost savings to the County in the amount of \$19,561 per purchase for a total of \$39,122; and

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

WHEREAS, Sufficient funding for this purchase is provided for in the 2013 Adopted Capital Budget of the Highway Department, Capital Project #3402; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchase in excess of \$100,000 of a second 4-6 Ton Roller Tow-Behind from Ferguson Manufacturing Co. Inc., 100 Digital Drive, Clear Lake, Wisconsin, 54005, for the Highway Department under Bell County, Texas Bid #14-13 in an amount not to exceed \$60,326 and for a total amount not to exceed \$120,652, which purchase is 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 this purchase is provided for in the 2013 Adopted Capital Budget of the Highway Department, Capital Project #3402.

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Introduced by:

Referral No: 7099

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

**RESOLUTION NO. 322 OF 2013  
ACCEPTANCE OF FUNDS  
IN THE AMOUNT OF \$3,975 (NCTD)  
RECEIVED TO HELP OFFSET COST OF THE  
2012 CIVIL RIGHTS HALL OF FAME  
INDUCTION CEREMONY LUNCHEON  
[COMMISSION ON HUMAN RIGHTS]  
(\$3,975)**

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

WHEREAS, The County Executive and the Legislature have been advised by the Commissioner of Human Rights that his department has received funds in the amount of \$3,975; and

WHEREAS, These fund were collected to help offset cost of the 2012 Rockland County Civil Rights Hall of Fame Induction Ceremony luncheon held on March 8, 2013; and

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

WHEREAS, It is necessary to appropriate these funds to the proper account to help offset luncheon costs; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of funds in the amount of \$3,975 to help offset cost of the 2012 Civil Rights Hall of Fame Induction Ceremony luncheon held on March 8, 2013; and be it further

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

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

GENERAL FUND - 2013

<u>Increase Approp. Acct. (Credit):</u>		
A-HRC-8040-E4090	Fees for Services, Non-Employee	3,975
<u>Increase Est. Rev. Acct. (Debit):</u>		
A-HRC-8040-R2770	Unclassified Revenue	3,975

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Introduced by:

Referral No. 7442

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Edwin J. Day, Sponsor
- Hon. Douglas J. Jobson, Sponsor
- Hon. Aney Paul, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Philip Soskin, Sponsor

**RESOLUTION NO. 323 OF 2013  
 AMENDING 2013 ADOPTED CAPITAL BUDGET IN THE AMOUNT OF \$2,000,000  
 FOR A NEW CAPITAL PROJECT  
 FOR UPGRADING AND ACQUISITION OF COMPUTERS AND  
 RELATED EQUIPMENT COUNTYWIDE  
 [DEPARTMENT OF GENERAL SERVICES - FACILITIES MANAGEMENT]  
 (\$2,000,000)**

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

WHEREAS, The Director of Facilities Management is requesting that the County Executive and the Rockland County Legislature approve a new Capital Project; upgrading and acquisition of computers and related equipment Countywide, to be immediately added to the 2013 Adopted Capital Budget; and

WHEREAS, The Department of General Services - Facilities Management has determined that this project is essential for the replacement of all end user desktop computers and upgrading the operating system; and

WHEREAS, The Director of Facilities Management has requested that the Legislature amend the 2013 Adopted Capital Budget to increase funding in the amount of \$2,000,000 to allow for this project; and

WHEREAS, The Planning & Public Works Committee of the Legislature has met, considered and by a vote of 5 aye(s), 1 nay(s) and 1 absent approved this resolution; and

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to the 2013 Adopted Capital Budget for upgrading and acquisition of computers and related equipment countywide, to increase funding in the amount of \$2,000,000 to Capital Account No. 1474, for the project requested; and be it further

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

CAPITAL PROJECT FUND

Increase Approp. Acct.:

H14740	Upgrading and Acquisition of Computers and Related Equipment Countywide	\$2,000,000
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Increase Est. Rev. Acct.:

H5710	Proceeds from Bonds	\$2,000,000
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**RESOLUTION NO. 324 OF 2013****BOND RESOLUTION DATED JUNE 4, 2013**

**BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR UPGRADING AND ACQUISITION OF COMPUTERS AND RELATED EQUIPMENT COUNTYWIDE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.**

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

(Adopted) June 4, 2013

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

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to undertake new capital project No. 1474 for the Department of General Services Facilities Management, consisting of upgrading and acquisition of computers and related equipment Countywide, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$2,000,000 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 "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the class of objects or purposes for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

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

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

enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

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

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

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

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

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

\* \* \*

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

AYES:	15	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	02	(Legislators Meyers, Moroney)

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**Roll Call:**

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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**RESOLUTION NO. 325 OF 2013****BOND RESOLUTION DATED JUNE 4, 2013**

**BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR DESIGN AND CONSTRUCTION OF THE COUNTY COMPUTER NETWORK DISASTER RECOVERY PROJECT, STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$1,500,000, APPROPRIATING \$750,000 THEREFOR, IN ADDITION TO THE \$750,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.**

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

(Adopted) June 4, 2013

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

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 1443 for the Department of General Services Facilities Management, consisting of design and construction of the County Computer Network Disaster Recover Project, including but not limited to mechanical HVAC systems, uninterruptible power supply, emergency generator power, inverters, fire protection, lighting, telephones, cabling, computers, servers, routers, patch panels, and related computer equipment required to provide a functional and operable computer network system, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,500,000, and \$750,000 is hereby appropriated therefor, in addition to the \$750,000 previously appropriated pursuant to Resolution No. 18-2009 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$750,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$750,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the objects or purposes for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 89 of the Law, is five (5) years.

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

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

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

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

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

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

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

\* \* \*

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

AYES:	15	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	02	(Legislators Meyers, Moroney)

The resolution was declared adopted.

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**Roll Call:**

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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**RESOLUTION NO. 326 OF 2013****BOND RESOLUTION DATED JUNE 4, 2013**

**BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR UTILITY PLANT EQUIPMENT IMPROVEMENTS AND UPGRADES FOR ROCKLAND COMMUNITY COLLEGE CAMPUS BUILDINGS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$700,000; STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$700,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING \$350,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.**

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

(Adopted) June 4, 2013

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

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to undertake new capital project No. 8311 for the Department of General Services Facilities Management, consisting of utility plant equipment improvements and upgrades for heating and air conditioning for Rockland Community College Campus Buildings, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and authorizing \$350,000 expected to be received from the State of New York to be expended towards the cost of said specific object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. Bonds of the County in the principal amount of \$700,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years.

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

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

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

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

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

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

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

\* \* \*

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

AYES:	15	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	02	(Legislators Meyers, Moroney)

The resolution was declared adopted.

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**Roll Call:**

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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**RESOLUTION NO. 327 OF 2013****BOND RESOLUTION DATED JUNE 4, 2013**

**BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR ELECTRICAL SYSTEM IMPROVEMENTS AND UPGRADES FOR ROCKLAND COMMUNITY COLLEGE CAMPUS BUILDINGS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$700,000; STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$700,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING \$350,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.**

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

(Adopted) June 4, 2013

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

**Section 1.** The County of Rockland, New York (herein called "County"), is hereby authorized to undertake new capital project No. 8312 for the Department of General Services Facilities Management, consisting of electrical system improvements and upgrades for Rockland Community College Campus Buildings, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and authorizing \$350,000 expected to be received from the State of New York to be expended towards the cost of said specific object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

**Section 2.** Bonds of the County in the principal amount of \$700,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

**Section 3.** The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 5 of the Law, is thirty (30) years.

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

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

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

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

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

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

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

\* \* \*

The adoption of the foregoing resolution was seconded by Legislator Nancy Low-Hogan and duly put to a vote on roll call, which resulted as follows:

AYES:	15	(Legislators Carey, Day, Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
NOES:	0	
ABSENT:	02	(Legislators Meyers, Moroney)

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**Roll Call:**

Legislator Soskin – Yes.

Legislator Sparaco – Yes.

Legislator Wieder – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Hood, Jr. – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Legislator Schoenberger – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

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Introduced by:

Referral No. 8055

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

**RESOLUTION NO. 328 OF 2013  
 APPROVING AMENDMENT AND EXTENSION OF  
 AGREEMENT IN EXCESS OF \$100,000 WITH BERGMANN ASSOCIATES  
 IN THE ADDITIONAL AMOUNT OF \$206,000 FOR A  
 TOTAL CONTRACT AMOUNT NOT TO EXCEED \$1,055,952 (LOCAL SHARE 20%)  
 FOR PHASE I ENGINEERING, DESIGN AND RIGHT OF WAY ("ROW") SURVEY  
 INCIDENTALS FOR THE DEVELOPMENT OF QUIET ZONES FOR 14  
 CROSSINGS ON THE WEST SHORE LINE UNDER RFP-RC-04-037  
 FOR THE PERIOD FROM DECEMBER 1, 2012 THROUGH DECEMBER 31, 2017  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [DEPARTMENT OF PLANNING]  
 (\$1,055,952)**

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

WHEREAS, By Resolution No. 637 of 2006, the Legislature of Rockland County approved an agreement in excess of \$100,000 with Bergmann Associates, 28 East Main Street, Suite 200, Rochester, New York 14614, for design and engineering services for supplemental safety measures and designation of Quiet Zone for the 22 Crossings on the West Shore Line for the Department of Planning under RFP-RC 04-037, for the period from December 1, 2006 through January 31, 2009, in the amount not to exceed \$849,952; and

WHEREAS, On January 19, 2007, the County entered into an agreement in the amount of \$849,952 with Bergmann Associates, 28 East Main Street, Suite 200, Rochester, New York 14614, for design and engineering services for supplemental safety measures and designation of Quiet Zone for the 22 crossings on the West Shore Line under RFP-RC-04-037, for the period from December 1, 2006 through January 31, 2009; and

WHEREAS, By letter amendment, dated November 28, 2008, the term of the original agreement with Bergmann Associates was extended through November 30, 2012; and

WHEREAS, The Commissioner of Planning recommends that the Legislature of Rockland County approve an amendment to the existing agreement with Bergmann Associates, 28 East Main Street, Suite 200, Rochester, New York 14614, in the amount of \$206,000 for a total contract amount not to exceed \$1,055,952, for Phase I engineering, design and Right of Way ("ROW") survey incidentals for the development of Quiet Zones for 14 crossings on the West Shore Line under RFP-RC-04-037, for the period from December 1, 2012 through December 31, 2017; and

WHEREAS, more than \$3.6 million was secured for this project in the 2005 federal transportation bill; and

WHEREAS, since this is a federal aid project, the County's share will be 20% and 80% will be reimbursed upon completion and approval of each task; and

WHEREAS, The necessary funding for this agreement is in Capital Account No. 5403; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to the existing agreement with Bergmann Associates, 28 East Main Street, Suite 200, Rochester, New York 14614, in the amount of \$206,000 for a total contract amount not to exceed \$1,055,952, for Phase I engineering, design and Right of Way ("ROW") survey incidentals for the development of Quiet Zones for 14 crossings on the West Shore Line under RFP-RC-04-037, for the period from December 1, 2012 through December 31, 2017, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That the funding necessary for this agreement is in Capital Account No. 5403.

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Introduced by:

Referral No. 8886

Hon. Michael M. Grant, Sponsor  
Hon. Harriet D. Cornell, Sponsor  
Hon. Jay Hood, Jr., Sponsor  
Hon. Ilan S. Schoenberger, Sponsor  
Hon. Philip Soskin, Sponsor  
Hon. Alden H. Wolfe, Sponsor  
Hon. Nancy Low-Hogan, Sponsor  
Hon. Douglas J. Jobson, Sponsor

**RESOLUTION NO. 329 OF 2013  
APPROVING ACCEPTANCE OF CONTINUATION GRANT  
FROM THE NEW YORK STATE DEPARTMENT OF HEALTH  
TOBACCO CONTROL PROGRAM FOR YOUTH – REALITY CHECK  
IN THE AMOUNT OF \$95,614  
INCLUDING AN ESTIMATED COST-OF-LIVING ADJUSTMENT (COLA)  
AWARD OF 10% OR \$9,561, FOR A TOTAL GRANT AMOUNT OF \$105,175  
WITH EMPLOYEE HEALTH INSURANCE REIMBURSEMENT  
REVENUE ESTIMATED TO BE \$1,000 AND A LOCAL SHARE OF \$25,000  
FOR THE GRANT PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014  
AND AUTHORIZING EXECUTION OF ALL NECESSARY  
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE  
[DEPARTMENT OF HEALTH]  
(\$105,175)**

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

WHEREAS, The Acting Commissioner of the Department of Health has advised the County Executive and the Rockland County Legislature that the New York State Department of Health has awarded the County's Tobacco Control Program for Youth - Reality Check department a continuation grant in the amount of \$95,614, with an estimate Cost-of-Living Adjustment (COLA) award of no more than 10% or \$9,561, for a total grant amount of \$105,175, for the period July 1, 2013 through June 30, 2014; and

WHEREAS, Said grant funds will be used to provide education and programs to reduce youth smoking; and

WHEREAS, An estimated \$1,000 of employee health insurance reimbursement revenue will be appropriated to help offset expenses connected to this program for said period; and

WHEREAS, A local share of \$25,000 is necessary to fund this program for said period and will be provided by available local share match funds not needed in the Department of Health's HIV Reporting & Partner Notification Assistance Program (Dept. 4041); and

WHEREAS, It is necessary to appropriate all said funds to the proper accounts, 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 Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a continuation grant from the New York State Department of Health to the Rockland County Health Department in the amount of \$95,614 for the County's Tobacco Control Program for Youth - Reality Check department, with an estimate Cost-of-Living Adjustment (COLA) award of no more than 10% or \$9,561, for a total grant amount of \$105,175, for the period July 1, 2013 through June 30, 2014; and be it further

RESOLVED, That an estimated \$1,000 of employee health insurance reimbursement revenue will be appropriated to help offset expenses connected to this program for said period; and be it further

RESOLVED, That a local share of \$25,000 is necessary to fund this program for said period and will be provided by available local share match funds not needed in the Department of Health's HIV Reporting & Partner Notification Assistance Program (Dept. 4041); and be it further

RESOLVED, That the Legislature of Rockland County hereby authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-DOH -4064	-E1100	Salaries, Employees	76,705
	-E1910	Health	20,500
	-E1911	Dental	1,500
	-E1912	Vision	300
	-E1920	Retirement	10,000
	-E1930	Social Security	5,870
	-E1940	Unemployment Insurance	150
	-E1950	Workers' Compensation	329
	-E1980	MTA Mobility Tax	260
	-E4040	Travel	1,500
	-E4090	Fees for Services, Non-Employee	4,000
	-E4140	Conferences & Seminars	500
	-E5060	Program Costs	9,561

GENERAL FUND - 2013 (Cont'd)

Decrease Approp. Acct. (Debit):

A-DOH -4041	-E5390	Local Share Match	25,000
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Increase Est. Rev. Acct. (Debit):

A-DOH -4064	-R1211	Allocation-Employee Health Insurance Reimb.	1,000
A-DOH -4064	-R3480	Health Grant(s)	105,175

UNEMPLOYMENT FUND - 2013

Increase Approp. Acct. (Credit):

Q-PER -9050	-E8010	Employee Benefits	150
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Increase Est. Rev. Acct. (Debit):

Q-PER -9050	-R2809	Interfund Revenues	150
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and be it further

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



Introduced by:

Referral No. 5327

- Hon. Michael M. Grant, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Douglas J. Jobson, Sponsor

**RESOLUTION NO. 330 OF 2013  
 APPROVING AMENDMENT AND EXTENSION TO AGREEMENT  
 IN EXCESS OF \$100,000 WITH PLANETJ CORPORATION  
 IN THE ADDITIONAL AMOUNT OF \$46,410  
 FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013  
 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$115,910  
 TO PROVIDE WEB MODULE DEVELOPMENT TO AN EXISTING  
 WEB OBJECT WIZARD (WOW) BASED SET OF  
 APPLICATIONS ALREADY IN PRODUCTION  
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
 [SHERIFF'S DEPARTMENT]  
 (\$115,910)**

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

WHEREAS, The Sheriff recommends that the County enter into an amendment and extension to an agreement with PlanetJ Corporation, 1821 Kelson Place, Escondido, Calif 92029, for the extended period from January 1, 2013 through December 31, 2013, in an additional amount of \$46,410, for a total contract sum not to exceed \$115,910, to provide web module development to an existing Web Object Wizard (WOW) based set of applications already in production; and

WHEREAS, Sufficient funding for said additional amount exists within Sheriff grant departments GS06, GS07 and GS26; 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 Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the amendment and extension in excess of \$100,000 with PlanetJ Corporation, 1821 Kelson Place, Escondido, Calif 92029, for the extended period from January 1, 2013 through December 31, 2013, in an additional amount of \$46,410, for a total contract sum not to exceed \$115,910 for the Sheriff's Department, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for said additional amount exists within Sheriff grant department's GS06, GS07 and GS26.

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Introduced by:

Referral No. 9361

- Hon. Michael M. Grant, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Douglas J. Jobson, Sponsor

**RESOLUTION NO. 331 OF 2013  
 AUTHORIZING THE INTERMUNICIPAL COOPERATION AGREEMENT  
 BETWEEN THE COUNTY OF ROCKLAND AND THE  
 TOWN OF STONY POINT FOR OVERTIME TRAINING REIMBURSEMENT  
 FOR OFFICER DEROSA DURING THE PERIOD  
 AUGUST 1, 2009 THROUGH JULY 31, 2013  
 UNDER THE STATE HOMELAND SECURITY PROGRAM (SHSP)  
 AND AUTHORIZING THEIR EXECUTION BY THE COUNTY EXECUTIVE  
 [SHERIFF'S DEPARTMENT]  
 (\$3,564.96)**

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

WHEREAS, By Resolution 586 of 2010 the Legislature of Rockland County approved the acceptance of a \$1,037,030 Homeland Security Grant through the New York State Homeland Security Program (SHSP) to the Rockland County Sheriff's Department in order to provide funds for use in connection with the County's anti-terrorism activities for the period from August 1, 2009 through July 31, 2012 (which said expiration date was extended to July 31, 2013); and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into separate intermunicipal agreement with Town of Stony Point for \$ 3,564.96 for Officer Derosa for overtime training reimbursement to the Police Department for counter-terrorism training and backfill; and

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

WHEREAS, Funding for these agreements is currently appropriated within the State Homeland Security Program (SHSP) grant (Dept. GS22); and

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

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Town of Stony Point for \$ 3,564.96 for Officer Derosa for overtime training reimbursement to the Police Department for counter-terrorism training and backfill, and authorizes execution of the intermunicipal agreements by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for these agreements is currently appropriated within the State Homeland Security Program (SHSP) grant (Dept. GS22).

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Introduced by:

Referral No. 6704

- Hon. Michael M. Grant, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Douglas J. Jobson, Sponsor

**RESOLUTION NO. 332 OF 2013  
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS  
 REQUESTED BY THE OFFICE OF THE DISTRICT ATTORNEY  
 FOR CONTINUED ACCESS TO THE iSAFE WEB-BASED  
 ACCUSATORY INSTRUMENT FOR ALL LAW ENFORCEMENT AGENCIES  
 IN ROCKLAND COUNTY FOR 2013, AS AUTHORIZED BY  
 ROCKLAND'S LAW ENFORCEMENT OVERSIGHT COMMITTEE  
 [OFFICE OF THE DISTRICT ATTORNEY]  
 (\$15,775)**

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

WHEREAS, The Office of the District Attorney has requested that \$15,775 of federal forfeiture funds in balance sheet account A-8880 (Designated for Law Enforcement - Federal Proceeds) be appropriated to the District Attorney's 2013 Budget for continued access to the iSafe web-based accusatory instrument for all law enforcement agencies in Rockland County for 2013, as authorized by Rockland's Law Enforcement Oversight Committee; and

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

WHEREAS, The adoption of this resolution does not involve the expenditure of any County funds since sufficient funds to cover total \$15,775 appropriation exists within said balance sheet account; and

WHEREAS, the proposed use of federal forfeiture funds is an authorized use pursuant to applicable rules; 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 Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2013

<u>Increase Approp. Acct. (Credit):</u>		
A-DA-1165-FA01-E4500	Forfeiture Funds - Services	15,775

<u>Increase Approp. Fund Bal. (Debit):</u>		
A-UNC-9990-R5990	(Designated for Law Enforcement - Federal Proceeds)	15,775



Introduced by:

Referral No. 4124

Hon. Michael M. Grant, Sponsor  
Hon. Hon. Harriet D. Cornell, Co-Sponsor  
Hon. Jay Hood, Jr., Co-Sponsor  
Hon. Ilan S. Schoenberger, Co-Sponsor  
Hon. Philip Soskin, Co-Sponsor  
Hon. Alden H. Wolfe, Co-Sponsor  
Hon. Douglas J. Jobson, Co-Sponsor

**RESOLUTION NO. 333 OF 2013  
RECEIVE AND FILE FINANCIAL STATEMENTS WITH INDEPENDENT  
AUDITORS' REPORT PREPARED BY O'CONNOR DAVIES LLP  
ROCKLAND COUNTY SOIL AND WATER CONSERVATION DISTRICT  
(A COMPONENT UNIT OF THE COUNTY OF ROCKLAND, NEW YORK)  
YEAR ENDING DECEMBER 31, 2012**

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

WHEREAS, O'Connor Davies LLP, has completed the financial statements of the Rockland County Soil and Water Conservation District for the year ending December 31, 2012; and

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

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

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

RESOLVED, Financial Statements With Independent Auditors' Report prepared by O'Connor Davies LLP –Rockland County Soil And Water Conservation District (A Component Unit Of The County Of Rockland, New York) Year Ending December 31, 2012 is hereby received and filed.

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Introduced by:

Referral No. 3120

Hon. Ilan S. Schoenberger, Sponsor  
Hon. Alden H. Wolfe, Sponsor  
Hon. Michael M. Grant, Sponsor  
Hon. Edwin J. Day, Sponsor  
Hon. Douglas J. Jobson, Sponsor  
Hon. Aney Paul, Sponsor

**RESOLUTION NO. 334 OF 2013  
CONFIRMING THE APPOINTMENTS BY THE COUNTY EXECUTIVE  
OF LEGISLATORS JAY HOOD, JR., PHILIP SOSKIN, AND PATRICK J. MORONEY  
TO HEAR THE APPEAL OF CHARLES ALBANESE FROM AN ACTION BY THE  
ROCKLAND COUNTY BOARD OF PLUMBING, HEATING AND  
COOLING EXAMINERS**

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

WHEREAS, On or about February 22, 2012, Mr. Charles Albanese, appealed to the Legislature pursuant to Section 319-13(A) of the Laws of Rockland County from an action by the Board of Plumbing, Heating and Cooling at its February 15, 2013 meeting, denying Mr. Albanese application, for a license due to lack of work experience; and

WHEREAS, Section 319-13 (D) of Chapter 286 of the Laws of Rockland County provides for the designation of three (3) members of the Legislature to hear appeals by persons aggrieved by an action of the Board of Plumbing, Heating and Cooling in making any decision or determination; and

WHEREAS, Section C3.02 of the Charter Law of Rockland County provides that, subject to confirmation by the Legislature of Rockland County, the County Executive shall appoint members of County boards and commissions, who shall serve at his pleasure; and

WHEREAS, The County Executive has appointed Legislators Jay Hood, Jr., Philip Soskin, and Patrick J. Moroney, to hear the appeal of Mr. Charles Albanese; and

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

RESOLVED, That, pursuant to Section C3.02 of the Charter Law and Section 319-13 (D) of the Laws of Rockland County, the Legislature of Rockland County hereby confirms the appointments of Jay Hood, Jr., Philip Soskin, and Patrick J. Moroney to hear the appeal of Mr. Charles Albanese filed on or about February 22, 2012 from an action by the Board of Plumbing, Heating and Cooling at its at its February 15, 2013 meeting, denying Mr. Albanese, application for a license due to lack of work experience.

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Introduced by:

Referral No. 6546

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

**RESOLUTION NO. 335 OF 2013**  
**URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS S.3048**  
**AND A.6263 – A CONCURRENT RESOLUTION PROPOSING AN**  
**AMENDMENT TO THE NEW YORK CONSTITUTION IN RELATION**  
**TO THE REMOVAL OF PENSION AND RETIREMENT BENEFITS FROM**  
**ELECTED OFFICIALS CONVICTED OF CERTAIN FELONIES**

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

WHEREAS, The Legislature of Rockland County wishes to express its support for bills S.3048 and A.6263 - a concurrent resolution proposing an amendment to the New York constitution in relation to the removal of pension and retirement benefits from elected officials convicted of certain felonies; and

WHEREAS, at the present time, New York State does not have a policy in place that will forfeit the pension benefits of any elected official who is convicted of a felony offense committed through the abuse of their office; and

WHEREAS, when elected officials are sworn into office, they take an oath to uphold the Constitution and the Law of the State of New York. This oath sets the highest standard for integrity, and violating that public trust requires criminal penalties. It also demands that penalties bar elected officials from receiving benefits after their conviction and removal from office; and

WHEREAS, previous legislation has sought to reduce or eliminate the benefits of elected officials convicted of a crime related to their employment, but these pieces of legislation to do not go far enough; and

WHEREAS, it is necessary to amend the New York State Constitution to truly accomplish this purpose, as barring a pension impacts a contractual relationship and, as a result, those benefits cannot be reduced or impaired simply by changing the law; and

WHEREAS, Section 7 of Article V of the New York State Constitution currently reads as follows: "After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired." This legislation proposed to amend this section by adding the following: "ANY ELECTED OFFICIAL WHO IS CONVICTED OF A FELONY OFFENSE AGAINST PUBLIC ADMINISTRATION THAT OCCURRED DURING THEIR TIME IN OFFICE SHALL FORFEIT RIGHTS TO THEIR BENEFITS EARNED WHILE IN OFFICE."; and

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

RESOLVED, that the Legislature of Rockland County hereby urges the New York state legislature to pass bills S.3048 and A.6263 – a concurrent resolution proposing an amendment to the New York constitution in relation to the removal of pension and retirement benefits from elected officials convicted of certain felonies, and that the Governor of New York sign such legislation; and be it further

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

**Debate:**

Mr. Day

I introduced this to our board after some of the recent arrests that not only affected Albany, but also touched upon our County. To hear the Assistant U.S. Attorney speak of the ease in which corruption can happen and hear it described as a "Culture of Corruption" I think gets everybody of fair and honest mind upset and ready to take some action. There is a need in my view that a clear message be sent to any elected official that believes public service is there for their own personal piggy bank.

This will remove all pensions and retirement benefits from anybody who is convicted of a felony against public administration while they are in office. I think this is strong medicine and it is necessary. We need to ensure that criminals in office do not collect thousands of dollars after the leave and actually benefit from malfeasance. This is an effort to amend the State Constitution.

Thank you.

Mr. Schoenberger

Any public employee elected or appointed, who violates the law should be terminated from their position and they should not receive a pension. I am going to support this, because I agree with this completely. They should also be prosecuted to the full extent of the law. Thank you.

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**RESOLUTION NO. 336 OF 2013  
WAIVE THE RULES OF THE LEGISLATURE  
TO CONSIDER PROPOSED RESOLUTION  
UNDER NEW BUSINESS**

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

RESOLVED, that the Rules of the Legislature be waived to consider Item 12 A, Resolution No. 337 of 2013 under New Business.

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NEW BUSINESS  
Referral No. 5614

Introduced by:  
Hon. Michael M. Grant, Sponsor  
Hon. Harriet D. Cornell, Sponsor  
Hon. Alden H. Wolfe, Sponsor

**RESOLUTION NO. 337 OF 2013  
APPROVAL OF PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT  
BETWEEN THE RETAIL PROPERTY TRUST AND THE COUNTY OF ROCKLAND  
INDUSTRIAL DEVELOPMENT AGENCY FOR PROPERTY LOCATED AT  
75 WEST ROUTE 59, NANUET, NEW YORK, TOWN OF CLARKSTOWN,  
IN THE NANUET UNION FREE SCHOOL DISTRICT,  
TAX MAP SECTION 57.20, BLOCK 2, LOT 59, SECTION 63.8 BLOCK 3 LOT 3,  
SECTION 63.8 BLOCK 3 LOT 6 AND SECTION 63.8 BLOCK 3 LOT 8  
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
[DEPARTMENT OF FINANCE]  
[PILOT]**

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

WHEREAS, The Retail Property Trust requested that the County of Rockland Industrial Development Agency finance the redevelopment of a retail center (the buildings and land) to be known as "The Shops at Nanuet" and the acquisition and installation therein of materials, machinery and equipment related thereto, which Project is located at 75 West Route 59, Nanuet, Town of Clarkstown, in the Nanuet Union Free School District being shown and designated on the Tax Map of the Town of Clarkstown as Tax Map Section 57.20 Block 2, Lot 59, Section 63.8 Block 3 Lot 3, Section 63.8 Block 3 Lot 6 and Section 63.8 Block 3 Lot 8; and

WHEREAS, The Retail Property Trust wishes to enter into an agreement with the County of Rockland, for payment of monies in lieu of taxes pursuant to General Municipal Law 925-l, commencing with the applicable tax fiscal year immediately following the first taxable status date the Agency is the owner of record of the Project Realty determined pursuant to the provisions of the Real Property Tax Law, and terminating on December 31, 2015, or earlier as provided in the agreement; and

WHEREAS, The County, the Town of Clarkstown and Nanuet Union Free School District are parties to the Payment in Lieu of Taxes Agreement solely for notice and collection/payment purposes; and

WHEREAS, The Retail Property Trust will continue to pay the full amount of the County tax which they would have paid if the County of Rockland Industrial Development Agency were not involved in the Project; and

WHEREAS, The Town of Clarkstown, the Nanuet Union Free School District and the Rockland County Industrial Development Agency have approved the agreement; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves a Payment In Lieu Of Taxes (PILOT) agreement with The Retail Property Trust and County of Rockland Industrial Development Agency for payment of monies in lieu of taxes in the amount set forth in the attached agreement, and authorizes its execution by the County Executive, subject to the approval of the County Attorney, and only upon the agreement of all parties.

The vote resulted as follows:

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

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**Debate:****Mr. Grant**

This request came from the IDA. If we took it into committee next week, then it would have to go before the full Legislature at its next meeting, then the County Executive has thirty days to sign therefore it is important to be voted on tonight.

The Shops at Nanuet is one of the more significant developments in the County in the last year. This PILOT Agreement is necessary for them to begin signing leases for some of the shops to be open there. Our County Budget office has budgeted some significant sales tax revenues under the assumption that they would be open by October and ready for Christmas season. I thought this was in our best interest when we can help the IDA perform its job. I think it is appropriate that we move this forward.

**Mr. Schoenberger**

I am going to support this. The County Executive without our approval or disapproval has a right to waive the sales tax and the mortgage tax. Does anyone know if these were waived in this instance? Is the County going to get their full taxes on this? What about the other municipalities? I am curious; because when we do waive the sales tax and mortgage tax I believe the municipalities also share it.

**Mr. Grant**

The sales tax and the mortgage tax are under the authority of the County Executive. I do not know the answer to your question, because they don't usually tell us that. I am reasonably certain those inducements and benefits have probably been provided. As far as the towns, villages and school districts are concerned they negotiate their own PILOT Agreement. There is a signed copy from the Town of Clarkstown and the school district and the only one missing is the County Executive's.

**Mr. Schoenberger**

So sitting here today when we approve this the County will receive its full taxes as if the property were not exempt through IDA financing, but the town and school district we don't know if they will receive their full taxes. I certainly can't be opposed to the County receiving its full taxes. It would give one the impression that the County made a more beneficial deal than the town and school district made for their constituents, but that may not be true, because we have may have given back sales tax and mortgage tax in numbers that are not disclosed to us. We really don't know the full financial impact of the overall transaction, because we don't have a say in the waiving of the sales and mortgage tax. I am going to support this, because if the Town of Clarkstown agrees and the school district agrees and they are happy with the benefits that were negotiated to them who am I to say that they should or shouldn't be. You are representing to us, Legislator Grant, that the County is going to get 100% of its taxes.

**Mr. Grant**

It is in the last Whereas, "WHEREAS, The Retail Property Trust will continue to pay the full amount of the County tax which they would have paid if the County of Rockland Industrial Development Agency were not involved in the Project."

**Chairwoman Cornell**

The Resolved Clause says, "RESOLVED, That the Legislature of Rockland County hereby approves a Payment In Lieu Of Taxes (PILOT) agreement with The Retail Property Trust and County of Rockland Industrial Development Agency for payment of monies in lieu of taxes in the amount set forth in the attached agreement."

**Chairwoman Cornell**

I think everybody wants to move ahead. I do think we will get that information.

**Mr. Schoenberger**

I would like to receive that information.

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**ADJOURNMENT IN MEMORY OF  
EDWARD H. PRENDERGAST, SR.**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Edward H. Prendergast, Sr..

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

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

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

**ADJOURNMENT IN MEMORY OF  
ANTHONY ROMEO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Anthony Romeo.

**ADJOURNMENT IN MEMORY OF  
DOROTHY "DEE" O'CONNELL**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dorothy "Dee" O'Connell

**ADJOURNMENT IN MEMORY OF  
JAMES "JIM" TIERNEY, SR.**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of James "Jim" Tierney, Sr..

**ADJOURNMENT IN MEMORY OF  
DONALD SAMUEL TRACY, JR.**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Donald Samuel Tracy, Jr.

**ADJOURNMENT IN MEMORY OF  
ROBERT LUCIAN TERJESON**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Robert Lucian Terjeson.

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**RESOLUTION NO. 338 OF 2013  
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and Mr. Wieder and unanimously adopted (8:39 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, June 18, 2013 at 7:00 p.m.

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Respectfully Submitted,

DARCY SHAPIN - GREENBERG  
Proceedings Clerk