

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 19, 2012 at 7:00 P.M., pursuant to the adjournment of the June 5, 2012 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

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

The Legislature of Rockland County convened in regular session pursuant to the adjournment of the June 18, 2012 special meeting.

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

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

Honorable Patrick J. Moroney, Legislator, District 15 led in the Salute to the Flag and delivered the invocation.

UNFINISHED BUSINESS

Introduced by:

Hon. Harriet D. Cornell, Sponsor

Referral No. 7070

**RESOLUTION NO. 292 OF 2012
REQUESTING ENACTMENT OF HOME RULE REQUEST
BY THE NEW YORK STATE LEGISLATURE OF
ASSEMBLY BILL A10707 AND SENATE BILL S7736
AN ACT TO AUTHORIZE THE COUNTY OF ROCKLAND TO FINANCE
A CERTAIN DEFICIT BY THE ISSUANCE OF BONDS**

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

WHEREAS, By Resolution No. 250 of 2012, the Legislature of Rockland County requested the Legislature of the State of New York to introduce home rule legislation authorizing Rockland County the power to finance a certain deficit by the issuance of bonds; and

WHEREAS, The State Legislature had introduced Assembly Bill A10707 and Senate Bill S7736 to authorize the County of Rockland to finance a certain deficit by the issuance of bonds; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Legislature enact the Home Rule legislation introduced in the New York State Senate as Assembly Bill A10707 and Senate Bill S7736 to authorize the County of Rockland to finance a certain deficit by the issuance of bonds; and be it further

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator; Hon. Ellen C. Jaffee, Hon. Kenneth P. Zebrowski, Jr., Hon. Ann G. Rabbitt and Hon. Nancy Calhoun, members of the New York State Assembly; and to such other persons as he deems necessary in order to effectuate the purpose of this resolution.

Debate:**Mr. Schoenberger**

I would like to clarify this for people who might have questions either in the Legislature or in our audience. This is our request for a deficit bond, which has been accepted by our State Assembly members, Assemblywoman Jaffee, Assemblyman Zebrowski and by our State Senator Carlucci. It is an authorization to allow us to issue deficit bonds in the amount of up to, not to exceed, \$80,000,000 for ten years. Some of you may remember that number. The \$80,000,000 for ten years was the amount of the deficit bond that this County requested on January 19th of this year. On January 19th we requested a deficit bond and we requested along with it an alternate method of financing. The County had raised real property tax 30% in the 2012 budget and we did not want to raise real property tax again for the deficit bond so we asked the State to allow us to raise the sales tax in Rockland County by three-eighths of one percent (3 ½ cents per \$100.00 spent in Rockland County). Of course, people who spend money in Rockland County and buy things are not only County residents, but also people who come from outside the County. Of course, if you don't want to buy in Rockland County for whatever reason or you think the sales tax is too high then you in essence vote by spending your money elsewhere. We felt that was fairer, because the residents of Rockland County wouldn't have to pick up the tax for the financing of the deficit bond, people had a choice and we just came off a large property tax increase, however, our State Senator would not carry the bill. Assemblywoman Jaffee and Assemblywoman Rabbitt introduced it bipartisanship in the Assembly, but it never got to a vote, because our Senator Carlucci would not introduce it in the State Senate. So we were forced to find an alternate method of financing the deficit bond.

The alternate method that was enacted by this Legislature was a residential energy tax and we are going to be amending that tonight. There is an exemption on your current sales tax in Rockland County for your home heating bills and what was done was that exemption was lifted so now your home heating bills will have a sales tax attachment to them.

We also asked on May 29th for a new kind of deficit bond. We asked for \$95,000,000 for twenty years. In the world what you ask for and what you get are not always the same in many areas, including government. Ultimately what we came to by mutual agreement from the Senate and Assembly leadership and with the County Executive and this Legislature were the same \$80,000,000 for ten years that we asked for originally. We would have had a sales tax increase and the money would have gone into a lockbox so that it would be applied toward the deficit bond. Because we are raising it through home energy bills, which is a method none of us wanted to do, but we had choice, it is not going into a lockbox. I am told by the Finance Department that your regular sales tax money comes in one check and the one from the home energy bill comes in a second check. That second check will be segregated and will be applied to the deficit bond. When we enacted the home residential energy tax Legislator Wieder asked that it be amended to have a Sunset Clause for when the bond was paid. Tonight we have a resolution on to amend that Home Rule request so that the energy tax sunsets in ten years, because that is when the deficit bond will be paid.

I said nine months to a year ago, and I think most of the Legislators agree with me, that the most serious issue facing this County's financial future and health was our deficit and had to be addressed. This addressed our deficit. Does it address our deficit completely? We will see. The answer is that we think there will be more deficit added from this year, because of certain expenditures and costs that were projected in the budget, but have not been met, but at least it addresses the major part of the deficit.

When the first deficit bond for \$80,000,000 for ten years was proposed with the financial enhancement of increasing the sales tax certain Legislators said that it wasn't our deficit and I defy anybody now to say that it is not our deficit.

There are controls within this bill and there were controls within the bill that we proposed in January and in the bill we are voting on tonight. Controls given to the State Comptroller in both bills to review our budget, to make determinations and recommendations regarding whether the budget submitted by the County Executive to this Legislature is in fact balanced, whether it contains overestimations of revenues and whether it contains revenues which may not be achievable or not. The State Comptroller will come back with determinations and we will be bound by those determinations and have to follow them. To me that is something I wanted very much, because it makes for a healthier government that we won't be getting budgets from the Executive branch in which there would be overestimations of revenues or revenues such as red light tax or the \$18,000,000 for a Public Benefit Corporation, which are not achievable. If they are in there it won't be just us not accepting these revenues it will be the State Comptroller saying, "you cannot accept these revenues." I think with that amount of control and involvement that we will have a much healthier budget process.

I ask everyone in this Legislature to support this. I think it is important that it go to Albany with a strong voice that we as a County government want to deal with this issue and we want them to pass it. If the vote is splintered or divided it sends a mixed message. I will tell you that this one and the other one was taken out of order by the Chair, because we expect the State Legislature to be out of session Thursday. These have to be put into blue-backs, have to be approved by the County Executive first, put in forms that the State requires and filled out a certain way and then delivered to Albany in time for them to be able to vote on this either tomorrow or the next day. I understand that is being done tonight and will be delivered to Albany tomorrow morning. I hope I have anticipated any questions Legislators may have and I will be glad to answer any other questions. Thank you.

Mr. Meyers

I am disappointed that our Legislators in Albany felt we could only get ten years and \$80,000,000 instead of twenty years and \$95,000,000. The reason I am disappointed is chiefly because it puts so much pressure on us to build a more austere budget. With the energy tax, I thought there was going to be some money left over if we had a twenty-year bond that could help us eliminate some of our deficit. It is apparent that all of the money from the energy tax is going to have to go to pay this bond and we don't know, of course, what the interest rates will be at the moment. All of it, and perhaps even more, will have to go to pay the bond, which means that it is going to be very difficult for us to balance our budget without significant cuts and tax increases. I like the component that forces us to take the recommendations of the Comptroller and it will be good for us as a government. What I don't like about that is the County Executive could still submit a budget to us that is out of balance, we could get the recommendation after that from the Comptroller's office and then it would fall upon this body to take the lead in finding ways of meeting the Comptroller's requirements. The Comptroller's requirements could be very general. It could be as general as their last audit was. It is good to know the information, but very difficult without contingency planning. We are going to have to have significant contingency planning that if the Comptroller isn't satisfied with our budget we are going to move in this or that direction so that we are not caught short within five days having to raise money or cut expenses.

I do support this. I think our accumulated deficit that isn't covered by the bond going into 2013 is going to be perhaps on the order of \$15,000,000 to \$30,000,000 aside from this bonded amount, which I worry about also. This is the best we can get so we will do it. Thank you.

Mr. Day

My colleague made some salient points as it relates to the budget and how we are going to have to deal with it if there is something in there that the Comptroller is not going to be approving of. I am going to reluctantly support this, because I think the only way you could support this is reluctantly. I don't think anybody wants to be in the position we are in to have to support it. This essentially is the final effort to stem the bleeding of Rockland County, which is how I view this. I think this number is more consistent to where we actually were in December last year and where we probably are now with other things that have been happening that we were not aware of during 2011 and what is going on presently.

I like the fact that we have strict oversight. I feel that it is stronger than it was in previous bills. Honestly, I really believe and I agree with Legislator Schoenberger that we need to have someone look over our shoulder. If anybody looked at what has been going on over the past three or four years and disagrees with that comment really hasn't looked at what has been going on over that time. We need the Comptroller to be the final arbiter of this process. I think the one thing here that I want to be clear about is there is still lack of a hand and glove approach to this entire matter. I compare this situation to stabilizing a patient by borrowing this money and that is all well and good, but the problem still lies with how we got here and what will be done to deal with the factors and dynamics that got us into this mess. This did not happen solely because of State mandates. This did not happen for all these simple things I have been hearing publicly broadcast by the administration. Serious structural issues have to be addressed by the administration. I think it is important that we not only deal with the patient, Rockland County, and stabilize that patient, but we have to deal with what got that patient sick and into this condition to begin with. I am looking forward to the administration working with this Legislature to bring us something of substance that will deal with how we got here and that is what the critical piece is. I will support this reluctantly so.

Mr. Wolfe

I think the point is well made that there are some disappointments tonight. My biggest disappointment is that here we are a day and a half before the end of the session in Albany and we are voting on this now when essentially the meat of this, along with the controls and protections, are basically what we asked for in January. I want to be very clear on that, because it doesn't matter what you hear reported in the media or what anybody says the financial controls that are in this bill is not a bright idea that came from anyone up in Albany this is something that we asked for, because we recognize that there are some very serious issues that we need to take care of here in Rockland County. We welcome this and I think that is a very important point that had to be made and understood.

The biggest financial issue that we have is our accumulated deficit. It is really an accounting issue for the most part. By bonding our deficit that improves our financial standing and it basically improves our books. We are basically exchanging our accumulated deficit for debt. It doesn't change the fact that this money is something that we need to come up with at some point, but what it does is immediately improves our financial standing and also how we are viewed from financial prospective by the rating agencies and people in the community. Essentially it is a refinancing. This bond doesn't rescue us at all. It allows us to move forward into the future and it does not relieve us of the obligation to focus on our operations as a County government and to make sure that we focus on continuing to make changes that we need to make that will make sure that this type of thing does not happen in the future.

I wholeheartedly support this. I do appreciate the efforts of those who made this happen and I encourage my colleagues to support it.

Chairwoman Cornell

Members of this Legislature worked very hard to create a plan that would assist us to eliminate the deficit and to get help from Albany and that plan was passed on January 19th. We had meeting after meeting, both in Rockland County and in Albany, attended by the County Executive or his Chief of Staff Sean Mathews and with Legislators. We met with the State Comptroller, the Ways and Means Committee staff twice, Senate Finance Committee, the Governor's office, and various leaders of the Senate and the Assembly. Our intent upon bringing this County to a solid financial footing and all of these things we have done, including the other day meeting all day long with three rating agencies to discuss all of the difficult decisions that have been made by this Legislature, and we are going to continue this. This bond will be very helpful. It probably will not cover the entire deficit. We are not going to know the deficit until some time probably in July when the audit comes in. So it isn't what we hoped for, but nevertheless we have this and it is going to be helpful. I urge my colleagues to support this, because with this it will certainly enable us to bring our County to solid financial footing and to help us maintain the services that this County deserves.

UNFINISHED BUSINESS

Referral No. 9485

Introduced by:
Hon. Harriet D. Cornell, Sponsor

**RESOLUTION NO. 293 OF 2012
REQUESTING ENACTMENT OF HOME RULE REQUEST
BY THE NEW YORK STATE LEGISLATURE OF
ASSEMBLY BILL A. 7875--C AND SENATE BILL S. 5435--C
AMENDING THE PUBLIC AUTHORITIES LAW TO AUTHORIZE THE
CREATION OF THE ROCKLAND HEALTH CARE CORPORATION**

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

WHEREAS, By Resolution No. 151 of 2011, the Legislature of Rockland County requested that the New York State Legislature introduce Home Rule legislation, which would permit the County of Rockland to establish a public benefit corporation, the Rockland Health Care Corporation, to own and operate certain Rockland health facilities in order to deliver high-quality, affordable, integrated health care; and

WHEREAS, Assembly Bill No. A.7875--C and Senate Bill S. 5435--C were introduced in the Legislature of the State of New York to amend the public authorities law in relation to creating the Rockland Health Care Corporation and to provide for the rights, powers, duties and jurisdiction of such corporation; and

WHEREAS, It is required that the Legislature of Rockland County specifically request the Legislature of the State of New York to enact said proposed legislation; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Legislature enact the Home Rule legislation introduced in the New York State Legislature as Assembly Bill A.7875--C and Senate Bill S.5435--C to amend the public authorities law in relation to creating the Rockland Health Care Corporation and to provide for the rights, powers, duties and jurisdiction of such corporation; and be it further

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to the Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator; Hon. Ellen C. Jaffee, Hon. Kenneth P. Zebrowski, Jr., Hon. Ann G. Rabbitt and Hon. Nancy Calhoun, 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.

The vote resulted as follows:

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

Debate:

Mr. Schoenberger

In October of 2010 when the County Executive sent the budget to us he included revenue of \$17,800,000 from the creation of a Public Benefit Corporation, which never materialized. As we progressed forward in 2011 we didn't have the \$17,800,000 and the County Executive asked us to issue a deficiency bond for that money. We did it so that the revenue hole could be plugged in the 2011 budget. The deficiency bond was a one-year bond and I understand it is going to be paid off tomorrow. At the same time in 2011 we requested an option from the State of New York to allow us to create a PBC, Public Benefit Corporation. In the Home Rule request it is referred to as a Rockland Health Care Corporation. The State refused to entertain that request in 2011 saying that they didn't have enough information about it and we the Legislature didn't have enough information about it.

Since then the County had retained three consultants to come back and issue a report. We just spent a couple of hours tonight, last night, which were the third and fourth meetings and the fifth meeting is tomorrow at 6:00 p.m. here if anybody wants to attend regarding the Public Benefit Corporation regarding the Summit Park Nursing Home, Hospital, Long Term Skilled Nursing Facility and options available to the County with regard to that in the future.

We are requesting the State to give us the authority and allow us to create a Public Benefit Corporation. I am representing to you, and all of you, that neither this Legislature nor the County Executive has yet decided if we will or will not create such a corporation. The State goes out of session on Thursday and once it goes out we won't have an opportunity to ask for this request until next year at this time, because they do all these kind of requests generally the last few days of the Legislative session. We are asking them to give us permission to have the option if we choose to pursue it to create a Public Benefit Corporation. I can assure you that no decision on that has been made. I understand there is some level of disagreement in Albany amongst the leadership as to whether they should even give us the permission if we are not going to do it. There are some people who feel that we should make a decision as to what we are going to do before we ask for it and some other people who understand that we want to have this as an option available to us if we choose to do it. So I don't know what the chances are of this being passed and approved by the Governor. I think the last one that we just passed has a greater likelihood of being passed by the Senate and the Assembly, but I don't know the likelihood of the approval by the Governor on that one either, nobody does at this point.

So this is the Home Rule request to give us the option to create a Public Benefit Corporation. Thank you.

Mr. Meyers

I do favor very strongly this Home Rule request. I do not favor a Public Benefit Corporation. I did personally request of Assemblywoman Jaffee and State Senator Carlucci that they move forward on this so we could have all options on the table. It is actually a very good thing to have this so we can consider all the different options. As we discussed in our Committee of the Whole right before this meeting started I think we have to do request for bids and evaluation study of the nursing home and long term care facility so that we have all the information at our disposal. If it turns out that Albany will not give us a Public Benefit Corporation now is the time to know that so we know that option is not available to us. I hope that they will give us that option so that we can make that determination as to what is in our best interests. I strongly support this.

Mrs. Low-Hogan

Please clarify that if we don't vote for this tonight then we cannot vote for a Public Benefit Corporation until the Legislature goes into session again.

Chairwoman Cornell

I think that this Legislature could pursue a Public Benefit Corporation anyway, but at the other end we don't know whether next June we will be permitted. In other words, we could spend months talking about Public Benefit Corporation and then get to the other end and not have it. So it would be very helpful really to get that as an additional option.

Mrs. Low-Hogan

So for that reason I absolutely support it. Thank you.

Mr. Carey

For the same reasons that Legislator Meyers laid out I am going to support this tonight, but I in no way shape or form am I ready to say that this is the right job to do, but by the same token I do not want to eliminate it as an option right now. I am not in favor of this at this point, but definitely to get the ability to have this as an option is what I will vote for tonight.

Mr. Wolfe

Last year I voted against the Home Rule request to create a Public Benefit Corporation, because at that point I felt that the idea had not been fleshed out at all and we really had no information. We were kind of approaching it from the reverse direction, which is let's ask for the solution before we knew whether it was the right one. Frankly right now we still don't know for sure what the right direction to go in is, although I have a much better understanding of the issues. I will support this tonight. I encourage all my colleagues to support it as well, because it does give us an option. I think we need to have the ability to consider all the options that are available to us and for that reason I am voting for it tonight.

Mr. Day

I am going to inject some cautionary comments. I certainly understand, appreciate and do not disagree with having an option to do this. I am hearing this is not likely to pass in this session anyway. We are in the midst of gaining information. We do have a lot of information that we did not have last time out. I still cannot get away from the three failed models of PBC's in this State. There is language within the bills that have the taxpayers on the hook if this should fail. I am reminded when we were asked to provide a permission slip to create a PBC. It was the exact words and the Chairwoman will recall that she actually emphasized that when it was asked for by the Deputy County Executive last year. Not long after that the County Executive was on record saying that this body authorized a PBC. Now that is a fine distinction, but an important one, because I am hearing much of the same language this evening.

I looked at the Toski Report as it related to the existing management and existing issues at the facility. I don't know who will be in charge if we went to a PBC or if management would change, but there is a lot of language in there that is frankly damning. That is a concern of mine, but that is probably a debate for another day.

If we are going to truly have this as an option why is the word "option" not in any of the language of the resolution? Would it not make more sense, in addition to our verbal comments here this evening, to put language in our resolution that makes it very clear that we are absolutely not authorizing this that we are merely looking to have this as an option? I think that is important right now. I would ask the sponsor, Chairwoman Cornell, to include language in here that absolutely codifies our intent tonight that what we are asking for is an "option" and no more than that so we can keep our options open as we progress and process through the information that we are going through right now. I think just based on that this action may be premature, but if we need to do this now in the interest of time and having options available rapidly fine, but let's have language in here that makes that clear and unmistakable.

Chairwoman Cornell

Thank you very much. I will certainly consult with Counsel, but I believe that what we are doing here is very rigid in terms of what we are requesting of the State. It is asking them to enact the Home Rule Legislation, which has already been introduced in the State Legislature with bill numbers. Putting something in indicating it is an option I don't think has any standing really in terms of what we are asking, but I will consult with Counsel.

Mr. McKay, Legislative Counsel

The best that I could state at this particular moment is given we have two days before the session expires and one day to get it to them, so we really have a day and a half of potential consideration in Albany. At the very minimum what you are asking is that it go back to the Drafting Committee to redraft it. I don't know if that could be accomplished in the timeframe.

Chairwoman Cornell

Did you want to pursue this?

Mr. Day

Maybe I am not being clear. What I am asking for is that our resolution be amended with a few words that indicate the verbal intentions I am hearing tonight and put them in our resolution. I don't see us changing the bill. Frankly I don't think it is going to pass anyway, but I don't see us changing the bill because of the time crunch. I don't see why we can't make an adjustment to one of the Whereas Clauses or add a Whereas Clause that codifies and states for the record what we are doing here this evening. That is my request.

Mr. Soskin

All we are talking about here are options. Why not give ourselves any benefits that we can. With two days before the Legislature shuts down for the season they have a bill already in. Likewise right here we have an Assembly Bill that our representatives in Albany have put in. They have finally agreed to something. Why not try to give ourselves time and the option to do what we want if we want to do it. We don't have to do it. It still takes seventeen of us to do this. Let's all stand together now and within the short time at least let them know up there that we are with them and we are on the same wavelength. As Legislator Schoenberger said, "we don't have to do it." Come budget time where we have six weeks we will have something to work with. We will have a plan "B" therefore I urge everybody to go along with this.

Mr. Sparaco

I can't stand this merry-go-round any longer. It seems like for almost two years now we have been going around and around and around with this Public Benefit Corporation. I think we are all pretty much in agreement that it is a flawed plan and a failed policy so why would we even keep it as an option. The most regretful vote I ever made on this Legislature is when I supported the \$18,000,000 Anticipation Note on the Public Benefit Corporation even though I originally voted against it. It is just misinformation after misinformation. Everybody you speak to says it is a bad idea. Why give ourselves the option to go down the wrong path? What is the point? Why make it an option? As a matter of fact Senator Carlucci himself talked me out of this. All he ever did was explain to me what a bad idea a Public Benefit Corporation was. If it is not going to pass in Albany why are we still on the same merry-go-round of a useful conversation going in circles over this Public Benefit Corporation, that is my opinion with all due respect, not the direction for us to go. Thank you.

Mr. Schoenberger

Everybody up in Albany understands that when they pass a Home Rule Bill it is an option for a local government. We have had this before. We had a Home Rule Bill that was passed by the State Legislature for a hotel and motel tax, which was enacted some time in the 1980's and then abolished some time the 1980's and sat there on the books for years and years and years until we just reinstated it this year. It is an option. Several years ago we asked the State for a Home Rule request to allow us to do the .30-cent charge of cell phones. We went through the whole Local Law process, we scheduled a public hearing and the night we were supposed to hold the public hearing and vote on it the County Executive sent over a letter asking us not to entertain it, because he had found revenue sources somewhere else and he said we didn't need it. The late Tom Morahan was a Senate sponsor of the cell phone tax. It was probably enacted five or six years ago and we didn't entertain it when we were given the option. I think everybody in Albany understands that if they pass this Home Rule request it is giving us an option. I am holding in my hand a report that we discussed tonight, two hours last night and two other lengthy meetings with our consultants. Do you know what that report is entitled? *Rockland County PBC Evaluation and Privatization Alternatives*. That is what we paid for and that is the report we got. If we weren't even going to have the option what did we hire them for and pay all that money for and go through the whole process for?

I am not saying we are going to do a PBC. It happened to have been the consultants, I believe, their number one recommendation out of six recommendations. It doesn't mean we have to follow it. We have options and one of them was outlined today by the consultants for a PBC. And one of those options was an LDC, Local Development Corporation, where you don't need State approval. We just file papers and create an LDC and you treat the LDC like a PBC and enter into contracts with them. My experience with LDC's is such that I would rather not have an LDC. I think LDC's in this County have a certain reputation or are tainted in a certain way and I would like to stay away from them. That is my personal opinion. Legislator Meyers and others I am sure agree. The PBC Home Rule request is about twenty-five pages long. It is a statute that contains all kinds of requirements and obligations, which and LDC wouldn't have. An LDC would be created out of the air and all kinds of things could be put in that in the long term may regret later. At least the PBC has gone through a vetting process not just by our consultants in this *Rockland County PBC Evaluation and Privatization Alternatives*, but it also has gone through a vetting process in the State that enabled this Legislation to get to the point where it is.

I don't know if it will be passed by the State or approved by the Governor. It is an option we should not immediately discard without having an opportunity to fully review and understand its impact. Thank you.

Mr. Wolfe

Legislator Sparaco called it "a failed policy and a flawed plan." I can agree that the process was flawed. I think the process was handled completely wrong, but our consultant basically told us that if we are going to sell the nursing home the PBC is the best option. I think we have to take that into consideration. We are treating this as an option and it is an option. If this Legislation is passed in Albany we are not obligated to sell our nursing home or anything for that matter to a Public Benefit Corporation. Everyone has to understand that we don't create the PBC. New York State creates the PBC by enacting this Legislation. If this legislation is passed in Albany the PBC is now created, but it is nothing until if and when we decide to staff the Board, because we have appointments, and give it anything with which to carry out its mission, which is stated in the statute. Again, so everyone is clear on this, it is very important that we pass this, because otherwise we are going to waste the balance of this year. We have a brand new session that is starting in January in Albany. We will have to pass a brand new Home Rule request from the beginning, no bill number, and no nothing. We will have to pass this all over again and waste months and months without any guarantee of anything happening. I think it is very important that we do this tonight. I don't really think it is going to pass in Albany anyway to be honest, but I think we have to stand together and do this tonight.

Mrs. Low-Hogan

I agree with everything that Legislator Wolfe just said. I think it is really important that we pass this and that it passes in Albany otherwise as Legislator Sparaco mentioned we are going to be on that merry-go-round again and again and again. We are going to keep going around and around. We must pass this and urge our Legislators to pass this. If we don't have this as a choice or an option we are going to have more problems.

Mr. Meyers

I don't think we can wait a year to find out whether Albany will give us the option of a Public Benefit Corporation. I think we have to know right now. If Albany does not pass this before the session ends then the idea or the option of a Public Benefit Corporation, as an option for us is nearly dead. While Legislator Sparaco indicated that we definitely don't want to go this route, one of the reasons I oppose this route is I do not think there would be a will within Rockland County government to do the PBC in a way that would make it financially feasible for Rockland County government, but I want the option, because it takes a shorter amount of time to do a PBC rather than sell the facility outright. I think the consultant indicated tonight that a sale outright, which in my mind is the next most viable option, could be twelve to twenty four months and a PBC could be done in a year. So if our fiscal situation is such that we really need to do something and if we get permission to do a PBC and if we are willing to do the things that would make the PBC financially viable for us and we don't have that option we will be royally you know what. There is also no reason to tip our hand to say it is just an option, because that is a message to Albany to not give it to us. I say that I am opposed to it confident in the knowledge that nobody in Albany is listening to what I am saying. If I thought that they were listening I would have kept my mouth shut tonight, but they have to believe that we want the PBC as a really viable option.

The last thing I want to say is I just still can't figure out why our consultants made it the number one option. I do not think that they have supported that case at all. I still think that they made that the number one option, whereas they went the other way in Orange County, because they thought that we wanted that to be our number one option. We really should support this tonight and urge our Albany representatives to get it for us before the session ends if at all possible.

Chairwoman Cornell

I would like to correct that impression about the consultants, because I asked them the same question. They went a different way in Orange County, because the nursing home is not integrated with the hospital in the same way that ours is. It is a different situation. I want to point out with regard to the options that the name of the report talks about privatization alternatives. That is what we asked our consultants to do; to look at the Public Benefit Corporation, because that is what was in front of the Legislature in October of 2010 and to look not only at the PBC, but also every other possible alternative and they did that. They have given us a series of options. Because health care is such a complicated subject these days with regard to reimbursements, Federal and State rules it is not an easy decision. I think that people do need to understand that we have a variety of alternatives, including closing, selling to a private firm, the Local Development Corporation, which I am very open-minded about, and the PBC possibility. So again, it is an option and I do support this bill in front of us.

Mr. Soskin

We are talking in terms of options. We are going out to borrow money now. The more options we have the more we can show to the financial people that we mean business. If we try to come up with a reasonable solution maybe they will give us a better interest rate. Remember \$80,000,000 times ten years times a certain percentage adds up. The more we save the better it is in your pockets. Thank you.

Mr. Jobson

I actually agree with Joe 100% tonight. I am going to vote yes for this tonight, but I do not know if it is going to pass or worth the paper it is printed on, but I will go on record saying "yes." If we have to rely on our so-called leaders in Albany like we did on the last resolution that we just passed that took six months to get a definitive answer and any action in a watered-down version that is still going to keep us behind the eight ball I don't know what will happen. There are a whole bunch of things in the mix and it is sad what it going on in Albany. I understand that it deserves to have the reputation of being one of the most dysfunctional capitals in our nation. It is really pathetic and they are really showing their hand on this one. They have to push all these bills through in the last forty-eight hours of their session and then come home for six months. We can't afford to wait another six months. I am not in love with the PBC either, but I want to leave it in our toolbox in case my colleagues choose to take that option. I will support it tonight.

Mr. Schoenberger

Because of the way the discussion is going I think it is important that I say something that is in the record. In the last two weeks I went to Albany, Chair Cornell went with me, Legislator Wolfe went, the County Executive went, Sean Mathews the County Deputy County Attorney went, Legislator Jobson also went, our Commissioner of Finance Stephen DeGroat went. We met with the Assembly Ways and Means Committee, which is the Finance Committee. It was the second time we were up there. We had met privately at one point with Denny Farrell who is Chair of the committee we met with the staff and certain things were said in that committee. Then we all met with the Senate Finance Committee and we met with their staff, and the County Executive as well. We presented the County's situation. We think that was helpful for us getting this deficit bond today. In those meetings I said in my point of view as Chair of the Budget and Finance Committee that the issue of the County hospital, which is not really a hospital it is a long term sub acute care facility, rehab hospital, nursing home, adult home and it has a mental health component interwoven with Alzheimer's and other services. It is not just a hospital like Westchester County had when they went to a PBC with a nursing home. If one of our patients at our hospital becomes ill the first thing they do is put them in an ambulance and send them to Nyack Hospital or Good Samaritan Hospital, because we don't have a real hospital in the sense of what the public might think. The position that we took, both with the Assembly Ways and Means Committee and Senate Finance Committee, was that we wanted to find a solution to deal with the situation we face with our nursing home, our LTCH's beds and hospital by the end of this year. We want this County to make a decision on what is going to happen by they end of this year.

If we don't get the PBC legislation it is one option we won't have. Last Thursday Chair Cornell, I, Legislator Grant, Deputy County Executive Sean Mathews, Mr. DeGroat and Mr. Grogan met with Moody's, then Standard & Poors and then Finch Ratings and spent a whole day with them. We went over the County's financial situation, what we foresaw in the future, what we are doing now, what we hope we will be able to do in the future, and once again we made representations to each of them that we wanted to solve the issues surrounding our County hospital by the end of the year. We want to go forward to 2013 with a clear understanding of where this County is going and what we are doing with that hospital, if not earlier, but certainly by the end of the year.

This relates to that option of what we can and can't do. We have represented to Albany to the Assembly Ways and Means Committee, Senate Finance Committee and all three rating agencies and I think this Legislature will do something before the end of the year and to have this as an option when we go forward is something that should not be discarded lightly. Thank you.

Mr. Moroney

If we have this in place and we have permission from the State it gives us an option. It is important that we have all our cards on the table so we know what is dealt to us from the County Executive's budget when it comes over. We have a very limited time to recognize what could be done is a short period of time. I really think we should pass this resolution. I appreciate all the hard work that my colleagues have put into this. It has been a frustrating six months for all of us in County government, because of no fault of ours. We are all in this process together and this gives us another tool moving forward where we can somehow get our financial house in order and move forward as the great County we represent and that we try to preserve. I will be voting for this tonight.

Mrs. Paul

At this time we have no other alternative. We have to go with this and I support this resolution.

Mr. Day

I really don't want to belabor this much longer. I am going to offer a motion that will not change the bill in Albany and it will not change the intent of this body. It will serve to crystallize what we are saying here and define what we are saying here.

Mr. Day made a motion that in the first Whereas Clause, third line, "permit the County of Rockland "the option" to establish a Public Benefit Corporation", which was not accepted by the mover Mr. Schoenberger.

Mr. Schoenberger

I am afraid that the amendment, while we know it is an option and they know it is an option, will give ammunition to those groups of people up in Albany who take the position that we should make a decision on what we are going to do before we ask for it. It may in fact lead us down the road where we may not get a bill. We may not get a bill anyway for a PBC, but I think this will be the nail in the coffin. I will not accept that amendment, because to me it is tantamount to killing the bill.

Chairwoman Cornell

Do you want to pursue this?

Mr. Day

I will not pursue this.

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 **19th day of June, 2012, at 7:05 P.M.**, prevailing time, to consider a local law to impose a motor vehicle use tax in the County of Rockland pursuant to Sections 1202(a) and (c) of the New York State Tax law.

Dated: New City, New York
June 5, 2012

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

The Chairwoman opened the public hearing at 8:05 p.m. and the following persons spoke:

- ❖ Jim Flilck, Opposed
- ❖ Rochelle Sternheim, Opposed

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

**RESOLUTION NO. 249 OF 2012
CLOSE PUBLIC HEARING**

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

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

LOCAL LAW NO. 5 OF 2012
COUNTY OF ROCKLAND
STATE OF NEW YORK

Mr. Schoenberger offered the following Local Law, which was seconded by Mr. Jobson and adopted:

A local law imposing a motor vehicle use tax in the county of Rockland pursuant to sections 1202(a) and (c) of the tax law of the state of New York.

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

Section 1. Title.

This law shall be entitled the Rockland County Motor Vehicle Use Tax.

Section 2. Purpose and Intent.

The purpose of this law is to authorize Rockland County, pursuant to the provisions of Section 1202(a) and (c) of the Tax Law of the State of New York, to impose a Motor Vehicle Use Tax.

Section 3. Definitions.

(a) When used in this local law, the following terms shall have the following meanings:

1. Bus: The term "bus" shall have the same meaning as defined in Section 104 of the Vehicle and Traffic Law, as amended.
2. Commissioner: The Commissioner of Motor Vehicles of the State of New York.
3. County: The County of Rockland.
4. County Attorney: The Rockland County Attorney.
5. County Clerk: The Rockland County Clerk.
6. Passenger motor vehicle: Any motor vehicle subject to the registration fee as provided for in Section 401, Subdivision 6 of the Vehicle and Traffic Law.
7. Sheriff: The Rockland County Sheriff.
8. Commissioner of Finance: The Commissioner of Finance of the County of Rockland.
9. Truck: The term "truck" shall have the same meaning as defined in Section 158 of the Vehicle and Traffic Law, as amended.

(b) Any other term shall have the same meaning as defined in the New York State Tax Law or the New York State Vehicle and Traffic Law.

Section 4. Imposition of Tax.

A motor vehicle use tax, authorized pursuant to Sections 1202(a) and (c) of the Tax Law, is hereby imposed in the following manner:

- (1) A tax of \$5.00 per annum for the use of passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of the County for each such vehicle weighing 3,500 pounds or less and a tax of \$10.00 per annum for such vehicles weighing in excess of 3,500 pounds;
- (2) A tax of \$10.00 per annum for the use of truck, buses and other such commercial vehicles used principally in connection with a business carried on within the County.

Section 5. Exemptions

The tax imposed by this local law shall not be imposed upon: (a) any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law; (b) non-profit religious, charitable or educational organizations qualified for exemption with the New York State Department of Taxation and Finance; nor (c) upon any vehicle which is owned and used in connection with the operation of a farm by the owner or tenant thereof.

Section 6. Payment of Tax and Evidence of Tax Payment.

(a) Every owner of a motor vehicle subject to tax hereunder shall pay the tax thereon to the Commissioner on or before the date upon which he or she registers or renews his or her registration thereof or is required to register or renew his or her registration thereof pursuant to Section 401 of the Vehicle and Traffic Law.

(b) Notwithstanding the provisions of Section 400 of the Vehicle and Traffic Law to the contrary, the payment of such tax shall be a condition precedent to the registration or renewal thereof of such motor vehicle and to the issuance of any certificate of registration and plates or removable tag specified in Subdivision 3 of Section 401 and Sections 403 and 404 of the Vehicle and Traffic Law, and no such certificate of registration, plates or tag shall be issued unless such tax has been paid. The Commissioner shall not issue a registration certificate for any motor vehicle for which the registrant's address is within the County except upon proof in a form approved by the Commissioner that such tax has been paid or is not due with respect to such motor vehicle. The Commissioner, upon application, shall furnish to each taxpayer paying the tax a receipt for such tax and to each such taxpayer or exempt person a statement, document or other form approved by the Commissioner, pursuant to the last sentence, showing that such tax has been paid or is not due with respect to such motor vehicle.

Section 7. Returns.

(a) At the time the payment of the tax imposed by this local law becomes due, every person subject to tax hereunder shall file a return with the Commissioner in such form and containing such information as may be prescribed by such Commissioner. The taxpayer's application for registration or the renewal of registration shall constitute the return required under this local law, unless the Commissioner, by regulation, shall otherwise provide.

(b) Returns shall be preserved for three years and thereafter until the Commissioner permits them to be destroyed.

(c) The Commissioner may require amended returns or certificates of facts to be filed within twenty (20) days after notice and to contain the information specified in the notice. Any such certificate shall be deemed to be part of the return required to be filed.

(d) If a return required by this local law is not filed or if a return when filed is incorrect or insufficient on its face, the Commissioner or the Commissioner of Finance, if designated as his or her agent, shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 8. Determination of Tax.

If a return required by this local law is not filed or if a return when filed is incorrect or insufficient or if a tax or any part thereof due hereunder be not paid when required, the amount of tax due shall be determined by the Commissioner or by the Commissioner of Finance, if designated as his or her agent, from such information as may be obtainable, including motor vehicle registration with the Department of Motor Vehicles of the State of New York and/or other factors. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty (30) days after the giving of notice of such determination, shall apply to the Commissioner or to the Commissioner of Finance, if designated as his or her agent, for a hearing or unless such commissioner or agent, as the case may be, on his or her own motion shall redetermine the

same. After such hearing, the Commissioner, if he or she holds the hearing, or the Commissioner of Finance, if the Commissioner of Finance holds the hearing, shall give notice of the determination of such application to the person against whom the tax is assessed. Such determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if application therefore is made to the Supreme Court within four months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner and there shall be filed with the Commissioner an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Commissioner may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

Section 9. Refund of Certain Unused Registrations.

Whenever any fee or portion of a fee paid for the registration of a motor vehicle under the provisions of the Vehicle and Traffic Law is refunded pursuant to the provisions of Subdivision 1 of Section 428 thereof, the amount of any tax paid pursuant to this local law upon such registration shall also be refunded by the Commissioner.

Section 10. Refunds.

(a) In the manner provided in this section, the Commissioner shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application for such refund shall be made within one year from the payment thereof to the Commissioner or to the Commissioner of Finance, if designated as his or her agent. Whenever a refund is made, the reasons therefore shall be stated, in writing, by the Commissioner or by the Commissioner of Finance, as the case may be, who, in lieu of any refund, may allow credit therefore on payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner or the Commissioner of Finance, if designated as his or her agent, shall hold a hearing and receive evidence with respect thereto. After such hearing, the Commissioner, if he or she holds the hearing, or the Commissioner of Finance, if the Commissioner of Finance holds the hearing, shall give notice of the determination of such application to the applicant who shall be entitled to review of such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within four months after the giving of notice in such determination, and further provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 8 of this local law where he or she has had a hearing or an opportunity for a hearing, as provided in said Section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination made pursuant to Section 8 of this local law, unless it be found that such determination was erroneous,

illegal or unconstitutional or otherwise improper after a hearing or, on his or her own motion, by the Commissioner or by the Commissioner of Finance, as the case may be, or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 11. Reserves.

In cases where a taxpayer has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such taxpayer on his or her application for refund, the Commissioner of Finance shall set up appropriate reserves to meet any decision adverse to the County.

Section 12. Remedies Exclusive.

The remedies provided by Sections 8 and 10 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he or she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner prior to the institution of such suit and posts a bond for costs as provided in Section 8 of this local law.

Section 13. Proceeding to Recover Tax.

(a) Whenever any person shall fail to pay any tax, penalty or interest imposed by this local law as herein provided, the County Attorney, upon the request of the Commissioner or of the Commissioner of Finance, if designated as his or her agent, shall bring or cause to be brought an action to enforce the payment of the same on behalf of the County in any court of the State of New York or of any other state of the United States. However, if in his or her discretion, the Commissioner or the Commissioner of Finance, if designated as his or her agent, believes that any such person subject to the provisions of this local law is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalty might be satisfied and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the Commissioner or the Commissioner of Finance, if designated as his or her agent, may issue a warrant directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the person who issued it and to pay to him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant. The Sheriff shall within five days after the receipt of the warrant, file with the Rockland County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the title to and the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner, and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record, and for services in executing the warrant the Sheriff shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner or the Commissioner of Finance, as the case may be, may from time to time issue new warrants and shall also have the same remedies

to enforce the amount due thereunder as if he or she had recovered judgment therefore and execution thereon had been returned unsatisfied.

Section 14. General Powers of the Commissioner.

In addition to the powers granted to the Commissioner in this local law, he or she is hereby authorized and empowered:

(1) To make, adopt and amend rules and regulations appropriate to the carrying out of this local law;

(2) For cause shown, to remit penalties, and to compromise disputed claims in connection with the taxes hereby imposed;

(3) To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Motor Vehicles of any other state or the Treasury Department of the United States or any city or county of the State of New York, and to afford such information to such other state, Treasury Department, city or county any provision of this local law to the contrary notwithstanding;

(4) To delegate his or her functions hereunder to a deputy commissioner in the Department of Motor Vehicles or any employee or employees of his or her department;

(5) To prescribe methods for determining the tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;

(6) To require all persons owning motor vehicles subject to tax to keep such records as he or she may prescribe and to furnish such information upon his or her request; and

(7) To request the Sheriff to assist in the enforcement of the provisions of this local law.

Section 15. Administration of Oaths and Compelling Testimony.

(a) The Commissioner, or his or her employees or agents duly designated and authorized by such Commissioner, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this local law. The Commissioner or the Commissioner of Finance, if designated as his or her agent, shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or her or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers and documents called for by the subpoena of the Commissioner or the Commissioner of Finance, if designated as his or her agent under this local law.

(c) The officers who serve the summons or subpoena of the Commissioner or the Commissioner of Finance, if designated as his or her agent, and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Commissioner of Finance and his or her duly appointed deputies, or any officers or employees of the Department of Motor Vehicles designated by the Commissioner to serve such process, or any officers or employees of the Commissioner of Finance designated by the Commissioner of Finance to serve such process.

Section 16. Penalties and Interest.

(a) Any person failing to file a return or to pay any tax or any portion thereof within the time required by this local law shall be subject to a penalty of five times the amount of the tax due, plus interest of five percent of such tax for each month of delay or fraction thereof, but the Commissioner or the Commissioner of Finance, if designated as his or her agent, if satisfied that the delay is excusable, may remit all or any part of such penalty, but not interest. Penalties and interest shall be paid and disposed of in the same manner as other revenues under this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(b) The certificate of the Commissioner or of the Commissioner of Finance, if designated as his or her agent, to the effect that a tax has not been paid or that a return required by this local law has not been filed or that information has not been supplied pursuant to the provisions of this local law shall be presumptive evidence thereof.

Section 17. Returns to be Secret.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner, any officer or employee of the Department of Motor Vehicles, the Commissioner of Finance, any officer or employee of the Commissioner of Finance, any agent of the Commissioner or any person who, pursuant to this Section, is permitted to inspect any return or to whom a copy, an abstract or portion of any return is furnished or to whom any information contained in any return is furnished to divulge or make known in any manner any information contained in or relating to any return provided for by this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner or the Commissioner of Finance in an action or proceeding under the provisions of this local law or on behalf of any party to an action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The Commissioner or the Commissioner of Finance, if designated as his or her agent, may nevertheless publish a copy or a summary of any determination or decision rendered after a formal hearing held pursuant to Section 8 or 10 of this local law. Nothing herein shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a certified copy of any return filed by him or her pursuant to this local law or of the receipt, document or other form issued pursuant to Section 6 of this local law or a duplicate copy thereof, nor to prohibit the delivery of such a certified copy of such return or any information contained in or relating thereto to the United States of America or any department thereof, the State of New York or any department thereof or the County of Rockland or any department thereof, provided that the same is required for official business, nor to prohibit the inspection for official business of such returns by the County Attorney or other legal representatives of the County or by the Rockland County District Attorney, nor to exhibit the publication of statistics so classified as to prevent the identification of particular returns or items thereof.

Section 18. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, in any application made by him or her pursuant or in any application for registration made by him or her pursuant to Section 401 of the Vehicle and Traffic Law or, if no return has been filed or application made, then to such address as may be reasonably obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions

of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Commissioner or the Commissioner of Finance, if designated as his or her agent, to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

(d) If any return, claim, statement, notice, application or other document required to be filed or any payment required to be made within a prescribed period or on or before a prescribed date under authority of any provision of this title is, after such period or such date, delivered by the United States Postal Service to the Commissioner, Commissioner of Finance, bureau, office, officer or person with which or with whom such document is required to be filed or payment made, the date of the United States postmark stamped on the envelope shall be deemed to be the date of such delivery or payment. This subsection shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making such payment, including any extension granted for such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the Commissioner, Commissioner of Finance, bureau, office, officer or person with which or with whom such payment is required to be made or document filed. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the Commissioner, Commissioner of Finance, bureau, office, officer, or person to which or to whom addressed, and the date of registration shall be deemed the postmark date. The Commissioner is authorized to provide by regulation the extent to which the provisions of the preceding sentence with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail. This subsection shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by regulation of the Commissioner.

(e) When the last day prescribed under authority of this title (including any extension of time) for performing any act falls on a Saturday, Sunday or legal holiday in the State of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

Section 19. Commissioner of Finance as Agent.

The Commissioner is hereby authorized to designate the Commissioner of Finance as his or her agent to exercise any or all of his or her functions and powers specified or provided for in subsection (d) of Section 7 and in Sections 8, 10, 13, 15, 16 and 18 of this local law. Where the Commissioner of Finance has been so designated as agent, the Commissioner of Finance, in addition to the powers elsewhere granted to him or her in this local law, is hereby authorized and empowered:

(1) To delegate such functions and powers to any employee or employees of the Commissioner of Finance;

(2) For cause shown, to remit penalties and to compromise disputed claims in connection with the taxes hereby imposed;

(3) To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Transportation of the United States or any city or county of the State of New York, and to afford such information to such other state, treasury department, city or county any provision of this local law to the contrary notwithstanding;

(4) To request the Sheriff to assist in the enforcement of the provisions of this local law.

Section 20. Agreement Between Commissioner of Finance and Commissioner.

The Commissioner of Finance is hereby authorized and empowered to enter into an agreement with the Commissioner to govern the administration and collection of the taxes imposed by this local law, which agreement shall provide for the exclusive method of collection of such taxes, custody and remittal of the proceeds of such tax; for the payment by the County of the reasonable expenses incurred by the Department of Motor Vehicles in collecting and administering such tax; and for the audit, upon request of the Commissioner of Finance or his or her delegate, of the accuracy of the payment distributions and remittances to the Commissioner of Finance pursuant to the provisions of this local law, to be conducted at a time agreed upon by the State Comptroller and to be allowed not more frequently than once in each calendar year. Such agreement shall have the force and effect of a rule or regulation of the Commissioner and shall be filed and published in accordance with any statutory requirements relating thereto.

Section 21. Notification to County Attorney.

The Commissioner shall promptly notify the County Attorney of any litigation instituted against him or her which challenges the constitutionality or validity of any provision of this local law or which attempts to limit or question the applicability of such law, and such notification shall include a copy of the papers served upon him.

Section 22. Disposition of Revenues.

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to the General Fund of the County.

Section 23. Severability.

If any provision of this local law or the application thereof to any person or circumstances is held invalid, the remainder of this local law and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 24. Effective Date.

This local law shall take effect upon filing with the office of the Secretary of State of the State of New York.

The vote resulted as follows:

Ayes:	14	(Legislators Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyers, Moroney, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Nays:	03	(Legislators Carey, Day, Sparaco)

Debate:

Mr. Meyers

I do support this as part of the revenue side of the equation in trying to meet the needs of the County. I am disappointed that we haven't done more on the expense side, but I am not prepared to abandon the plan as I see it just yet. Although I agree with the speaker that speaker during the public hearing, one of my colleagues jokingly mentioned to me, "don't worry you will have plenty to deduct in January after we pass the budget and raise property taxes again." I think that having different kinds of taxes like this where non-property owners also have to pay is good to spread it around to property owners and non-property owners.

I felt the same about the home energy tax. It was much more preferable to me than a sales tax, because that when you raise your sales tax people coming outside the County might not want to shop here and that is not good for our businesses. People look how much the sales tax is in counties. Nobody is thinking about a home energy, which is more of a hidden tax. The sales tax is much more of a public tax. I really do feel that the way we tax our residents has to be distributed among, not just property owners, but property owners and non-property owners alike. This does that.

When you go to sell your home or refinance your home having higher real estate taxes can be a problem on the value of your home and for people comparing taxes of living in Rockland County verses living in Bergen County. While it does give you a small deduction it hurts you in other ways, chiefly the value of your home. It is not a black and white issue.

This will raise a significant amount of money and we need to raise a significant amount of money.

Mr. Day

This is a tax proposed by the County Executive to address a 2012 shortfall. Certainly, I would consider supporting the County Executive on this tax proposal; because I want the administration to be very clear that I am looking to help the County meet their challenges. But, my expectation is consistent with the supposed intent. We were told on May 17th that we have a short-term budget gap for the year. I would like to make a motion to make an amendment to the very end of the Local Law. I do not believe it is substantive in change. I would like to add at the very end in Section 24. Effective Date - This local law shall take effect upon filing with the office of the Secretary of State of the State of New York "and will expire in two years from that date." I believe that this makes it more consistent with the intent that was proposed by the County Executive and the situation that is at hand.

Mr. Schoenberger

I do not accept the motion to amend. I think it is way too premature. We don't have our deficit bond yet. We asked the State for it and we hope that we are going to get it. We have not had our books closed yet for 2011. We won't be able to sell Deficit Bond if we get until September of 2013 after our books close for 2012 and the State Comptroller certifies it. The bond is not to exceed \$80,000,000, but the State Comptroller must certify the amount. To sit here and put a cap on this when it is just being initiated, and next year will be the first full year that we will be able to achieve the revenue from this and then measure how much that revenue is and to put a two year cap on it so that we won't even have a second year to evaluate it while we are going to have a ten year deficit bond I don't think that is good government. You bite the bullet and you pass the tax. If you come back two years from now, Legislator Day, and you think that we don't need the money I would be glad to entertain then, but I am not going to kill the bill today without even knowing how much revenue we are getting and how it is going to affect the operations of the County.

Mr. Sparaco

I would like to comment on what Legislator Meyers said. I agree with him wholeheartedly that the property tax makes it more difficult to sell your home. Too many people have fled the State of New York in the last few years. Two years ago State government increased motor vehicle taxes on a whole litany of items. We pay five times more than the national average for our utility bills as is and now we are looking to raise taxes on them anyhow. All of those things hurt us all. It is not just the property tax, but all these hidden incremental small taxes or big taxes that negatively affect all of the taxpayers. It is obviously something that I don't agree with and not a course of action that the County should be taking. I am not going to be supporting it tonight, with all due respect. Thank you.

Mr. Wieder

Sometimes people perceive that taxes are only if we tax directly. If we don't tax directly people aren't going to get taxed; that is not true, it is a fallacy. If the County goes bankrupt and our bond rating goes down to junk status that is a tax levy, because we are going to be paying more in interest and that is what the taxpayers will have to pay. If we dissolve-consolidated services with the Sheriff's Department and the towns have to pick it up independently taxpayers will pay that. That is an increase in taxes and we don't do it directly, but whoever doesn't participate in the effort to make the County whole let it be known on his conscience he is raising taxes even though he doesn't raise his hands directly. So all these measures that we attempt to do is to make the County whole in essence sometimes save taxpayers. That is all we want to do and that is all that we try to do.

Mr. Schoenberger

Frank, I thank you very much for your statement. I have no argument with your vote or the way that you vote. That is your conscience and you certainly have a right to vote that way. I am a little concerned that you are a resident and homeowner in the Town of Clarkstown and we have a Supervisor in the Town of Clarkstown that is constantly criticizing Rockland County. He is a friend of mine and he was a Legislator when I was the County Attorney and I always supported him and I still do. What isn't said hasn't been said and must be said is that the Town of Clarkstown, which has a very fine police department, is one of the highest if not the highest paid police department in the United States of America. America. They just got a 12% increase. That makes some of the taxes we are talking about pennies compared to what is going on in that town and they criticize us. When the Town of Clarkstown Police Department gets that kind of increase given to them by the Supervisor it then sets the standard for the other five towns, which then must meet that increase, because it goes to a binding arbitration otherwise and they say in Ramapo that they do the same work as Clarkstown so why should Clarkstown get "X" and we get less than "X". Recently the Supervisor of the Town of Haverstraw was critical of the Town of Ramapo for the amount that they settled with their police department for, but it was far less than the Town of Clarkstown gave to their police officers and was silent. Not a word was said about the Town of Clarkstown settlement.

So you want to talk about equality, fairness and the impact of taxes and what is happening in Rockland County. I appreciate what you said Frank, but I really urge you to also speak up. It is not nice to say that about the police, because they are law enforcement and they deserve every penny that they get and they put their life on the line every day. So if you are politically smart you don't say what I just said. You say, "Give them more." Why does Clarkstown have the highest paid police department in the United States of America? Is there more crime in Clarkstown than there is in Los Angeles? Is there more crime in Clarkstown than there is in Miami? Detroit? I don't understand it, but if that is what Clarkstown wants to do Clarkstown has an absolute right to do it and they go ahead and do it, but they should be a little bit careful about criticizing Rockland County. Thank you.

Mr. Grant

The mid-year cuts and revenue enhancements are perhaps the most difficult to make of any. It is what you can do when you can do it. This is one of those and not something that any of us is happy about, but it is a necessary component of the package that was put together to close the \$21,000,000 gap in the budget exclusive of the salary savings and givebacks. One of the primary issues that came up during the bond rating meetings and was a focus of Moody's downgrading of us several weeks ago was political will. They deemed that this body and the County Executive didn't have the political will to do what was necessary and that contributed in large part to the situation that we are in now. It is important that we demonstrate the political will tonight as we cobble together a package for closing the budget, which is the right thing to do and the more close to being unanimously we are the better it is.

We have to start making the value argument for County government. The County's budget is about \$700,000,000. The amount raised locally is \$275,000,000 and \$12,000,000 of which we give back to the towns and villages. If we could have that money back for the last seven years we wouldn't have a deficit at all. It is money we share with them and part of that is there is a perception that Rockland County has the highest taxes in the nation or fifth in the nation and that may very well be true, but it is not true about County government. We should make a determination to pay for the services that we deem are the right services for the County and they are getting back \$2.00 to \$3.00 in services for every \$1.00 you put out in taxes in Rockland County. The larger share of those coming from sales tax - \$175,000,000, which is contributed to by everyone that comes through Rockland County and makes purchases. I think it is important that we make a determination that County government has value and we are committed to funding County government in the most affordable way we can. I urge Mr. Flick to come back during the budget season to make the exact same argument that he made tonight, because I think it was important.

Your County tax bill is about 7% of your total property tax bill. Your County tax bill in some communities is less than your library tax bill. These are onerous only because they are mid-year and scattered. We probably would be better off placing them on the property tax bill, balancing out our economically sensitive revenues with our stable revenues and getting that money at the beginning of the year to reduce the amount of money we need to borrow.

This is one component of a package of revenue enhancements and serious cuts that we need to make to close the gap. Moody's, Finch and Standard and Poors are all expecting us to do something and they expect us to do it collectively. They are hoping that we will act together to right the ship of Rockland County and move forward. I don't think that necessarily means that any of these are permanent revenue enhancements. I think we can reconfigure them. I think we can reconfigure our expenses. I think it will just take a lot of effort on our part, but we need to do it together and it starts with this vote. Thank you.

Mr. Sparaco

In response to Legislator Schoenberger I would just like to point out a few things the way I see things. Supervisor Gromack, since you brought him up, brought the Clarkstown Police Department to arbitration a couple of years in a row, because I believe the Town of Ramapo Supervisor gave out a 4% increase over four years. The arbitrator was inclined to force this upon Clarkstown. I also see that the Town of Clarkstown had a zero percent property tax hike and a one percent the year before that. Actually one year they had a decrease in property tax that might have been last year. The Town of Clarkstown has cut through attrition over thirty police officers, they have consolidated departments and the Receiver of Taxes position has been consolidated into the Clerks office. To even remotely compare the job that the Town of Clarkstown is doing with this Legislature is night and day. To sit here and try to badmouth the job that they are doing compared to what we have done; I would take Alex Gromack running this government any day of the week. Thank you.

Mr. Moroney

Moving forward I think we have to address the issues of the mandates by the State of New York. We have also created some departments along the way and if we want to be sincere about moving forward and balancing the budget we have to try to consolidate or eliminate some departments. We talk and talk, but it doesn't happen and it takes a lot of courage to bring things forward. The Sheriff's office budget is the biggest one and we have to look at it. I don't begrudge any policeperson for what he makes; my son is a policeman. I see some policemen who have retired who have made \$300,000 a year in this County, but that is not my problem that is the town's problem. When things were good we created departments in the County of Rockland government. Now we have to take a look at these departments and either make them smaller, combine or consolidate them or do something.

We can't continue to balance the budget on the backs of the little guys and that is what we are doing. I understand if you don't have it you can't spend it. I was in business for forty years. We are patching things as we go along instead of facing the real issues that we should be facing as a Legislature. I am prepared to vote for those tough decisions. I am also prepared to vote for this tonight. I am not a taxman I hate taxes, but there is a reality here and we can't hide the fact that we have to look at the overall picture of County government. We have to address it. As long as we keep kicking the can down the road we are going to keep coming back with more taxes burdening the people o Rockland County. A lot of people are leaving Rockland County, because they can't afford it anymore. I understand that too.

If we had the courage to take back the money we share with the towns and villages for three years that would be \$32,000,000. These numbers add up and it is a lot of money. Yet, it doesn't seem to be enough. There is no talk about what I just said about consolidation and trimming certain departments. I would like to see some discussion about that going forward.

Mr. Schoenberger

I am going to respond to Legislator Sparaco who is my friend and him and I don't disagree very often. It is a lot easier to run a government when you are sitting in a town and your unfunded mandates are little, if any, when we are sitting here in Rockland County government and we raise \$80,000,000 in real property taxes and our unfunded mandates exceed \$150,000,000 a year. Last Thursday I asked our Commissioner of Finance how much did the State owe us today? \$42,000,000 was the answer. At any given day at any given time the State owes us \$30,000,000 to \$60,000,000 for services that we provided by State mandates that we are supposed to be reimbursed for. As of last Thursday it was \$42,000,000. A week earlier we had voted for a \$35,000,000 Revenue Anticipation Note. We have to go out to sell bonds at the bond market to raise the money in anticipation of the revenues that the State owes us.

It is a little bit easier to run a government in a Town like Clarkstown when your mandates or little, if any. Then I read in the Journal Newspaper a quote from Supervisor Gromack, "The County is going down. Leave us alone. We are just doing fine without your help" said Gromack. "If you are going to drown, drown alone." Of course he said, "We are doing fine without your help." He isn't without our help. We are the ones who voted to raise sales tax. We are the ones who voted to share it with the Town of Clarkstown and the other towns and villages. They never had to take a political hit to vote for it they just take the money. Yet they take the money and say, "We are doing fine without your help." Give us back the money if you don't want our help. Don't take our money and say; "We are doing it without your help." It is bologna. We got the mandates. We raised the money. We give it to you and all you do is complain about us.

Mr. Jobson

Ilan, you can save your breath. Don't even bother, because it goes in one ear and out the other with people. It is the same nonsense with Albany. \$160,000,000 in mandates, which we raise half of and yet the argument is turned back at us like we are the problem. It is unbelievable. The inmates are running the asylum.

Chairwoman Cornell

The County of Rockland doesn't have constituents that are separate from the people who live in Clarkstown, Ramapo, Orangetown, Stony Point and Haverstraw. They are our constituents. The services we provide are for all the people in the County. We have taken roads that the towns have begged us to take. We take care of those roads and the streams. We do the public health. We do Consumer Protection. We do emergency services. I appreciated Legislator Grant's discussion about how we need to talk more about the value of County government. We do things that the towns do not do. I appreciate when the towns do things well, but they should appreciate the things that we do well for the people in their towns, because they are also the people in our County. I think it is very important.

I talk a lot about some of the services that people don't even know about. They go into supermarkets and just expect that when they buy a pound of meat it is a pound meat, but if there wasn't a Consumer Protection Agency there to check on the scales it might not be a pound of meat. If they go into a restaurant or food establishment that has been inspected by the County Department of Health and they don't have to worry about getting food borne diseases. I can go on and on. Those are the services that County government provides and they are not going to be provided by each town. We are working very hard. We have already demonstrated a will to do very hard things and we are going to continue to do those hard things, because we believe in County government, the services and we know that many of our services were devised at the request of citizens and residents who live here.

We have gotten to a very broad discussion here. We will conclude by having the vote.

The Chairwoman opened the public participation portion of the meeting at 8:38 p.m. and the following persons appeared and spoke:

- ❖ Rochelle Sternheim, Concerned with option of PBC and taxpayer mandates
- ❖ Richard Cohen, County needs more revenue, cost savings ideas
- ❖ PT Thomas, Mental Health has 30 managers for 180 employees; don't save money on backs of employees
- ❖ J. Flynn, concerned with budget issues
- ❖ Jason Rielly, Assemblywoman Rabbitt's office, Director of Community Relations

Public Participation ended at 8:49 p.m.

Presentation of Communication:

Honorable Harriet D. Cornell, Chairwoman

I don't usually call attention to anything, but in the Legislature we often pass what we call Memorializing resolutions where we call upon State or Federal government to do something and then we don't really hear back from our representatives. I did get letter from Congresswoman Lowey. This has to do with your sponsorship, Legislator Wolfe, on a safety concern at the Ramapo Meter and Regulating station, which was a concern to the residents, because of flooding and safety. Congresswoman Lowey wrote to the Director of the Division of Government Affairs at the Federal Energy Regulatory Commission basically stating all of the concerns. In the end saying, "The Rockland County Legislature would like the safety concerns to be addressed and I would appreciate you looking into this matter and advising me of your response to the Legislature."

I was really pleased to get this, because I don't often get responses in quite that way from the Memorializing resolutions.

UNFINISHED BUSINESS

Referral No. 8737

Introduced by:

Hon. Harriet D. Cornell, Sponsor

**RESOLUTION NO. 295 OF 2012
AMENDING RESOLUTION NO. 566 OF 2010
WHICH ADOPTED A STANDARD WORKDAY IN COMPLIANCE
WITH THE REQUIREMENTS OF THE OFFICE OF THE
NEW YORK STATE COMPTROLLER**

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

WHEREAS, By Resolution No. 384 of 2010, the Rockland County Legislature established a standard workday for certain elected and appointed officials in Rockland County in compliance with the New York State Retirement System; and

WHEREAS, The Clerk to the Legislature received a letter from the Office of the New York State Comptroller whereby it asked the legislature to adopt a revised resolution that includes a specific chart with additional information for each elected or appointed official who is a member of the Retirement System (name, last four digits of the social security number, NYS pension system registration number, and the number of days worked per month as opposed to the number of hours per month). They supplied a sample chart to use to provide the information; and

WHEREAS, Resolution 566 of 2010 amended and superceded Resolution No. 384 of 2010 to comply with the requirements of the Office of the New York State Comptroller; and

WHEREAS, Regulation 315.4 of the New York State Retirement System requires each official who is a member of the Retirement System and does not use the County's time and attendance system to maintain a record of his or her work-related activities to submit a record for three consecutive months to the secretary or legislative clerk. This Regulation does not apply to elected or appointed officials who are not members of the Retirement System; and

WHEREAS, Regulation 315.4 requires the legislature to establish a standard workday for elected and appointed officials by adopting a resolution that lists each affected employee's title and the number of hours in the standard work day for each title; and

WHEREAS, The standard workday for the following elected and appointed Rockland County officials, who were not included in Resolution No. 566 of 2010, is:

Commissioner of Hospitals	Eight (8) hours
Deputy Budget Director	Eight (8) hours
Executive Director – Youth Bureau	Eight (8) hours
Tourism and Local Development Coordinator	Eight (8) hours
Assistant Director, Drug Task Force	Eight (8) hours
Assistant Public Defender PT	Eight (8) hours
Assistant to the Director Community Development	Eight (8) hours
Chief Assistant County Attorney	Eight (8) hours
Committee Member Rockland County Self Insurance Fund	Six (6) hours
Confidential Intelligence Assistant	Eight (8) hours
Confidential Investigations Assistant	Eight (8) hours
Confidential Investigator (Computer Crimes)	Eight (8) hours
Confidential Assistant To The Commissioner Of Personnel	Eight (8) hours
Deputy Commissioner Of Elections	Eight (8) hours
Deputy Commissioner Of Mental Health	Eight (8) hours
Deputy County Clerk	Eight (8) hours
Deputy Medical Examiner (LFT)	Eight (8) hours
Deputy Public Defender	Eight (8) hours
Director, Medical Services DSS	Eight (8) hours
Director, Narcotics Task Force	Eight (8) hours
Director Of Communications (County Executive)	Eight (8) hours
Director Of Insurance And Risk Management	Eight (8) hours
Executive Assistant County Attorney	Eight (8) hours
Principal Assistant County Attorney	Eight (8) hours
Principal Assistant County Attorney PT	Eight (8) hours
Second Deputy County Clerk	Eight (8) hours
Senior Assistant County Attorney	Eight (8) hours
Senior Assistant Public Defender	Eight (8) hours
Senior Assistant Public Defender PT	Eight (8) hours
Sewer Commissioner	Six (6) hours
Sewer Commissioner (Relief)	Six (6) hours
Supervising Assistant Public Defender	Eight (8) hours

; and

WHEREAS, The County maintains actual daily records of time worked for all elected and appointed officials in Rockland County; and

WHEREAS, The Clerk to the Legislature represents that District Attorney, Thomas P. Zugibe; Sewer Commissioner Alexander Gromack; Sewer Commissioner Bessie Walker, Sewer Commissioner (Relief) J. Mark Reimer, Michael J. Gamboli, Workers' Compensation Self Insurance Fund Member and Michael Profenna, Workers' Compensation Self Insurance Fund Member have each recorded and submitted his or her work activities for the required period, and the records of work activities submitted by the District Attorney demonstrates that he has worked eighty hours biweekly and the records of work activities submitted by the Sewer Commissioners and the Workers' Compensation Self Insurance Fund Members demonstrate they have worked the hours indicated on the annexed Schedule A; and

WHEREAS, All of the County's department heads' and other appointed officials' positions are either governed by or tied by prior legislative resolutions to collective bargaining provisions and consequently derive their standard seven or eight hour workday or pro-rated schedule based upon a standard seven or eight hour workday from said agreements. Said standard workday is the basis for each employee's regular bi-weekly electronic timesheet reporting in the Peoplesoft system. Peoplesoft is a system that keeps track of accruals used and attests that, other than time charged for accruals, full hours were worked; and

WHEREAS, Attached as Schedule A is a chart providing all required information for certain elected and appointed officials in Rockland County exclusive of the elected and appointed officials of the Rockland County Legislature; now, therefore be it

RESOLVED, That the Rockland County Legislature hereby amends Resolution No. 566 of 2010 in compliance with the requirements of the Office of the New York State Comptroller and establishes a standard workday for certain elected and appointed officials of Rockland County and will report the appropriate days worked to the New York State and Local Employees' Retirement System based on the actual daily records of time worked by the appointed officials and the records of activities maintained and submitted by the elected and appointed officials to the Clerk to this body, as set forth in the attached Schedule A; and be it further

RESOLVED, That this resolution shall be posted on the Rockland County website for a minimum of thirty (30) days; and be it further

RESOLVED, That the Clerk to the Legislature be and is hereby authorized and directed to file a certified copy of this resolution with an Affidavit of Posting with the Office of the New York State Comptroller within forty-five (45) days of the adoption of this resolution.

CERTAIN ROCKLAND COUNTY ELECTED/APPOINTED OFFICIALS
SCHEDULE A

Title	Name	SS No. (Last 4 Digits)	Retirement Registration No.	Standard Work Day (Hrs/Day)	Term Expires	Public or Employee's Involvement System	Days/ Month Based on Record of Activities	Tier 1 Member	Not Submitted at this time
ELECTED OFFICIALS									
District Attorney	Zugibe, Thomas P.			8	12/31/2015	N	20		
FIXED TERM CONCURRENT WITH COUNTY EXECUTIVE'S TERM									
Commissioner of Mental Health	Walsh-Tozer, Mary Ann - Reappt 7/3/10			8	12/31/2013	Y		X	
Commissioner of Health	Facille, Joan - Reappt 6/3/10			8	12/31/2013	Y			
Commissioner of Human Rights	Nagubandi, Sreenamulu - Reappt 6/3/10			8	12/31/2013	Y			
Public Defender	Licata, James D. - Reappt 6/3/10			8	12/31/2013	Y			
STATUTORY TERM									
Commissioner of Personnel	Silvestri, Joan M.			8	3/15/2017	Y			
Commissioner of Social Services	Sherwood, Susan H. - Reappt 1/1/12			8	1/1/2017	Y			
SERVES AT THE PLEASURE OF THE COUNTY EXECUTIVE									
County Attorney	Fortunato, Jeffrey (Acting)			8	12/31/2013	Y			
Commissioner of Finance	DeGroat, Stephen (Acting)			8	12/31/2013	Y			
Director of Insurance and Risk Management	Cassa, Karen A.			8	12/31/2013	Y			
Commissioner of Planning	Vanderbeek, Thomas			8	12/31/2013	Y			
Budget Director	DeGroat, Stephen (Acting)			8	12/31/2013	Y			
Deputy Budget Director	Grogan, Steven J			8	12/31/2013	Y			
Executive Director - Youth Bureau	Farrison, David K.			8	12/31/2013	Y			
Tourism and Local Development Coordinator	Miller, C.J.			8	12/31/2013	Y			
SERVES AT THE PLEASURE OF THE LEGISLATURE									
Sewer Commissioner	Cornell, Kevin P.			6	12/31/2015	N			X
Sewer Commissioner	Walker, Bessie			6	12/31/2015	N	1.67		
Sewer Commissioner (Relief)	Gronback, Alexander J.			6	12/31/2015	N	1.17		
Sewer Commissioner (Relief)	Jasmin, Noranne F.			6	12/31/2015	N			X
Sewer Commissioner (Relief)	Maloney, John R.			6	12/31/2015	N			X
Sewer Commissioner (Relief)	Reimer, J. Mark			6	12/31/2015	N	0.17		
Sewer Commissioner (Relief)	St. Lawrence, Christopher P.			6	12/31/2015	N			X

CERTAIN ROCKLAND COUNTY ELECTED/APPOINTED OFFICIALS
SCHEDULE A

Title	Name	SS No. (Last 4 Digits)	Retirement Registration No.	Steward Make (by Day/Day)	Term Expires	Paid in Employer's Unemployment System	Days Month Based on Recard of Activities	Tip 1 Member	Not Submitted at this time
Sewer Commissioner (Relief)	Stewart, Andrew			6	12/31/2015	N			X
OTHER APPOINTED OFFICIALS									
Assistant District Attorney	DeJesus, Daniela			8	12/31/2015	Y			
Assistant District Attorney	Doby, Amanda M.			8	12/31/2015	Y			
Assistant District Attorney	Dunlap, Kevin M.			8	12/31/2015	Y			
Assistant District Attorney	Fischer, Patrick			8	12/31/2015	Y			
Assistant District Attorney	Gayle, Tampa A.			8	12/31/2015	Y			
Assistant District Attorney	Hobbs, Eric M.			8	12/31/2015	Y			
Assistant District Attorney	McGowan, John			8	12/31/2015	Y			
Assistant District Attorney	McLeod, Nabesha			8	12/31/2015	Y			
Assistant District Attorney	Rosenwasser, Jason S.			8	12/31/2015	Y			
Assistant District Attorney	Trudell, Robert			8	12/31/2015	Y			
Assistant Public Defender PT	Berkowitz, Brian			8	12/31/2013	Y			
Assistant Public Defender PT	Golland, Jay R.			8	12/31/2013	Y			
Assistant Public Defender PT	Gonzalez, Ronnie			8	12/31/2013	Y			
Assistant Public Defender PT	Licker, Mark B.			8	12/31/2013	Y			
Assistant Public Defender PT	Passman, Eugene A.			8	12/31/2013	Y			
Assistant Public Defender PT	Rippes, Jonathan B.			8	12/31/2013	Y		X	
Assistant to the Director (Comm Development)	Santiago, Cynthia			8	12/31/2013	Y			
Assistant to the Sheriff (Administration/Personnel)	Winczinger, Robert J.			8	12/31/2015	Y			
Assistant to the Sheriff (Public Safety and Counter Terrorism)	Fried, David			8	12/31/2015	Y			
Chief Assistant County Attorney	Nahas Botta, Brigitte M.			8	12/31/2013	Y			
Chief Assistant County Attorney	Reda, Antonio F.			8	12/31/2013	Y			
Chief Assistant District Attorney	Ferraro, Arthur J.			8	12/31/2015	Y		X	
Committee Member RC Self Insurance Fund	Gamboli, Michael J.			6		N	0.17		
Committee Member RC Self Insurance Fund	Proffens, Michael			6		N	0.17		
Commissioner of Elections	Babcock, Louis C.			8	12/31/2012	Y			
Confidential Aide to the District Attorney	McCartin, Kathryn A.			7	12/31/2015	Y			
Confidential Intelligence Assistant	Fehsal, Catherine A.			8	12/31/2015	Y			

CERTAIN ROCKLAND COUNTY ELECTED/APPOINTED OFFICIALS
SCHEDULE A

Title	Name	SS No. (Used 4 Digits)	Retirement Registration No.	Standard Work Day (Hours/Day)	Team Beginning Ends	Practicing Employees Tracking System	Days/ Month Based on Record of Activities	Not Submitted at this time
Confidential Investigations Assistant	Cusick, Sharon E.			8	12/31/2015	Y		
Confidential Investigations Assistant	Koussari, Patricia A.			8	12/31/2015	Y		
Confidential Investigator (Computer Crimes)	Koenig, Shlomo Z.			8	12/31/2015	Y		
Confidential Assistant to the Commissioner of Personnel	Brenner, Shern L.			8	3/15/2017	Y		
Confidential Secretary to the District Attorney	Lopez, Xiomara			7	12/31/2015	Y		
Confidential Secretary to the Commissioner of Hospitals	Moscattello, Denise M.			7	12/31/2013	Y		
Deputy Commissioner of Elections	Pietanza, Kathleen M.			8	12/31/2012	Y		
Deputy Commissioner of Elections	Rogers, Gerard A.			8	12/31/2012	Y		
Deputy Commissioner of Mental Health	Leitzes, Michael			8	12/31/2013	Y		
Deputy County Clerk	Silberman, Donna Gorman			8	12/31/2013	Y		X
Deputy Medical Examiner (LFT)	Carbone, Laura S.			8	12/31/2013	Y		
Deputy Public Defender	McCue Cirincotta, Clare			8	12/31/2013	Y		
Director, Drainage Agency	Allert, Vincent			8	12/31/2013	Y		
Director, Intergovernmental Relations	Rutledge, Susan			8	12/31/2013	Y		
Director, Medical Services (DSS)	Letra, Susan C.			8	1/1/2017	Y		
Director, Narcotics Task Force	Gobnick, Christopher			8	12/31/2015	Y		
Director of Community Relations (County Executive)	Cerna, Susan E.			8	12/31/2013	Y		
Executive Assistant County Attorney	Fortunato, Jeffrey J.			8	12/31/2013	Y		
Executive Assistant County Attorney	Sinodi, Thomas			8	12/31/2013	Y		
Executive Assistant District Attorney	Eaton, Michael W.			8	12/31/2015	Y		
Executive Assistant District Attorney	Yeager, Hamar J.			8	12/31/2015	Y		
Executive Assistant District Attorney (Narcotics)	Heavner, Gary L.			8	12/31/2015	Y		
Executive Assistant District Attorney Special Programs & Invest	Moore, Stephen			8	12/31/2015	Y		
Executive Director of Sewer Operations and Engineering	Phillips, Dianne T.			8	12/31/2015	Y		
First Assistant District Attorney	Galleco, Kevin P.			8	12/31/2015	Y		
First Assistant District Attorney	Mellon, James H.			8	12/31/2015	Y		X
Principal Assistant County Attorney	Grant, Linda H.			8	12/31/2013	Y		
Principal Assistant County Attorney	DiStefano, Elizabeth B.			8	12/31/2013	Y		

CERTAIN ROCKLAND COUNTY ELECTED/APPOINTED OFFICIALS
SCHEDULE A

Title	Name	SS No. (Last 4 Digits)	Retirement Registration No.	Standard Work Day (Hrs/Day)	Team Begins/Ends	Public Employer's Thrift/Savings System	Days/ Month Absent for Required Activities	Has Member	Not Submitted at this Time
Principal Assistant County Attorney (PT)	Byrne, Matthew J.			8	12/31/2013	Y			
Research Assistant, County Executive	Shoerbox, Kenneth W.			8	12/31/2013	Y			
Second Deputy County Clerk	Graham, Jamie L.			8	12/31/2013	Y			
Second Deputy County Clerk	O'Connell, John J.			8	12/31/2013	Y			
Senior Assistant County Attorney	Block, Daniel J.			8	12/31/2013	Y			
Senior Assistant County Attorney	Cahill, Kristine M.			8	12/31/2013	Y			
Senior Assistant County Attorney	Mascob, Thomas M.			8	12/31/2013	Y			
Senior Assistant County Attorney	Whitbee-Jordan, Yenia			8	12/31/2013	Y			
Senior Assistant District Attorney	Ciganek, Carrie A.			8	12/31/2015	Y			
Senior Assistant District Attorney	Conlin, Kristen A.			8	12/31/2015	Y			
Senior Assistant District Attorney	Desimone, Maria T.			8	12/31/2015	Y			
Senior Assistant District Attorney	Devito, Joanna M.			8	12/31/2015	Y			
Senior Assistant District Attorney	Guccione, Tina L.			8	12/31/2015	Y			
Senior Assistant District Attorney	Gunning, Patricia E.			8	12/31/2015	Y			
Senior Assistant District Attorney	Karim, Ameenah			8	12/31/2015	Y			
Senior Assistant District Attorney	Kovacs, Janine M.			8	12/31/2015	Y			
Senior Assistant District Attorney	Moran, Richard K.			8	12/31/2015	Y			
Senior Assistant District Attorney	Prineas-Fogarty, Jennifer S.			8	12/31/2015	Y			
Senior Assistant District Attorney	Waters, Christopher M.			8	12/31/2015	Y			
Senior Assistant Public Defender	Cappellati, Lois A.			8	12/31/2013	Y			
Senior Assistant Public Defender	Griffin, Francis H.			8	12/31/2013	Y			
Senior Assistant Public Defender	Jordan, Stefanie O.			8	12/31/2013	Y			
Senior Assistant Public Defender (PT)	Murphy, Kenneth J.			8	12/31/2013	Y			
Senior Assistant Public Defender (PT)	O'Connor, Michael P.			8	12/31/2013	Y			
Senior Assistant Public Defender (PT)	Schwartz, Larry J.			8	12/31/2013	Y			
Supervising Assistant District Attorney	Crispino, Dominic			8	12/31/2015	Y			
Supervising Assistant District Attorney (Financial Crimes)	Dell'icanti, Anthony R.			8	12/31/2015	Y			
Supervising Assistant Public Defender	Sakowski, Walter J.			8	12/31/2013	Y			

CERTAIN ROCKLAND COUNTY ELECTED/APPOINTED OFFICIALS
SCHEDULE A

Title	Name	SS No. (Last 4 Digits)	Retirement Registration No.	Standardized Work Day (hrs/day)	Term Expires	Member in Employer's Employment System	Days/Month Based on Rotation of Activities	Tier 1 Member	Not Sworn/Off at this time
Supervising Assistant Public Defender	Castagna, David			8	12/31/2013	Y			

*** PERSONAL IDENTIFYING INFORMATION IS REDACTED ON COPY MADE AVAILABLE TO THE PUBLIC TO PROTECT THE PRIVACY OF THE INDIVIDUAL. REDACTED COPY IS ON FILE WITH THE CLERK TO THE LEGISLATURE IN THE LEGISLATURE'S PERSONNEL FILES.

UNFINISHED BUSINESS
Referral No. 8737

Introduced by:
Hon. Harriet D. Cornell, Sponsor

**RESOLUTION NO. 296 OF 2012
ESTABLISHING A STANDARD WORKDAY FOR ELECTED AND APPOINTED
OFFICIALS IN ROCKLAND COUNTY IN COMPLIANCE WITH THE REGULATIONS
OF THE NEW YORK STATE RETIREMENT SYSTEM**

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

WHEREAS, Regulation 315.4 of the New York State and Local Retirement System clearly defines the process of reporting retirement service credit for elected and appointed officials and adds additional requirements for both officials and employers; and

WHEREAS, Regulation 315.4 requires each official who is a member of the Retirement System and does not use the County's time and attendant system to maintain a record of his or her work-related activities and submit a record for three consecutive months to the secretary or legislative clerk. This Regulation does not apply to elected or appointed officials who are not members of the Retirement System; and

WHEREAS, Regulation 315.4 requires the legislature to establish a standard work day for elected and appointed officials by adopting a resolution that lists each affected employee's title and the number of hours in the standard work day for each title; now therefore be it

RESOLVED that the Rockland County Legislature hereby establishes standard the following as standard work days for elected and appointed officials and will report the following days worked for the New York State and Local Employees Retirement System based on the time keeping system records of activities maintained and submitted by these officials to the clerk of this body:

SEE ATTACHED SCHEDULE A

and; be it further

RESOLVED, that this resolution shall be posted on the Rockland County website for a minimum of thirty days after its adoption; be it further

RESOLVED, that the Clerk to the Legislature be and is hereby authorized and directed to file a certified copy of this resolution with an Affidavit of Posting with the Office of the New York State Comptroller within forty-five (45) days of the adoption of this resolution.

STANDARD WORK DAY							
TITLE	NAME	SS No. (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month Based on Record of Activities
Elected Officials							
Legislator	Carey, Christopher	*	*		6/11/12 - 12/31/15	No	20
Legislator	Cornell, Harriet	*	*		6/11/12 - 12/31/15	No	20
Legislator	Earl, Tony	*	*		6/11/12 - 12/31/15	No	20
Legislator	Grant, Michael	*	*		6/11/12 - 12/31/15	No	20
Legislator	Hood, Jr., Jay	*	*		6/11/12 - 12/31/15	No	20
Legislator	Jobson, Douglas J.	*	*		6/11/12 - 12/31/15	No	20
Legislator	Meyers, Joseph	*	*		6/11/12 - 12/31/15	No	20
Legislator	Murphy, John	*	*		6/11/12 - 12/31/15	No	20
Legislator	Paul, Arney	*	*		6/11/12 - 12/31/15	No	20
Legislator	Soskin, Philip	*	*		6/11/12 - 12/31/15	No	20
Legislator	Sparaco, Frank	*	*		6/11/12 - 12/31/15	No	20
Legislator	Wieder, Aron	*	*		6/11/12 - 12/31/15	No	20
Legislator	Wolfe, Aiden	*	*		6/11/12 - 12/31/15	No	20
Appointed Officials							
Clerk to the Legislature	Toole, Laurence	*	*		8/11/12 - 12/31/12	Yes	20
Deputy Clerk to Legislature	Widmer, Mary	*	*		8/11/12 - 12/31/12	Yes	20
Legislative Counsel	McKay, Ricardo	*	*		8/11/12 - 12/31/15	Yes	20
Legislative Counsel	Yeager, Elena	*	*		8/11/12 - 12/31/15	Yes	20
Confidential Secretary	Saidel, Chris	*	*		7/11/12 - 12/31/12	Yes	20
<p>*Redaction Note: Personal identifying information redacted to protect privacy of individual. Original unredacted copy, logs and recertifications are on file with the Clerk to the Legislature in Legislature's Personnel Files.</p>							

Introduced by
Hon. Ilan S. Schoenberger, Sponsor

UNFINISHED BUSINESS
Referral No. 9473

**RESOLUTION NO. 297 OF 2012
AMENDING RESOLUTION 262 OF 2012
ACTION TO REDUCE COUNTY PERSONNEL EXPENSES
SETTING THE EFFECTIVE DATE**

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

WHEREAS, Resolution 262 of 2012 provided for an action to reduce county personnel expenses; and

WHEREAS, said Resolution was effective as of the date of adoption of Resolution 262 of 2012;

WHEREAS, the County Department of Personnel and other units of county government have advised that due to legal and contractual requirements said Resolution No. 262 of 2012, cannot be implemented when adopted as written and the effective date must be changed; now therefore be it

RESOLVED, that Resolution No. 262 is hereby amended to provide that the effective date of Resolution 262 of 2012, shall be at the close of business on Friday, July 27, 2012; and be it further

RESOLVED, that Resolution 262 of 2012 shall in all respects remain in full force and effect.

Introduced by:
Hon. Harriet D. Cornell, Sponsor

**RESOLUTION NO. 298 OF 2012
OF THE LEGISLATURE OF THE COUNTY OF ROCKLAND,
AMENDING RESOLUTION NO. 850 of 1983, AS LAST AMENDED BY
RESOLUTION NO. 394 OF 2011, REPEALING AN EXEMPTION OF RESIDENTIAL
ENERGY SOURCES AND SERVICES FROM SALES AND
COMPENSATING USE TAXES, PURSUANT TO THE AUTHORITY OF
ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

Be it enacted by the Legislature of the County of Rockland, as follows:

SECTION 1. Subdivisions j and l of section six of Resolution No. 850 of 1983, as amended, are hereby REPEALED.

SECTION 2. Section six of Resolution No. 850 of 1983, as amended, is amended by adding a new subdivision (j) to read as follows:

(j) Receipts from the sale of energy sources and services and the use of such sources and services shall be exempt from the taxes imposed by this resolution, as authorized by paragraph three of subdivision (a) of section 1210 of the New York Tax Law.

SECTION 3. This resolution shall take effect September 1, 2012, except that section 2 shall take effect September 1, 2022, and shall apply in accordance with applicable transitional provisions of the New York Tax Law.

The vote resulted as follows:

Ayes:	14	(Legislators Earl, Grant, Hood, Jr., Jobson, Low-Hogan, Meyer, Moroney, Murphy, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Nays:	03	(Legislators Carey, Day, Sparaco)

Debate:

Mr. Carey

I didn't vote for the original one. I just want to check that you are just changing the length of the time. I still don't intend to support the overall bill.

Mr. Schoenberger

The law that we filed with the State of New York had an effective date of June 1st. It was apparently written that way some time ago when the County Executive got it. By the time we got it to vote on it, it was at the end of May and therefore it could not be effective on June 1st. Under New York State law it had to be effective the start of the next quarter, which is September 1st. In addition to that when we passed the residential energy bill Legislator Wieder asked for a Sunset on the bill. The bill would Sunset in twenty years, because it was passed at the same time as our Home Rule request that night of \$95,000,000 for twenty years. Where we are today is we passed and the State is introducing a Home Rule request for \$80,000,000 for ten years. Legislator Wieder has once again asked that it be amended to terminate after ten years. We are actually terminating the residential energy tax the same time our deficit bond will terminate. SECTION 3. This resolution shall take effect September 1, 2012, except that section 2 shall take effect September 1, 2022, and shall apply in accordance with applicable transitional provisions of the New York Tax Law.

This is a process and it began with the adoption of the budget last December. It continued in January with the Home Rule request we had then continued in May with the revenue for the Home Rule request, and this process continues. Now the Home Rule request will go to the Senate and the Assembly and hopefully pass. Then it will go to the Governor who has a period of time to sign it. If the Governor signs it into Law it goes to the State Comptroller who must then certify our deficit and that is going to take well into 2013. In the meantime we will probably sell Bond Anticipation Notes for the \$80,000,000 in September of this year. It is an ongoing process and not something that happens all of a sudden. I think Legislator Wieder recognized that when he asked for other termination effective with the deficit bond. He is asking for it again.

We had an exemption in our previous Local Law that exempted energy sources. What this does is it repeals that exemption. It makes the exemption terminate as of 2022, in other words it puts the exemption back in 2022.

All these things written by the State Tax Commission are written by them and follows their language and their process, which is often times confusing.

Mr. Soskin

I am almost positive that the Sunset Clause should be August 31, 2022, because the sales tax period ends at the end of each quarter.

Mr. McKay

We received an email today confirming what the language should be. They specifically made reference to those dates as the dates that they want. That is their practice. I understand what you are saying, but that is the day they want it to expire.

Mr. Schoenberger

I want you to know that I didn't want to do this dance for a third time. So I purposely again asked Counsel last night and had a conversation with her, Elana Yeger, this morning and with Ric McKay telling them to get it in writing from the State Tax Commission and make sure when we change this date that everything is correct. They did that and confirmed it today.

Introduced by:

Referral No. 5906

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

**RESOLUTION NO. 299 OF 2012
APPROVING PURCHASES IN EXCESS OF \$100,000
FROM UNIVERSAL ELECTRIC MOTOR SERVICE, INC.
FOR PUMPS – INSPECTION, OVERHAUL, REWIND AND REPAIR SERVICES
UNDER RFB-RC-2012-018
IN AN AMOUNT NOT TO EXCEED OF \$135,000
FROM APRIL 28, 2012 THROUGH APRIL 27, 2013
WITH FOUR (4) REMAINING ONE (1) YEAR OPTIONS
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
(\$135,000)**

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

WHEREAS, The Director of Purchasing requested bids for pumps – inspection, overhaul, motor rewind and repair services under RFB-RC-2012-018 (the “RFB”) for one (1) year with four (4) one (1) year options from the date of the award; and

WHEREAS, One hundred (100) vendors were notified of the bid, and three (3) bidders responded; and

WHEREAS, The Director of Purchasing determined that Universal Electric Motor Service, Inc. (“Universal”), 131 South Newman Street, Hackensack, New Jersey 07601, was the lowest responsible bidder that met all of the requirements of the RFB; and

WHEREAS, This bid will be used primarily by the Rockland County Sewer District No. 1; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000 from Universal for pumps – inspection, overhaul, motor rewind and repair services under the RFB in an amount not to exceed \$135,000 from April 28, 2012 through April 27, 2013 with four (4) remaining one (1) year options; and

WHEREAS, The estimated not to exceed amount is based upon the average annual expenditures for these services; and

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

WHEREAS, Sufficient funding for these purchases exists in the 2012 Budget of the Rockland County Sewer District No. 1 and is contingent upon 2013 budget appropriations; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 from Universal Electric Motor Service, Inc., 131 South Newman Street, Hackensack, New Jersey 07601, for pumps – inspection, overhaul, motor rewind and repair services under RFB-RC-2012-018 in an amount not to exceed \$135,000 from April 28, 2012 through April 27, 2013 with four (4) remaining one (1) year options, and authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases exists in the 2012 Budget of the Rockland County Sewer District No. 1 and is contingent upon 2013 budget appropriations.

Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 300 OF 2012
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 TO PROVIDE FUNDING FOR EQUIPMENT AND SOFTWARE
 FOR THE DIVISIONS OF SHERIFF PATROL (ALL UNITS),
 CIVIL AND CORRECTIONS
 [SHERIFF'S DEPARTMENT]
 (\$155,876)**

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

WHEREAS, The Office of the Sheriff has requested that \$155,876 of federal forfeiture funds in balance sheet account A-8885 (Designated for the Sheriff - Federal Proceeds) be appropriated so that his department can provide funding for equipment and software for the divisions of Sheriff Patrol (all units), Civil and Corrections; and

WHEREAS, Said funds are to be appropriated under Sheriff-Administration for control purposes; 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 said \$155,876 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purposes are permitted under federal guidelines; and

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

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A-SHF-3108-FS01 E2500	Forfeiture Funds - Equipment	26,111
A-SHF-3108-FS01-E4500	Forfeiture Funds - Services	129,765

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Designated for the Sheriff - Federal Proceeds)	155,876
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Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 301 OF 2012
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE OFFICE OF THE SHERIFF
 TO PROVIDE FUNDING FOR INFRASTRUCTURE UPGRADES,
 EQUIPMENT, K9 CARE, AND POLICE TRAINING
 [OFFICE OF THE SHERIFF]
 (\$243,650)**

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

WHEREAS, The Office of the Sheriff has requested that \$243,650 of federal forfeiture funds in balance sheet account A-8885 (Designated for the Sheriff - Federal Proceeds) be appropriated to the Sheriff's 2012 Budget to provide funding for infrastructure upgrades, equipment, K9 care, and police training; 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 said \$243,650 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purposes are permitted under federal guidelines; and

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

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A-SHF-3108-FS01-	E2500	Forfeiture Funds - Equipment	123,500
	-E3500	Forfeiture Funds - Supplies	1,500
	-E4500	Forfeiture Funds - Services	118,650

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Designated for the Sheriff - Federal Proceeds)	243,650
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Introduced by:

Referral No. 5327

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

**RESOLUTION NO. 302 OF 2012
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS
 REQUESTED BY THE SHERIFF TO PROVIDE FUNDING FOR JAIL
 INFRASTRUCTURE UPGRADES, EQUIPMENT AND TRAINING
 [SHERIFF-CORRECTIONAL FACILITY]
 (\$275,000)**

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

WHEREAS, The Office of the Sheriff has requested that \$275,000 of federal forfeiture funds in balance sheet account A-8885 (Designated for Sheriff-Crime Proceeds) be appropriated to provide funding for Jail infrastructure upgrades, equipment and training; 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 said \$275,000 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purposes are permitted under federal guidelines; and

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

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A-SHF-3150-FS02-	E2500	Forfeiture Funds-Equipment	215,000
	-E4500	Forfeiture Funds-Services	60,000

Increase Approp. Fund Bal. (Debit):

A-UNC-9990-R5990	(Designated for the Sheriff - Federal Proceeds)	275,000
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Introduced by:

Referral No. 6704

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

**RESOLUTION NO. 303 OF 2012
 APPROPRIATION OF FEDERAL FORFEITURE FUNDS REQUESTED BY THE
 DISTRICT ATTORNEY’S OFFICE AND THE OFFICE OF THE SHERIFF
 TO PURCHASE SMART BOARD EQUIPMENT AND SUPPLIES
 FOR THE SHERIFF’S R.E.A.C.T. UNIT THAT PROVIDES
 SERVICES ON CASES THROUGHOUT THE COUNTY
 [DISTRICT ATTORNEY’S OFFICE AND THE OFFICE OF THE SHERIFF]
 (\$9,000)**

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

WHEREAS, The District Attorney’s Office and the Office of the Sheriff have requested that \$9,000 of federal forfeiture funds in balance sheet account A-8880 (Designated for Law Enforcement - Federal Proceeds) be appropriated to the Sheriff’s 2012 Budget for the purchase of smart board equipment and supplies for the Sheriff’s REACT (Rescue, Entry and Counter-Terrorism Team) Unit that provides services on cases throughout the County; 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 \$9,000 appropriation exists within said balance sheet account; and

WHEREAS, The use of these funds for said purposes are permitted under federal guidelines; and

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

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

GENERAL FUND - 2012

Increase Approp. Acct. (Credit):

A -SHF -3119	-E2500	Forfeiture Funds - Equipment	8,085
	-E3500	Forfeiture Funds - Supplies	915

Increase Approp. Fund Bal. (Debit):

A-UNC -9990	-R5990 (Designated for Law Enforcement - Federal Proceeds)	9,000
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Introduced by:

Referral No. 2973

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

**RESOLUTION NO. 304 OF 2012
 APPROVING ADDITIONAL PURCHASES FROM BENDINER & SCHLESINGER, INC.
 FOR ALCOHOL/DRUG TESTING AND SCREENING SERVICES
 UNDER RFB-RC-2010-035 IN AN AMOUNT NOT TO EXCEED \$100,000
 FOR THE PERIOD FROM JUNE 1, 2012 THROUGH MAY 31, 2013
 AND FOR A TOTAL AMOUNT NOT TO EXCEED \$317,480.50
 FOR THE FULL PERIOD FROM JUNE 1, 2010 THROUGH MAY 31, 2013
 WITH TWO (2) REMAINING ONE (1) YEAR OPTIONS
 AND AUTHORIZING THE COUNTY EXECUTIVE
 TO EXECUTE THE CONTRACT AMENDMENT AND EXTENSION
 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
 (\$317,480.50)**

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

WHEREAS, By Resolution No. 422 of 2010, the Legislature of Rockland County approved the purchases and the contract in excess of \$100,000 with Bendiner & Schlesinger, Inc. ("Bendiner"), 140 58th Street, Suite 8D, Brooklyn, New York 11220, for Alcohol/Drug Testing and Screening Services under RFB-RC-2010-035 (the "RFB") for the Departments of Mental Health, Probation and Social Services and other County Departments, as needed, in an amount not to exceed \$117,480.50 for the period from June 1, 2010 through May 31, 2011, with the option to renew for four (4) additional one (1) year terms; and

WHEREAS, By Resolution No. 329 of 2011, the Legislature of Rockland County approved the first year option term of the contract with Bendiner for the period from June 1, 2011 through May 31, 2012, with three (3) remaining one (1) year options, as well as additional purchases in the amount of \$100,000 for a total amount not to exceed \$217,480 for the full period from June 1, 2010 through May 31, 2012; and

WHEREAS, The Director of Purchasing seeks to renew the RFB for the second year option term from June 1, 2012 through May 31, 2013; and

WHEREAS, Bendinder has agreed to renew the contract for the second year option term at current contract prices, which will result in an annual savings to the County in the amount of \$2,700; and

WHEREAS, The Director of Purchasing estimates that an additional \$100,000 will be spent from June 1, 2012 through May 31, 2013; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the additional purchases from Bendiner for Alcohol/Drug Testing and Screening Services under the RFB in an amount not to exceed \$100,000 for the period from June 1, 2012 through May 31, 2013 and for a total amount not to exceed \$317,480 for the full period from June 1, 2010 through May 31, 2013, with two (2) remaining one (1) year option terms; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budgets of the Departments of Mental Health, Probation and Social Services subject to available intra-departmental transfers and is contingent upon 2013 budget appropriations; and

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

WHEREAS, The 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 additional purchases in excess of \$100,000 from Bendiner & Schlesinger, Inc., 140 58th Street, Suite 8D, Brooklyn, New York 11220, for Alcohol/Drug Testing and Screening Services under RFB-RC-2010-035 for the Departments of Mental Health, Probation and Social Services and other County Departments, as needed, in an amount not to exceed \$100,000 for the period from June 1, 2012 through May 31, 2013 and for a total amount not to exceed \$317,480.50 for the full period from June 1, 2010 through May 31, 2013, with two (2) remaining one (1) year option terms, with all purchases of services to be made by formal purchase order, subject to the approval of the Director of Purchasing, and hereby authorizes the County Executive to execute the necessary amendment to and extension of the contract, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budgets of the Departments of Mental Health, Probation and Social Services subject to available intra-departmental transfers and is contingent upon 2013 budget appropriations.

Introduced by:

Referral No. 6698

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

**RESOLUTION NO. 305 OF 2012
ACCEPTING AND APPROVING THE REPORT OF
THE BUDGET & FINANCE COMMITTEE WITH
REFERENCE TO MORTGAGE TAXES
FOR THE PERIOD OCTOBER 1, 2011 THROUGH MARCH 31, 2012
[DEPARTMENT OF BUDGET & FINANCE]**

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

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

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

WHEREAS, The mortgage taxes are distributed to the various municipalities on the basis of the amount of mortgage taxes collected from the properties in the various townships by a formula which utilizes the assessed valuation of the towns and villages, after deducting the amounts which go to the State of New York, the County of Rockland, and the amounts that are kept by the County Clerk as his processing fees, and

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

RESOLVED, That the attached report, with reference to the mortgage taxes, be and is hereby accepted and approved, and the Clerk is directed to spread the same upon the minutes of this meeting.

STATE OF NEW YORK >
COUNTY OF ROCKLAND >

WARRANT OF THE COMMISSIONER OF FINANCE OF ROCKLAND COUNTY

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

You are hereby notified by the Legislature of Rockland County, State of New York, that the sum of Three Million, Two Hundred Eighty-Three Thousand, Two Hundred Eight and 95/100 (\$3,283,208.95) Dollars arising from tax on Mortgages and interest earned in the amount of One Thousand, Nine Hundred One and 02/100 (\$1,901.02) Dollars for the period between October 1, 2011 and March 31, 2012 inclusive, as reported by the recording officer to the Rockland County Legislature, has this day been apportioned to the several towns and incorporated villages, pursuant to Section 261 of the Tax Law, as amended, having deducted One Hundred Eight Thousand, Eight Hundred Ten and 75/100 (\$108,810.75) Dollars expenses of the County Clerk, as allowed by the State Board of Tax Commissioners, which leaves a net balance of Three Million, One Hundred Seventy-Six Thousand, Two Hundred Ninety-Nine and 22/100 (\$3,176,299.22) Dollars, which has been apportioned as follows:

To the Supervisor of the Town of Clarkstown for Town purposes	\$ 1,103,271.77
To the Treasurer of Upper Nyack for Village purposes	18,854.04
To the Treasurer of Spring Valley for Village purposes	7,280.07
To the Treasurer of Nyack for Village purposes	1,840.82
To the Supervisor of the Town of Haverstraw for Town purposes	176,361.93
To the Treasurer of Haverstraw for Village purposes	24,289.00
To the Treasurer of West Haverstraw for Village purposes	25,173.85
To the Treasurer of Pomona for Village purposes	11,095.59
To the Supervisor of the Town of Orangetown for Town purposes	558,629.51
To the Treasurer of Grand View for Village purposes	3,309.96
To the Treasurer of Nyack for Village purposes	31,164.02
To the Treasurer of Piermont for Village purposes	16,386.91

To the Treasurer of South Nyack for Village purposes	12,550.67
To the Supervisor of Ramapo for Town purposes	705,652.51
To the Treasurer of Hillburn for Village purposes	6,386.21
To the Treasurer of New Hempstead for Village purposes	26,967.35
To the Treasurer of New Square for Village purposes	13,832.21
To the Treasurer of Pomona for Village purposes	7,668.85
To the Treasurer of Sloatsburg for Village purposes	14,146.39
To the Treasurer of Spring Valley for Village purposes	50,644.94
To the Treasurer of Suffern for Village purposes	55,064.91
To the Treasurer of Wesley Hills for Village purposes	33,350.50
To the Treasurer of Chestnut Ridge for Village purposes	48,563.08
To the Treasurer of Montebello for Village purposes	42,514.35
To the Treasurer of Kaser for Village purposes	7,736.31
To the Treasurer of Airmont for Village purposes	49,838.98
To the Supervisor of Stony Point for Town purposes	123,724.49

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

Given under our hands and the seal of the Legislature of Rockland County, State of New York,
this day of New City, New York.

Lawrence O. Toole, Clerk

Chairman

REPORT OF COMMITTEE
MORTGAGE TAX

TO THE HONORABLE LEGISLATURE OF ROCKLAND COUNTY

The Budget and Finance Committee has reviewed the apportionment arising from tax on mortgages
Collected from October 1, 2011 through March 31, 2012 among the several towns and villages of this
County as follows:

STATEMENT OF MORTGAGE TAX
FOR PERIOD OF SIX MONTHS
ENDING MARCH 31, 2012

One Quarter of the Tax collected by recording officer pursuant to report to the Legislature of Rockland County	\$3,283,208.95
Total disbursement of Recording Officer	108,810.75
Interest Earned for Period (County Clerk)	41.20
Amount Paid to Commissioner of Finance	3,174,439.40
Interest Earned for Period (Commissioner of Finance)	1,859.82
Net Amount for Distribution to Tax Districts	3,176,299.22

AMOUNT ALLOCATED TO EACH TOWN

CLARKSTOWN	1,131,246.70
HAVERSTRAW	236,920.37
ORANGETOWN	622,041.07
RAMAPO	1,062,366.59
STONY POINT	123,724.49

ASSESED VALUATION OF TOWNS

CLARKSTOWN	4,698,635,540
HAVERSTRAW	3,846,798,279
ORANGETOWN	4,836,790,069
RAMAPO	2,046,047,151
STONY POINT	296,657,129

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

DISTRIBUTION OF TAX TO TOWNS AND VILLAGES

TOWN OF CLARKSTOWN	\$1,103,271.77
Village of Upper Nyack	18,854.04
Village of Spring Valley	7,280.07
Village of Nyack	1,840.82
TOWN OF HAVERSTRAW	176,361.93
Village of Haverstraw	24,289.00
Village of West Haverstraw	25,173.85
Village of Pomona	11,095.59
TOWN OF ORANGETOWN	558,629.51
Village of Grandview	3,309.96
Village of Nyack	31,164.02
Village of Piermont	16,386.91
Village of South Nyack	12,550.67
TOWN OF RAMAPO	705,652.51
Village of Hillburn	6,386.21
Village of New Hempstead	26,987.35
Village of New Square	13,832.21
Village of Pomona	7,668.85
Village of Sloatsburg	14,146.39
Village of Spring Valley	50,844.94
Village of Suffern	55,064.91
Village of Wesley Hills	33,350.50
Village of Chestnut Ridge	48,563.08
Village of Montebello	42,514.35
Village of Kaser	7,736.31
Village of Airmont	49,838.98
TOWN OF STONY POINT	123,724.49

RATE OF DISTRIBUTION OF TAX TO INCORPORATED VILLAGES

Upper Nyack in the Town of Clarkstown	0.01666660
Spring Valley in the Town of Clarkstown	0.00643544
Nyack in the Town of Clarkstown	0.00162725
Haverstraw in the Town of Haverstraw	0.10251968
West Haverstraw in the Town of Haverstraw	0.10625447
Pomona in the Town of Haverstraw	0.04683257
Grandview in the Town of Orangetown	0.00532112
Nyack in the Town of Orangetown	0.05009961
Piermont in the Town of Orangetown	0.02634378
South Nyack in the Town of Orangetown	0.02017660
Hillburn in the Town of Ramapo	0.00601131
New Hempstead in the Town of Ramapo	0.02538422
New Square in the Town of Ramapo	0.01302019
Pomona in the Town of Ramapo	0.00721865
Sloatsburg in the Town of Ramapo	0.01331592
Spring Valley in the Town of Ramapo	0.04767181
Suffern in the Town of Ramapo	0.05183231
Wesley Hills in the Town of Ramapo	0.03139265
Chestnut Ridge in the Town of Ramapo	0.04571217
Montebello in the Town of Ramapo	0.04001853
Kaser in the Town of Ramapo	0.00728215
Airmont in the Town of Ramapo	0.04691317

ASSESSED VALUATIONS OF VILLAGES

Upper Nyack in the Town of Clarkstown	156,620,566
Spring Valley in the Town of Clarkstown	60,475,585
Nyack in the Town of Clarkstown	15,291,671
Haverstraw in the Town of Haverstraw	788,745,073
West Haverstraw in the Town of Haverstraw	817,478,999
Pomona in the Town of Haverstraw	380,310,891
Grandview in the Town of Orangetown	51,474,299
Nyack in the Town of Orangetown	484,642,609
Piermont in the Town of Orangetown	254,838,697
South Nyack in the Town of Orangetown	195,179,935
Hillburn in the Town of Ramapo	24,598,858
New Hempstead in the Town of Ramapo	103,874,626
New Square in the Town of Ramapo	53,279,841
Pomona in the Town of Ramapo	29,539,377
Sloatsburg in the Town of Ramapo	54,489,981
Spring Valley in the Town of Ramapo	195,077,526
Suffern in the Town of Ramapo	212,102,698
Wesley Hills in the Town of Ramapo	128,461,680
Chestnut Ridge in the Town of Ramapo	187,058,528
Montebello in the Town of Ramapo	163,759,599
Kaser in the Town of Ramapo	29,799,247
Airmont in the Town of Ramapo	191,973,124

Introduced by:

Referral No. 6698

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

**RESOLUTION NO. 306 OF 2012
AUTHORIZING THE CLERK TO THE LEGISLATURE TO
EXECUTE A WARRANT TO THE COMMISSIONER OF FINANCE
DIRECTING THE PAYMENT OF MORTGAGE TAX MONIES
FOR THE PERIOD OCTOBER 1, 2011 THROUGH MARCH 31, 2012
[DEPARTMENT OF BUDGET & FINANCE]**

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

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

WHEREAS, Said report has been adopted by the Rockland County Legislature and spread upon its minutes, and

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

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to execute a warrant to the Commissioner of Finance directing the payment of mortgage tax money, as apportioned by the Budget & Finance Committee of this Legislature, and approved by Resolution No. 305 of 2012, pursuant to the provisions of the Tax Law.

Debate:

Mr. Schoenberger

This is another instance where we will not leave the poor towns alone.

STATE OF NEW YORK >
COUNTY OF ROCKLAND >

WARRANT OF THE COMMISSIONER OF FINANCE OF ROCKLAND COUNTY

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

You are hereby notified by the Legislature of Rockland County, State of New York, that the sum of Three Million, Two Hundred Eighty-Three Thousand, Two Hundred Eight and 95/100 (\$3,283,208.95) Dollars arising from tax on Mortgages and interest earned in the amount of One Thousand, Nine Hundred One and 02/100 (\$1,901.02) Dollars for the period between October 1, 2011 and March 31, 2012 inclusive, as reported by the recording officer to the Rockland County Legislature, has this day been apportioned to the several towns and incorporated villages, pursuant to Section 261 of the Tax Law, as amended, having deducted One Hundred Eight Thousand, Eight Hundred Ten and 75/100 (\$108,810.75) Dollars expenses of the County Clerk, as allowed by the State Board of Tax Commissioners, which leaves a net balance of Three Million, One Hundred Seventy-Six Thousand, Two Hundred Ninety-Nine and 22/100 (\$3,176,299.22) Dollars, which has been apportioned as follows:

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To the Treasurer of Montebello for Village purposes	42,514.35
To the Treasurer of Kaser for Village purposes	7,736.31
To the Treasurer of Airmont for Village purposes	49,838.98
To the Supervisor of Stony Point for Town purposes	123,724.49

You are hereby directed to pay to the respective qualified officers of the several towns and incorporated villages, the sum apportioned to them as appears in the foregoing schedule and for the purposes specified. Given under our hands and the seal of the Legislature of Rockland County, State of New York, this day of _____ New City, New York.

Lawrence O. Toole, Clerk

Chairman

REPORT OF COMMITTEE
MORTGAGE TAX

TO THE HONORABLE LEGISLATURE OF ROCKLAND COUNTY

The Budget and Finance Committee has reviewed the apportionment arising from tax on mortgages
Collected from October 1, 2011 through March 31, 2012 among the several towns and villages of this
County as follows:

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FOR PERIOD OF SIX MONTHS
ENDING MARCH 31, 2012

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Interest Earned for Period (Commissioner of Finance)	1,859.82
Net Amount for Distribution to Tax Districts	3,176,299.22

AMOUNT ALLOCATED TO EACH TOWN

CLARKSTOWN	1,131,246.70
HAVERSTRAW	236,920.37
ORANGETOWN	622,041.07
RAMAPO	1,062,366.59
STONY POINT	123,724.49

ASSESED VALUATION OF TOWNS

CLARKSTOWN	4,698,635,540
HAVERSTRAW	3,846,798,279
ORANGETOWN	4,836,790,069
RAMAPO	2,046,047,151
STONY POINT	296,657,129

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

DISTRIBUTION OF TAX TO TOWNS AND VILLAGES

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Village of Spring Valley	7,280.07
Village of Nyack	1,840.82
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Village of Nyack	31,164.02
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Village of Kaser	7,736.31
Village of Airmont	49,838.98
TOWN OF STONY POINT	123,724.49

RATE OF DISTRIBUTION OF TAX TO INCORPORATED VILLAGES

Upper Nyack in the Town of Clarkstown	0.01666660
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Pomona in the Town of Haverstraw	0.04683257
Grandview in the Town of Orangetown	0.00532112
Nyack in the Town of Orangetown	0.05009961
Piermont in the Town of Orangetown	0.02634378
South Nyack in the Town of Orangetown	0.02017660
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New Square in the Town of Ramapo	0.01302019
Pomona in the Town of Ramapo	0.00721865
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Spring Valley in the Town of Ramapo	0.04767181
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Wesley Hills in the Town of Ramapo	0.03139265
Chestnut Ridge in the Town of Ramapo	0.04571217
Montebello in the Town of Ramapo	0.04001853
Kaser in the Town of Ramapo	0.00728215
Airmont in the Town of Ramapo	0.04691317

ASSESSED VALUATIONS OF VILLAGES

Upper Nyack in the Town of Clarkstown	156,620,566
Spring Valley in the Town of Clarkstown	60,475,585
Nyack in the Town of Clarkstown	15,291,671
Haverstraw in the Town of Haverstraw	788,745,073
West Haverstraw in the Town of Haverstraw	817,478,999
Pomona in the Town of Haverstraw	360,310,891
Grandview in the Town of Orangetown	51,474,299
Nyack in the Town of Orangetown	484,642,609
Piermont in the Town of Orangetown	254,838,697
South Nyack in the Town of Orangetown	195,179,935
Hillburn in the Town of Ramapo	24,598,858
New Hempstead in the Town of Ramapo	103,874,626
New Square in the Town of Ramapo	53,279,841
Pomona in the Town of Ramapo	29,539,377
Sloatsburg in the Town of Ramapo	54,488,981
Spring Valley in the Town of Ramapo	195,077,526
Suffern in the Town of Ramapo	212,102,698
Wesley Hills in the Town of Ramapo	128,461,680
Chestnut Ridge in the Town of Ramapo	187,058,528
Montebello in the Town of Ramapo	163,759,599
Kaser in the Town of Ramapo	29,799,247
Airmont in the Town of Ramapo	191,973,124

Introduced by:

Referral No. 5614/8111

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

**RESOLUTION NO. 307 OF 2012
CORRECTION OF 2012 TAX ROLLS
TOWN OF RAMAPO STATE OF NEW YORK
PROPERTY ID# 47.11-1-3
C/O COUNTY FINANCE OFFICE
18 NEW HEMPSTEAD ROAD
NEW CITY, NEW YORK 10956
[DEPARTMENT OF FINANCE]**

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

WHEREAS, An application for the correction of the tax rolls for the 2012 Town and County Real Property Taxes levied against property located in the Town of Ramapo, as indicated on the annexed Schedule "A", has been filed by State of New York c/o County Finance Office with the Real Property Tax Service Officer, pursuant to §550 of the Real Property Tax Law; and

WHEREAS, The school district tax was paid by the State of New York, However these charges were re-levied onto the 2012 Town/County Tax roll in error; and

WHEREAS, This created a clerical error as defined in Real Property Tax Law Section 550(2)(h); and

WHEREAS, This parcel should be removed from the school re-levy and from the Town/County 2012 Tax Roll that has been paid; and

WHEREAS, The tax amount of \$22,710.41 on the 2012 Town and County tax roll should be removed and a new bill be issued; and

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

WHEREAS, The Real Property Tax Service Officer has investigated the application in accordance with the requirements of Section 550 of the Real Property Tax Law; and

WHEREAS, The Real Property Tax Service Officer has recommended approval of said application; and

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

RESOLVED, That the Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for the removal of the school relevy of the 2012 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and issue a new tax bill accordingly.

**SCHEDULE A
TOWN OF RAMAPO**

OWNER: State of New York
C/o County Finance Office
18 New Hempstead Road
New City, New York 10956

REASON: THE SCHOOL DISTRICT TAX WAS PAID BY THE STATE OF NEW YORK, HOWEVER THESE CHARGES WERE RE-LEVIED ONTO THE 2012 TOWN/COUNTY TAX ROLL IN ERROR. THIS CREATED A CLERICAL ERROR AS DEFINED IN RPTL §550(2)(H).

CORRECTION: REMOVING THE SCHOOL RE-LEVIES FROM THE TOWN/COUNTY 2012 TAX ROLLS THAT HAVE BEEN PAID.

Parcel ID: School Re-levy

32.18-2-3	\$ 1,657.54
39.12-1-1	\$28,918.17
41.11-1-6	\$1,592.56
47.8-1-1	\$69,744.85
47.11-1-3	\$22,710.41

Introduced by:

Referral No. 5614/8111

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

**RESOLUTION NO. 308 OF 2012
CORRECTION OF 2012 TAX ROLLS
TOWN OF RAMAPO
STATE OF NEW YORK
PROPERTY ID# 47.8-1-1
C/O COUNTY FINANCE OFFICE
18 NEW HEMPSTEAD ROAD
NEW CITY, NEW YORK 10956
[DEPARTMENT OF FINANCE]**

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

WHEREAS, An application for the correction of the tax rolls for the 2012 Town and County Real Property Taxes levied against property located in the Town of Ramapo, as indicated on the annexed Schedule "A", has been filed by State of New York c/o County Finance Office with the Real Property Tax Service Officer, pursuant to §550 of the Real Property Tax Law; and

WHEREAS, The school district tax was paid by the State of New York, However these charges were re-levied onto the 2012 Town/County Tax roll in error; and

WHEREAS, This created a clerical error as defined in Real Property Tax Law Section 550(2)(h); and

WHEREAS, This parcel should be removed from the school re-levy and from the Town/County 2012 Tax Roll that has been paid; and

WHEREAS, The tax amount of \$69,744.85 on the 2012 Town and County tax roll should be removed and a new bill be issued; and

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

WHEREAS, The Real Property Tax Service Officer has investigated the application in accordance with the requirements of Section 550 of the Real Property Tax Law; and

WHEREAS, The Real Property Tax Service Officer has recommended approval of said application; and

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

RESOLVED, That the Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for the removal of the school relevy of the 2012 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and issue a new tax bill accordingly.

**SCHEDULE A
TOWN OF RAMAPO**

OWNER: State of New York
C/o County Finance Office
18 New Hempstead Road
New City, New York 10956

REASON: THE SCHOOL DISTRICT TAX WAS PAID BY THE STATE OF NEW YORK, HOWEVER THESE CHARGES WERE RE-LEVIED ONTO THE 2012 TOWN/COUNTY TAX ROLL IN ERROR. THIS CREATED A CLERICAL ERROR AS DEFINED IN RPTL §550(2)(H).

CORRECTION: REMOVING THE SCHOOL RE-LEVIES FROM THE TOWN/COUNTY 2012 TAX ROLLS THAT HAVE BEEN PAID.

Parcel ID: School Re-levy

32.18-2-3	\$ 1,657.54
39.12-1-1	\$28,918.17
41.11-1-6	\$1,592.56
47.8-1-1	\$69,744.85
47.11-1-3	\$22,710.41

Introduced by:

Referral No. 5614/8111

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

**RESOLUTION NO. 309 OF 2012
CORRECTION OF 2012 TAX ROLLS
TOWN OF RAMAPO
STATE OF NEW YORK
PROPERTY ID# 41.11-1-6
C/O COUNTY FINANCE OFFICE
18 NEW HEMPSTEAD ROAD
NEW CITY, NEW YORK 10956
[DEPARTMENT OF FINANCE]**

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

WHEREAS, An application for the correction of the tax rolls for the 2012 Town and County Real Property Taxes levied against property located in the Town of Ramapo, as indicated on the annexed Schedule "A", has been filed by State of New York c/o County Finance Office with the Real Property Tax Service Officer, pursuant to §550 of the Real Property Tax Law; and

WHEREAS, The school district tax was paid by the State of New York, However these charges were re-levied onto the 2012 Town/County Tax roll in error; and

WHEREAS, This created a clerical error as defined in Real Property Tax Law Section 550(2)(h); and

WHEREAS, This parcel should be removed from the school re-levy and from the Town/County 2012 Tax Roll that has been paid; and

WHEREAS, The tax amount of \$1,592.56 on the 2012 Town and County tax roll should be removed and a new bill be issued; and

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

WHEREAS, The Real Property Tax Service Officer has investigated the application in accordance with the requirements of Section 550 of the Real Property Tax Law; and

WHEREAS, The Real Property Tax Service Officer has recommended approval of said application; and

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

RESOLVED, That the Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for the removal of the school relevy of the 2012 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and issue a new tax bill accordingly.

**SCHEDULE A
TOWN OF RAMAPO**

OWNER: State of New York
C/o County Finance Office
18 New Hempstead Road
New City, New York 10956

REASON: THE SCHOOL DISTRICT TAX WAS PAID BY THE STATE OF NEW YORK, HOWEVER THESE CHARGES WERE RE-LEVIED ONTO THE 2012 TOWN/COUNTY TAX ROLL IN ERROR. THIS CREATED A CLERICAL ERROR AS DEFINED IN RPTL §550(2)(H).

CORRECTION: REMOVING THE SCHOOL RE-LEVIES FROM THE TOWN/COUNTY 2012 TAX ROLLS THAT HAVE BEEN PAID.

Parcel ID: School Re-levy

32.18-2-3	\$ 1,657.54
39.12-1-1	\$28,918.17
41.11-1-6	\$1,592.56
47.8-1-1	\$69,744.85
47.11-1-3	\$22,710.41

Introduced by:

Referral No. 5614/8111

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

**RESOLUTION NO. 310 OF 2012
CORRECTION OF 2012 TAX ROLLS
TOWN OF RAMAPO
STATE OF NEW YORK
PROPERTY ID# 39.12-1-1
C/O COUNTY FINANCE OFFICE
18 NEW HEMPSTEAD ROAD
NEW CITY, NEW YORK 10956
[DEPARTMENT OF FINANCE]**

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

WHEREAS, An application for the correction of the tax rolls for the 2012 Town and County Real Property Taxes levied against property located in the Town of Ramapo, as indicated on the annexed Schedule "A", has been filed by State of New York c/o County Finance Office with the Real Property Tax Service Officer, pursuant to §550 of the Real Property Tax Law; and

WHEREAS, The school district tax was paid by the State of New York, However these charges were re-levied onto the 2012 Town/County Tax roll in error; and

WHEREAS, This created a clerical error as defined in Real Property Tax Law Section 550(2)(h); and

WHEREAS, This parcel should be removed from the school re-levy and from the Town/County 2012 Tax Roll that has been paid; and

WHEREAS, The tax amount of \$28,918.17 on the 2012 Town and County tax roll should be removed and a new bill be issued; and

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

WHEREAS, The Real Property Tax Service Officer has investigated the application in accordance with the requirements of Section 550 of the Real Property Tax Law; and

WHEREAS, The Real Property Tax Service Officer has recommended approval of said application; and

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

RESOLVED, That the Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for the removal of the school relevy of the 2012 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and issue a new tax bill accordingly.

**SCHEDULE A
TOWN OF RAMAPO**

OWNER: State of New York
C/o County Finance Office
18 New Hempstead Road
New City, New York 10956

REASON: THE SCHOOL DISTRICT TAX WAS PAID BY THE STATE OF NEW YORK, HOWEVER THESE CHARGES WERE RE-LEVIED ONTO THE 2012 TOWN/COUNTY TAX ROLL IN ERROR. THIS CREATED A CLERICAL ERROR AS DEFINED IN RPTL §550(2)(H).

CORRECTION: REMOVING THE SCHOOL RE-LEVIES FROM THE TOWN/COUNTY 2012 TAX ROLLS THAT HAVE BEEN PAID.

<u>Parcel ID:</u>	<u>School Re-levy</u>
32.18-2-3	\$ 1,657.54
39.12-1-1	\$28,918.17
41.11-1-6	\$1,592.56
47.8-1-1	\$69,744.85
47.11-1-3	\$22,710.41

Introduced by:

Referral No. 5614/8111

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

**RESOLUTION NO. 311 OF 2012
CORRECTION OF 2012 TAX ROLLS
TOWN OF RAMAPO
STATE OF NEW YORK
PROPERTY ID# 32.18-2-3
C/O COUNTY FINANCE OFFICE
NEW CITY, NEW YORK 10956
[DEPARTMENT OF FINANCE]**

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

WHEREAS, An application for the correction of the tax rolls for the 2012 Town and County Real Property Taxes levied against property located in the Town of Ramapo, as indicated on the annexed Schedule "A", has been filed by State of New York c/o County Finance Office with the Real Property Tax Service Officer, pursuant to §550 of the Real Property Tax Law; and

WHEREAS, The school district tax was paid by the State of New York, however these charges were re-levied onto the 2012 Town/County Tax roll in error; and

WHEREAS, This created a clerical error as defined in Real Property Tax Law Section 550(2)(h); and

WHEREAS, This parcel should be removed from the school re-levy and from the Town/County 2012 Tax Roll that has been paid; and

WHEREAS, The tax amount of \$1,657.54 on the 2012 Town and County tax roll should be removed and a new bill be issued; and

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

WHEREAS, The Real Property Tax Service Officer has investigated the application in accordance with the requirements of Section 550 of the Real Property Tax Law; and

WHEREAS, The Real Property Tax Service Officer has recommended approval of said application; and

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

RESOLVED, That the Rockland County Legislature hereby approves the application, as indicated on the annexed Schedule "A", for the removal of the school relevey of the 2012 Town and County tax rolls and hereby requests that the officer having jurisdiction of the tax roll correct such tax roll and issue a new tax bill accordingly.

**SCHEDULE A
TOWN OF RAMAPO**

OWNER: State of New York
C/o County Finance Office
18 New Hempstead Road
New City, New York 10956

REASON: THE SCHOOL DISTRICT TAX WAS PAID BY THE STATE OF NEW YORK, HOWEVER THESE CHARGES WERE RE-LEVIED ONTO THE 2012 TOWN/COUNTY TAX ROLL IN ERROR. THIS CREATED A CLERICAL ERROR AS DEFINED IN RPTL §550(2)(H).

CORRECTION: REMOVING THE SCHOOL RE-LEVIES FROM THE TOWN/COUNTY 2012 TAX ROLLS THAT HAVE BEEN PAID.

Parcel ID: School Re-levy

32.18-2-3	\$ 1,657.54
39.12-1-1	\$28,918.17
41.11-1-6	\$1,592.56
47.8-1-1	\$69,744.85
47.11-1-3	\$22,710.41

Introduced by:

Referral No. 9486

Hon. Jay Hood, Jr., Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Joseph L. Meyers, Co-Sponsor

**RESOLUTION NO. 312 OF 2012
URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS A.6177/S.1685,
A.9768/S.2004 AND A.6346C/S.4507B, THREE AUTO INSURANCE FRAUD
PREVENTION BILLS**

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

WHEREAS, In New York, vehicles registered in the state are required to carry insurance that lets drivers and passengers obtain up to \$50,000 for accident injuries, regardless of fault. Automobile no-fault states have higher average premiums than tort states. One of the reasons for this is that fraud tends to be more prevalent in no-fault systems, as the rules under which they are implemented make it relatively easy for unscrupulous individuals to submit fraudulent claims. New York's generous no-fault benefits, with minimal oversight, provide huge incentives for fraud; and

WHEREAS, one type of fraudulent claim that is becoming more and more prevalent in New York state is the staged auto accident. These "accidents" are arranged and intentionally committed by criminals who then file fraudulent insurance claims for fake crash injuries, robbing insurance companies and their policy holders; and

WHEREAS, while the economic costs of such insurance fraud is staggering – *no-fault insurance fraud is estimated to cost insurance companies and their policy holders \$1 billion per year* – staged accidents also pose a serious public safety risk, as demonstrated by the case of Alice Ross, a 71 year old woman who was killed as a result of a staged accident. Women and elderly drivers are in particular danger because they are often targeted for these accidents, as they are less likely to be confrontational after an accident, thereby making it easier for criminals to engage in this activity; and

WHEREAS, Bills A.6177/S.1685 amends the Penal Law by making it a crime to stage a motor vehicle accident with intent to commit insurance fraud, and makes this felony crime punishable by up to seven years in prison; and

WHEREAS, Bills A9768/S.2004 amends the Penal Law by making it illegal to hire or act as a "runner" (a key member of auto fraud rings) who makes money by steering accident victims towards crooked doctors who bill Medicaid for unnecessary medical treatments, and makes the felony crime punishable by up to four years in prison; and

WHEREAS, Bills A.6346C/S.4507B amends the Vehicle and Traffic Law to allow insurance companies to retroactively cancel policies taken out by people who commit auto fraud. These criminals often take out policies and pay for them with bad checks or stolen credit cards just before they stage accidents. Under current law, insurance companies cannot cancel the policy and policyholders wind up paying for it through higher premiums. This bill would take that burden off honest consumers; and

WHEREAS, A.6177/S.1685, A9768/S.2004 and A.6346C/S.4507B would significantly cut down on auto insurance scams by increasing penalties for those who commit or assist in the fraud and give more flexibility to insurance companies to prevent such criminals from getting policies and continuing to commit auto fraud; and

WHEREAS, these three bills have already been passed by the New York State Senate and are pending in the New York State Assembly; 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 urges the New York State Legislature to pass A.6177/S.1685, A9768/S.2004 and A.6346C/S.4507B, three auto insurance fraud prevention bills, and urges the Governor to sign said legislation; and

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, 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.

Introduced by:

Referral No. 7621

Hon. Frank P. Sparaco, Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Joseph L. Meyers, Co-Sponsor

**RESOLUTION NO. 313 OF 2012
URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS A.4258 AND S.4289 –
AN ACT TO AMEND THE LABOR LAW TO ESTABLISH A
CIVIL CAUSE OF ACTION FOR EMPLOYEES WHO ARE SUBJECT TO
AN ABUSIVE WORK ENVIRONMENT**

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

WHEREAS, the social and economic well-being of the state is dependant upon healthy and productive employees; and

WHEREAS, surveys and studies have documented that between 16% and 21% of employees directly experience health-endangering workplace bullying, abuse and harassment, and that this behavior is four times more prevalent than sexual harassment alone; and

WHEREAS, surveys and studies have also documented that abusive work environments can have serious side effects on targeted employees, including feelings of shame and humiliation, stress, loss of sleep, severe anxiety, depression, post-traumatic stress disorder, reduced immunity to infection, stress related gastrointestinal disorders, hypertension, path-physiologic changes that increase the risk of cardiovascular disease, and other effects; and

WHEREAS, bills A.4258 and S.4289 will provide legal redress for employees who have been harmed – psychologically, physically or economically – in the workplace. It will also provide legal incentives for employers to prevent and respond to mistreatment of employees at work; 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 urges the New York State Legislature to pass A.4258 and S.4289, an act to amend the Labor Law to establish a civil cause of action for employees who are subject to an abusive work environment; and

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, 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.

Introduced by:

Referral No. 1021

Hon. Jay Hood, Jr., Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Edwin J. Day, Sponsor
Hon. Ilan S. Schoenberger, Co-Sponsor
Hon. Aney Paul, Co-Sponsor
Hon. Frank Sparaco, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor

**RESOLUTION NO. 314 OF 2012
OPPOSING THE PROPOSED CHAMPLAIN HUDSON POWER EXPRESS INC.,
TRANSMISSION LINE IN ROCKLAND COUNTY**

Mr. Hood, Jr. offered the following resolution, which was seconded by Mr. Carey, Mr. Day, Mr. Earl, Mr. Jobson, Mrs. Paul, Mr. Soskin, Mr. Sparaco and Mr. Wieder and adopted:

WHEREAS, New York Public Service Commission recently held a hearing on the request to build a 1,000 megawatt Champlain Hudson Power Express transmission line, which line would come from upstate New York come out of the Hudson River in Stony Point, run underground along CSX rail right-of-way to West Haverstraw and then through Rockland Lake State Park before heading back to the Hudson, and

WHEREAS, the residents of Rockland county believe that the Public Hearing held to date on the proposal was not timely noticed to the people, nor was a complete study done of the potential impact of this line in the Hudson River and routed through Rockland County, as to the environment, and

WHEREAS, additionally this project would produce an extreme ecological impact on the unique environment of the Hudson River and will negatively affect the current flora and fauna that are dependent on the Hudson River; and

WHEREAS, the laying of submarine cables presents a number of environmental problems, including stirring up industrial chemicals resting on the bottom of the River and cause disturbance to the fish habitats and endangered species in the Hudson River; and

WHEREAS, the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and

WHEREAS, additional hearings with Rockland County should be conducted with more information on the project, and

WHEREAS, from an economic perspective, purchasing energy from outside New York State does not make sense for the state's as well as the national balance of payments; and

WHEREAS, allowing this power line to adversely affect the North Rockland Community and beyond is an insult to that community when there are presently two properties which are options to generate more electricity. The former Lovett and Bowline properties are available for developing new and more efficient plants which will create jobs and stabilize the local tax base which has been destroyed by the aging plants, and

WHEREAS, it is incumbent upon the Public Service Commission to encourage local generation of electricity on available properties instead for allowing a disruptive and damaging power line to import Canadian electricity; and

WHEREAS, it is likewise incumbent upon the Public Service Commission to conduct another hearing so that sufficient notice to the public can be given and Rockland residents have an opportunity to voice their many concerns and absent more information from the Public Service Commission and further comment period, the County opposes this project; and

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

RESOLVED, That the Legislature of Rockland County hereby opposes the proposed Champlain Hudson Power Express Inc., transmission line in Rockland County and be it further

RESOLVED, that the Legislature calls upon the Governor of the State of New York to make certain that all affected communities have an opportunity to have public comment; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Joe Martens, Commissioner of the New York State Department of Environmental Conservation; William Janeway, Regional Director of the New York State Department of Environmental Conservation Region 3; Garry A. Brown, Chairman of the New York State Public Service Commission; Hon. David Carlucci, Member of the New York State Senate; Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Ann G. Rabbitt, Members of the New York State Assembly, and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

The vote resulted as follows:

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

Statement by Legislator Michael M. Grant

I am going to abstain on this issue. It is a transmission line issue in the electric industry. In order to avoid the appearance of a conflict of interest I am not going to vote on this issue.

**RESOLUTION NO. 315 OF 2012
RECEIVE AND FILE COUNTY FLOW CONTROL LAW –
FILING OF UPDATED IMPLEMENTATION SCHEDULE**

Chairwoman Cornell offered the following resolution, which was seconded by Mr. Moroney and unanimously adopted:

RESOLVED, that the County Flow Control Law – Filing Of Updated Implementation Schedule, be and it is hereby received and filed.

**ADJOURNMENT IN MEMORY OF
PETER WOZNIAK**

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 Peter Wozniak.

**ADJOURNMENT IN MEMORY OF
JOSEPH R. "SON" THOMPSON**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Joseph R. "Son" Thompson.

**ADJOURNMENT IN MEMORY OF
HARRY EDELSTEIN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Harry Edelstein.

**ADJOURNMENT IN MEMORY OF
NONIE TAYLOR**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Nonie Taylor.

**ADJOURNMENT IN MEMORY OF
JOSEPH A. VILA**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Joseph A. Vila.

**ADJOURNMENT IN MEMORY OF
RODNEY LOCKE**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Rodney Locke.

**ADJOURNMENT IN MEMORY OF
HELAINÉ J. SHILLING**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Helaine J. Shilling.

**ADJOURNMENT IN MEMORY OF
MARION KIRRANE**

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 Marion Kirrane.

**ADJOURNMENT IN MEMORY OF
MARY HARRINGTON**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mary Harrington.

**ADJOURNMENT IN MEMORY OF
THERESA GURNIK**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Theresa Gurniak.

**ADJOURNMENT IN MEMORY OF
STEVEN BELLO**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Steven Bello.

**ADJOURNMENT IN MEMORY OF
MARY PETERS**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mary Peters.

**ADJOURNMENT IN MEMORY OF
MICHAEL JOHN FLYNN**

Mr. Moroney offered the following memorial, which was seconded by Mr. Day and Mrs. Low-Hogan and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Michael John Flynn

**ADJOURNMENT IN MEMORY OF
JAMES FORTUGNO**

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

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

**RESOLUTION NO. 316 OF 2012
ADJOURNMENT**

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and Mr. Sparaco and unanimously adopted (9:09 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Wednesday, June 20, 2012 at five o'clock in the evening for a Special Meeting.

Respectfully Submitted,

DARCY M. GREENBERG
Proceedings Clerk