

# The Legislature of Rockland County



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

Members Present:

Leg. M. Grant, Chair  
Leg. A. Wolfe, Vice Chair  
Leg. I. Schoenberger, 2<sup>nd</sup> VC  
Leg. H. Cornell  
Leg. J. Hood, Jr.  
Leg. N. Low-Hogan (left 8:30 pm)  
Leg. J. Murphy  
Leg. P. Soskin  
Leg. F. Sparaco

Members Absent:

Leg. T. Earl

Others Present:

Leg. D. Jobson  
Leg. A. Wieder  
N. Doliner  
S. DeGroat  
J. Silvestri  
B. Gruffi  
J. Rosenthal  
A. Pinzow  
Leg. A. Paul  
R. McKay, Esq  
S. Powers  
S. Grogan  
M. Walsh-Tozer  
A. Connors  
R. Brega

**MINUTES**  
**BUDGET & FINANCE COMMITTEE**  
**TUESDAY, FEBRUARY 25, 2014**  
**7:15 PM**

ROLL CALL

ADOPTION OF MINUTES, MEETING OF FEBRUARY 11, 2014

**MOTION TO APPROVE:**  
**HOOD, JR./LOW-HOGAN**

**UNAN**

**I. BONDS/PUBLIC WORKS MATTER:**

1PPW) REF. #6394 - APPROVING A PURCHASE IN EXCESS OF \$100,000 WITH H.O. PENN MACHINERY COMPANY, INC. IN THE AMOUNT OF \$236,808.66 FOR TWO (2) CATERPILLAR 420F BACKHOES WITH TWO (2) SPARE TIRES AND RIMS UNDER RFB-RC-2013-029 AND AUTHORIZING ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER CAPITAL PROJECT NO. 3402 – HIGHWAY DEPARTMENT THREE (3) YEAR EQUIPMENT REPLACEMENT PROGRAM (DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING) (\$236,808.66)  
**(GERRY WALSH, COMMISSIONER, DGS PURCHASING) DL#2013-05165**

*TRANSFERRED FROM PPW 2/25/14*

*ADDED SPONSORS: LEGS. SCHOENBERGER, WOLFE, GRANT, JOBSON, PAUL*

**MOTION TO APPROVE:**  
**SCHOENBERGER/SOSKIN**

**UNAN**

**ADDED SPONSORS: LEGS. CORNELL, HOOD, JR., SOSKIN, SPARACO**

**2. GRANTS/DONATIONS:**

2A) REF. #6760 - APPROVING ACCEPTANCE OF GRANT IN THE AMOUNT OF \$416,760 (NCTD) FROM THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES TO IMPROVE THE QUALITY OF LEGAL SERVICES PROVIDED TO INDIGENT CLIENTS UNDER ARTICLE 18-B OF THE COUNTY LAW OF WHICH SAID GRANT WILL GO TOWARD THE CREATION OF TWO (2) ASSISTANT PUBLIC DEFENDER (LTFT) POSITIONS AND A NOMINAL AMOUNT OF SUPPLIES AND SERVICES IN ORDER TO MAKE DEMONSTRABLE AND MEASURABLE IMPROVEMENTS IN THE DELIVERY OF INDIGENT DEFENSE SERVICES TO ELIGIBLE PERSONS AT A DEFENDANT'S FIRST APPEARANCE BEFORE A JUDGE FOR A THREE (3) YEAR PERIOD AND AUTHORIZING THE EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE (PUBLIC DEFENDER) (\$416,760) **(JAMES LICATA, PUBLIC DEFENDER) DL#2013-04608**

*TRANSFERRED FROM PUBLIC SAFETY 2/25/14  
ADDED SPONSORS: LEGS. HOOD, JR., JOBSON, KANTROWITZ, SOSKIN*

**MOTION TO APPROVE: UNAN  
HOOD, JR./LOW-HOGAN**

**ADDED SPONSORS: LEGS. GRANT, CORNELL, WOLFE, SCHOENBERGER, SPARACO**

2B) REF. #4249 - APPROVING ACCEPTANCE OF GRANT IN THE AMOUNT OF \$141,550 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (DJS #VW13543347) FOR THE STOP VIOLENCE AGAINST WOMEN PROGRAM (DEPT. 1164) FOR THE PERIOD JANUARY 1,2014 THROUGH DECEMBER 31,2014 WITH A LOCAL SHARE OF \$75,360 AND AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS BY THE COUNTY EXECUTIVE (OFFICE OF THE DISTRICT ATTORNEY) (\$216,910) **(THOMAS ZUGIBE, DISTRICT ATTORNEY) DL#2014-00043 rev 2/6/14**

*TRANSFERRED FROM PUBLIC SAFETY 2/25/14  
ADDED SPONSORS: LEGS. HOOD, JR., JOBSON, KANTROWITZ, SOSKIN*

Judy Rosenthal, Grant Administrator for the District Attorney's office stated that the money needed to cover program costs is already appropriated in the 2014 budget.

**MOTION TO APPROVE: UNAN  
CORNELL/LOW-HOGAN**

**ADDED SPONSORS: LEGS. GRANT, CORNELL, WOLFE, SCHOENBERGER, SPARACO, LOW-HOGAN**

2C) REF. #5886 - APPROVING ACCEPTANCE OF CONTINUATION GRANT IN THE AMOUNT OF \$5,500 (NCTD) FOR THE SHERIFF'S CHILD PASSENGER SAFETY PROGRAM FROM THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE TO PURCHASE CHILD SAFETY SEATS AND RELATED SUPPLIES FOR THE SHERIFF'S FITTING STATION/SPECIAL CHILD SAFETY EVENTS AS WELL AS TO PURCHASE VARIOUS SUPPLIES FOR THE INSTALLATION OF THESE SEATS AND TO PURCHASE PROMOTIONAL MATERIAL FOR CHILD SAFETY SEAT AWARENESS FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE (SHERIFF'S DEPARTMENT) (\$5,500)  
**(LOUIS FALCO, SHERIFF) DL#2014-00009**

*TRANSFERRED FROM PUBLIC SAFETY 2/25/14*  
*ADDED SPONSORS: LEGS. HOOD, JR., JOBSON, KANTROWITZ, SOSKIN*

**MOTION TO APPROVE:** **UNAN**  
**SOSKIN/MURPHY**

**ADDED SPONSORS: LEGS. GRANT, CORNELL, WOLFE, SCHOENBERGER, SPARACO**

2D) REF. #4249 - APPROVING ACCEPTANCE OF GRANT IN THE AMOUNT OF \$6,650 (NCTD) FROM THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE FOR THE POLICE TRAFFIC SAFETY (PTS) PROGRAM FOR THE PERIOD OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 AND AUTHORIZING THE EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE (SHERIFF'S DEPARTMENT) (\$6,650)  
**(LOUIS FALCO, SHERIFF) DL#2014-00038**

*TRANSFERRED FROM PUBLIC SAFETY 2/25/14*  
*ADDED SPONSORS: LEGS. HOOD, JR., JOBSON, KANTROWITZ, SOSKIN*

**MOTION TO APPROVE:** **UNAN**  
**HOOD, JR./LOW-HOGAN**

**ADDED SPONSORS: LEGS. GRANT, CORNELL, WOLFE, SCHOENBERGER, SPARACO**

2E) REF. #9361 - ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$20,000 (NCTD) FROM THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (GRANT #WM13839839) FROM THE SHERIFF'S CANINE EXPLOSIVE DETECTION UNIT FOR THE PERIOD NOVEMBER 12, 2013 THROUGH AUGUST 31, 2015 AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE (OFFICE OF THE SHERIFF) (\$20,000)  
**(LOUIS FALCO, SHERIFF) DL#2014-00183**

*TRANSFERRED FROM PUBLIC SAFETY 2/25/14*  
*ADDED SPONSORS: LEGS. HOOD, JR., JOBSON, KANTROWITZ, SOSKIN*

**MOTION TO APPROVE:** **UNAN**  
**WOLFE/SOSKIN**

**ADDED SPONSORS: LEGS. GRANT, CORNELL, WOLFE, SCHOENBERGER, SPARACO**

**3. BUDGET ITEMS:**

3A) REF. #9495 - APPROPRIATING THE SUM OF \$1,250 TO FROMM-MAXWELL-DEBAUN AMERICAN LEGION POST 859, SUFFERN, NEW YORK FOR PATRIOTIC OBSERVANCES IN 2014  
(HON. ALDEN H. WOLFE, CHAIR OF THE LEGISLATURE) LG#3308

**MOTION TO APPROVE:** **UNAN**  
**WOLFE/SOSKIN**

**ADDED CO-SPONSORS: LEGS. GRANT, SCHOENBERGER, CORNELL, HOOD, JR., SOSKIN, SPARACO, JOBSON**

3B) REF. #9495 - APPROPRIATING THE SUM OF \$1,250 TO AMERICAN LEGION FRED ELLER POST 1447, MONSEY, NEW YORK FRO PATRIOTIC OBSERVANCES IN 2014  
(HON. ALDEN H. WOLFE, CHAIR OF THE LEGISLATURE) LG#3307

**MOTION TO APPROVE:** **UNAN**  
**WOLFE/SOSKIN**

**ADDED CO-SPONSORS: LEGS. GRANT, SCHOENBERGER, CORNELL, HOOD, JR., SOSKIN, SPARACO, JOBSON**

3C) REF. #9495 - APPROPRIATING THE SUM OF \$1,250 TO THE JOHN M PERRY AMERICAN LEGION POST 1044 SPARKILL, NEW YORK FOR PATRIOTIC OBSERVANCES IN 2014  
(HON. JOHN A. MURPHY, LEGISLATURE) LG#3309

**MOTION TO APPROVE:** **UNAN**  
**MURPOHY/LOW-HOGAN**

**ADDED CO-SPONSORS: LEGS. GRANT, WOLFE, SCHOENBERGER, CORNELL, HOOD, JR., SOSKIN, SPARACO, JOBSON**

**4. AUTHORIZATIONS:**

4A) REF. #9209 - AMENDING RESOLUTION NO. 255 OF 2012 WHICH AUTHORIZED THE COUNTY OF ROCKLAND TO APPORTION CERTAIN ELECTION EXPENSES INCURRED BY THE BOARD OF ELECTIONS STARTING WITH THE CALENDAR YEAR 2012 TO TOWNS WITHIN THE COUNTY OF ROCKLAND AS ALLOWED BY NEW YORK STATE ELECTIONS LAW  
**(HON. ILAN S. SCHOENBERGER, HON. FRANK SPARACO, LEGISLATURE)  
LG#3292**

Leg. Schoenberger said that the County charged the towns for the entire cost of Election Day including wages of county employees and other county expenses when they were supposed to be charged only for their own costs.

Leg. Grant stated his concern is and has been that there is no corresponding funding source. This means the County would have to find another \$1 million from revenue or cut expenses. Leg. Schoenberger said it all adds up in the general fund anyway.

Legislative Chairman Wolfe said even though a “funding mechanism” was not required, he felt it was important. He said one or more Supervisors have threatened litigation on charge-backs and for the Legislature to relieve the towns and then have them sue is food for thought. He said he would favor some sort of release from the towns before going through with this.

Leg. Schoenberger said there were better times coming with the anticipated sale of the hospital. He said the sale would bring significant salary savings. Leg. Schoenberger also stated that the election and college charge-backs along with the residential energy tax (which has a sunset clause for 10 years) were meant to be temporary and terminated once the County was in better financial shape.

Leg. Cornell felt that even if there was a windfall from the sale of the nursing home and hospital, they needed to wait and see exactly what the actual benefit was going to be after review of loss of revenues and other statistics.

Commissioner of Finance DeGroat was concerned that since the budget was passed with the approval of the Comptroller, their response might not be favorable. He suggested amending the charge backs in 2015 thereby avoiding changes to the budget approved by the State Comptroller.

Steve Powers said the County Executive is not in favor of this resolution and would not support it at this time.

Leg. Cornell said a committee has been formed with County and Town representatives to discuss these issues.

Leg. Schoenberger stated he respects withholding a motion to go ahead with this resolution tonight but would, as a courtesy ask the committee to bring this back for discussion. Leg. Grant said he would assure this committee would take action at a later date.

**DEFERRED**

**ACTION:  
LEGISLATOR SCHOENBERGER REQUESTED FINANCE COMMISSIONER TO PROVIDE AN UPDATE  
ON PROPERTY TAXES RECEIVED FROM TOWNS**

**5. CONTRACTS/AGREEMENTS:**

**NONE**

**6. ALLOCATION/RECLASSIFICATION OF POSITIONS:**

6A) REF. #9097 - ABOLISHING POSITIONS IN THE ROCKLAND COUNTY PSYCHIATRIC INPATIENT UNIT AND CRISIS UNIT EFFECTIVE APRIL 19, 2014  
(STEPHEN DEGROAT, COMMISSIONER, BUDGET & FINANCE) DL#2014-00553

Leg. Murphy stated his concern is that the NYS Department of Health and the NYS Office of Mental Health have not formally approved and issued the operating certificates to Nyack Hospital. Leg. Murphy would like to wait until Nyack receives the approval and is up and running before laying off the people who staff the in-patient unit in case the unforeseen happens. This could mean there would be no place for a person in crisis to go.

Leg. Murphy requested the Administration put in writing that the County will have an emergency plan and the appropriate beds and personnel in place if the licenses are not issued by April 19<sup>th</sup>.

Chair Grant requested Commissioner of Mental Health Mary Ann Walsh Tozer and Commissioner of Personnel Joan Silvestri to bring the committee up-to-date. He expressed his disappointment that there was no representation from Nyack Hospital and questioned whether there was any correspondence from Nyack confirming the April 1 date. The Committee requested the Administration provide a written confirmation from Nyack Hospital that it is their intention to be operational on April 1, 2014.

Ms. Walsh-Tozer stated they have been working very close with the Administrative staff at Nyack Hospital and the Departments of Health and Mental Health and they are confident they will be ready for the state site reviews the last week in March and that is why the date of April 19<sup>th</sup> was chosen. She also agreed that continuity of care was essential and it was unacceptable not to have acute beds available even for a minute. Ms. Walsh-Tozer said their contingency plan would be to hire temporary employees as necessary to staff the unit as of April 19<sup>th</sup> primarily with former laid off employees and training of the DMH leadership and clinic staff to work on the Inpatient Unit, supplementing the temporary staff as needed.

Commissioner of Personnel Joan Silvestri said workers have been offered help through Tomorrow's Workplace. They provide services such as resume writing and job interviewing help. Ms. Silvestri estimates approximately 100 workers ultimately losing their jobs and therefore would like to give as much notice as possible. The hospital has interviewed approximately 60 of the county workers for jobs at the new unit.

Leg. Schoenberger questioned whether the County Executive has the authority to abolish positions 30 days prior to closure instead of an actual date to avoid a gap in services and provide for an orderly transition and requested a legal opinion on this. Legislative Chairman Wolfe said he would like to include a resolve clause whereby the Legislature delegates to the County Executive authority to abolish positions determined by him no later than June 30, 2014. Chair Grant requested the County Attorney office submit a written legal opinion on these amendments prior to the next full Legislative meeting and also state in the amendment what the conditions must be where the Legislature will delegate the authority to the County Executive.

Commissioner of Finance DeGroat stated that Nyack Hospital has been firm on a date of April 1<sup>st</sup>. He also said that if this doesn't happen, the County is financially funded through July 1, 2014 to pay the appropriate personnel.

**MOTION TO APPROVE: AS AMENDED UNAN**  
**SCHOENBERGER/WOLFE**

**ADDED SPONSORS: LEGS. SCHOENBERGER, WOLFE, CORNELL, HOOD, JR., SOSKIN, SPARACO**

**ACTIONS:**

**ADMINISTRATION IS REQUESTED TO SUBMIT A WRITTEN EMERGENCY PLAN TO THE LEGISLATURE OUTLINING STEPS THAT WILL BE TAKEN IN THE EVENT THAT THE NEW YORK STATE DEPARTMENT OF HEALTH DOES NOT GIVE THE LICENSING CERTIFICATE TO NYACK HOSPITAL TO OPERATE A MENTAL HEALTH INPATIENT UNIT BY APRIL 1, 2014.**

**ADMINISTRATION IS REQUESTED TO PROVIDE TO THE CHAIR OF THE LEGISLATURE A WRITTEN CONFIRMATION FROM NYACK HOSPITAL THAT IT IS THE INTENTION OF NYACK HOSPITAL TO ASSUME OPERATION OF THE MENTAL HEALTH INPATIENT UNIT ON APRIL 1, 2014.**

**COMMITTEE REQUESTS THE COUNTY LAW DEPARTMENT TO DRAFT A LEGAL OPINION AS TO WHETHER OR NOT THE RESOLUTION TO ABOLISH CERTAIN MENTAL HEALTH POSITIONS CAN BE AMENDED TO AUTHORIZE THE COUNTY EXECUTIVE TO TERMINATE POSITIONS 30 DAYS PRIOR TO THE CLOSURE OF THE UNITS INSTEAD OF A SET DATE.**

**LEGISLATIVE COUNSEL TO ADD A RESOLVE CLAUSE (IF COUNTY ATTORNEY DEEMS IS LEGALLY POSSIBLE) THAT ADDS CONDITIONAL LANGUAGE THAT IF NYACK HOSPITAL DOES NOT RECEIVE OPERATING CERTIFICATE, THE RESOLUTION ABOLISHING MENTAL HEALTH POSITIONS SHALL BE RESCINDED.**

**LEGISLATIVE COUNSEL TO PROVIDE EXACT LANGUAGE FOR RESOLVE CLAUSE AND ANY WHEREAS CLAUSES THAT MAY BE NECESSARY TO EFFECTUATE THE ABOVE**

**FINANCE DEPARTMENT IS REQUESTED TO PROVIDE THE CHAIR OF THE LEGISLATURE AND ALL LEGISLATORS WITH A COPY OF THE FINANCIAL IMPROVEMENT PLAN SUBMITTED TO THE NEW YORK STATE COMPTROLLER.**

- |   |      |
|---|------|
| 7. <b><u>BIDS:</u></b>                                    | NONE |
| 8. <b><u>TRANSFER OF FUNDS/OTHERS:</u></b>                | NONE |
| 9. <b><u>TAX ITEMS:</u></b>                               | NONE |
| 10. <b><u>PUBLIC HEARINGS:</u></b>                        | NONE |
| 11. <b><u>LOCAL LAWS/HOME RULES:</u></b>                  | NONE |
| 12. <b><u>PRESENTATIONS/DISCUSSIONS:</u></b>              | NONE |
| 13. <b><u>MISCELLANEOUS:</u></b>                          | NONE |
| 14. <b><u>RECEIVE &amp; FILE:</u></b>                     | NONE |
| 15. <b><u>CORRESPONDENCE – REVIEW AND DISCUSSION:</u></b> | NONE |

**MOTION TO ADJOURN: 9:50 PM  
SOSKIN/SCHOENBERGER**

**UNAN**

“The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to reating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs.”