

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, January 17, 2012 at 7:00 P.M., pursuant to the adjournment of the January 4, 2012 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 12th day of January 2012

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

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

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

Absent: Legislators Toney L. Earl, Patrick J. Moroney and John A. Murphy

Madeline Wiebecke, in memory of Lt .Randy Wiebecke NYFD, led in the Salute to the Flag.

Invocation by Monsignor Edward Weber, Pastor of St. Frances of Assisi Church, West Nyack and Vicar of Rockland County

**RESOLUTION NO. 10 OF 2012
ADOPTION OF MINUTES OF LEGISLATIVE MEETING
OF NOVEMBER 15, 2011**

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

Resolved, that the transcribed minutes of the Legislative meeting of November 15, 2011, as recorded by the Clerk and presented to the Legislature, be and they are hereby adopted.

The Chairwoman opened the public participation portion of the meeting at 7:10 p.m. and the following persons appeared and spoke:

- ❖ Jeremy Apotheker, Has Nan Hayworth made contact in reference to federal relief for flood damage homes in Suffern and Sloatsburg?

Public Participation ended at 7:12 p.m.

Introduced by:
Hon. Harriet D. Cornell, Sponsor

**RESOLUTION NO. 11 OF 2012
CONFIRMING APPOINTMENTS TO THE
ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

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

WHEREAS, pursuant to Chapter 434 of the Laws of 1993, also known as Title 13-M of the Public Authorities Law of the State of New York, Rockland County was granted the power and authority to establish a Rockland County Solid Waste Management Authority; and

WHEREAS, Section 2053-c provides for the Rockland County Solid Waste Management Authority to consist of seventeen (17) members, to serve for a term of two (2) years; and

WHEREAS, eight (8) of the seventeen (17) members shall be members of the County Legislature; five (5) of the eight (8) members to be appointed by the Chair of the Legislature and three (3) of the eight (8) members to be appointed by the Minority Leader of the County Legislature, subject to, in each case, confirmation by a majority of the County Legislature; and

WHEREAS, among the legislative members of the authority, there shall be a resident of each of the five towns in the County; and

WHEREAS, the Chair of the Legislature has appointed the following five (5) members:

- Hon. Michael M. Grant
- Hon. Nancy Low-Hogan
- Hon. Ilan S. Schoenberger
- Hon. Philip Soskin
- Hon. Aron B. Wieder

; and

WHEREAS, the Minority Leader of the Legislature has appointed the following three (3) members:

- Hon. Edwin J. Day
- Hon. Douglas J. Jobson
- Hon. Frank Sparaco

; and

WHEREAS, the Rockland County Conference of Mayors will be recommending two of its members which will be confirmed at a later date; now, therefore be it

RESOLVED, that the Legislature of Rockland County hereby confirms the following five (5) appointments of the Chairwoman of the Legislature:

- Hon. Michael M. Grant
- Hon. Nancy Low-Hogan
- Hon. Ilan S. Schoenberger
- Hon. Philip Soskin
- Hon. Aron B. Wieder

and; be it further

RESOLVED, that the Legislature of Rockland County herein confirms the following three (3) appointments of the Minority Leader:

Hon. Edwin J. Day
Hon. Douglas J. Jobson
Hon. Frank Sparaco

and; be it further

RESOLVED, that the Legislature of Rockland County herein reserves its confirmation of the two (2) appointments upon the recommendation of the Rockland County Conference of Mayors, until such time as the Conference of Mayors have met, made their recommendations and submitted same for consideration by the Legislature; and be it further

RESOLVED, said terms are to expire on or about January 15, 2014; and be it further

RESOLVED, that the Clerk to the Legislature shall advise the Solid Waste Management Authority and the appointees of this resolution.

Introduced by:

Referral No. 9414

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

**RESOLUTION NO. 12 OF 2012
 APPROVING AN AMENDMENT TO A CONTRACT IN EXCESS
 OF \$100,000 WITH TOMCO CONSTRUCTION, INC.
 IN THE AMOUNT OF \$150,000 FOR A TOTAL
 CONTRACT SUM NOT TO EXCEED \$573,000
 FOR THE PASCACK BROOK, APRIL 2007
 NOR'EASTER REPAIR PROJECT AT WEST WASHINGTON AVENUE
 FEMA DRNY 1692 TOWN OF ORANGETOWN
 ROCKLAND COUNTY, NEW YORK
 CAPITAL PROJECT ACCOUNT NO. 3380
 AND AUTHORIZING EXECUTION OF THE CONTRACT
 BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF HIGHWAYS]
 (\$573,000)**

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

WHEREAS, Pursuant to Resolution No. 578 of 2010 the County entered into a contract in excess of \$100,000 with, Tomco Construction, Inc. 22 Howard Blvd., Mount Arlington, New Jersey 07856 in an amount not to exceed \$423,000, for the Pascack Brook, April 2007 Nor'Easter Repair Project at West Washington Avenue, Fema DRNY 1692, Town of Orangetown, Rockland County, New York; and

WHEREAS, Additional construction costs became apparent when during construction after the area was dewatered for placement of the retaining wall, it was discovered that there was significant erosion of the streambed at the adjacent bridge abutment. Corrective measures including scour protection were required at the base of the wall and bridge abutment. In addition, excavation during construction would have required partial removal of sidewalk and pavement of West Washington Avenue; and

WHEREAS, To reduce impact on the public and maintain pedestrian passage on West Washington Avenue, the retaining wall was redesigned at the area adjacent to the bridge abutment in order to minimize excavation; and

WHEREAS, The Superintendent of Highways recommends that the County enter into an amendment to the contract with Tomco Construction, Inc. 22 Howard Blvd., Mount Arlington, New Jersey 07856 in the additional amount of \$150,000 for a total contract amount not to exceed \$573,000, for the Pascack Brook, April 2007 Nor'Easter Repair Project at West Washington Avenue, Fema DRNY 1692, Town of Orangetown, Rockland County, New York, to cover these additional construction costs; and

WHEREAS, The additional funding for this amendment will be provided by Capital Project #3380; and

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

RESOLVED, That the Legislature of Rockland County approves the amendment to the contract in excess of \$100,000 with Tomco Construction, Inc. 22 Howard Blvd., Mount Arlington New Jersey 07856, in the additional amount of \$150,000 for a total contract amount not to exceed \$573,000, for the Pascack Brook, April 2007 Nor'Easter Repair Project at West Washington Avenue, Fema DRNY 1692, Town of Orangetown, Rockland County, New York to cover significant construction costs recently discovered, and further authorizes execution of the amendment to the contract by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That additional funding for this amendment will be provided by Capital Project #3380; and

Introduced by;

Referral No. 2992

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

**RESOLUTION NO. 13 OF 2012
 APPROVING INTERMUNICIPAL COOPERATION AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND AND
 THE TOWN OF CLARKSTOWN (NO COUNTY TAX DOLLARS)
 FOR THE ACCEPTANCE OF DISCOUNT
 TRANSPORT OF ROCKLAND (TOR) "SUPER SAVER BUS TICKETS"
 ON THE CLARKSTOWN MINI-TRANS
 FOR THE PERIOD FROM APRIL 4, 2011 THROUGH APRIL 3, 2014
 AND AUTHORIZING EXECUTION OF THE AGREEMENT BY
 THE COUNTY EXECUTIVE
 [DEPARTMENT OF PUBLIC TRANSPORTATION]**

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

WHEREAS, The County of Rockland ("County") and the Town of Clarkstown are municipal corporations as defined by Section 119-n of Article 5-G of the General Municipal Law of the State of New York; and

WHEREAS, Section 119-o of Article 5-G of the General Municipal Law of the State of New York authorizes municipal corporations to contract to perform together that which each is authorized to perform individually, provided that any such agreement to do so "be approved by each participating municipal corporation" "by a majority vote of the voting strength of its governing body;" and

WHEREAS, The County, and the Town of Clarkstown desire to enter into an intermunicipal cooperation agreement for the acceptance of discount Transport of Rockland (TOR) "Super Saver Bus Tickets" on the Clarkstown Mini-Trans which will be reimbursed by the County, for the period from April 4, 2011 through April 3, 2014; and

WHEREAS, There are no County tax dollars required for this agreement since all reimbursement funds will be provided by MTA Special Allocation funds, and

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

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal agreement between the County of Rockland and the Town of Clarkstown for the acceptance of discount Transport of Rockland (TOR) Super Saver Bus Tickets on the Clarkstown Mini-Trans for the period from April 4, 2011 through April 3, 2014, and authorizes execution of the agreement by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, That no County tax dollars are required for this agreement since all reimbursement funds will be provided by MTA Special Allocation funds.

Schedule A

**Scope of Service for the Town of Clarkstown
To accept SuperSaver tickets**

The Town of Clarkstown "Clarkstown Mini Trans" (CMT) will accept County of Rockland "Transport of Rockland" (TOR) SuperSaver discount bus tickets as full payment for a period of three years, April 4, 2011 – April 3, 2014.

TOR will pay CMT the value of the SuperSaver tickets collected on CMT each month.

TOR agrees to promote CMT's acceptance of SuperSaver tickets on TOR timetables, advertisements and other media placements where appropriate.

Introduced by:

Referral No. 2992

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

**RESOLUTION NO. 14 OF 2012
 APPROVING INTERMUNICIPAL COOPERATION AGREEMENT
 BETWEEN THE COUNTY OF ROCKLAND AND
 THE VILLAGE OF SPRING VALLEY FOR
 ACCEPTANCE OF "SUPER SAVER BUS TICKETS"
 ON THE SPRING VALLEY JITNEY
 (NO COUNTY TAX DOLLARS)
 FOR THE PERIOD FROM APRIL 4, 2011 THROUGH APRIL 3, 2014
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF PUBLIC TRANSPORTATION]**

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

WHEREAS, The County of Rockland ("County") and the Village of Spring Valley are municipal corporations as defined by Section 119-n of Article 5-G of the General Municipal Law of the State of New York; and

WHEREAS, Section 119-o of Article 5-G of the General Municipal Law of the State of New York authorizes municipal corporations to contract to perform together that which each is authorized to perform individually, provided that any such agreement to do so "be approved by each participating municipal corporation" "by a majority vote of the voting strength of its governing body;" and

WHEREAS, The County, and the Village of Spring Valley desire to enter into an intermunicipal cooperation agreement for the acceptance of discount Transport of Rockland (TOR) "Super Saver Bus Tickets" on the Spring Valley Jitney which will be reimbursed by the County, for the period from April 4, 2011 through April 3, 2014; and

WHEREAS, There are no County tax dollars required for this agreement since all reimbursement funds will be provided by MTA Special Allocation funds, and

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

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal agreement between the County of Rockland and the Village of Spring Valley for the acceptance of discount Transport of Rockland (TOR) Super Saver Bus Tickets on the Spring Valley Jitney for the period from April 4, 2011 through April 3, 2014, and authorizes execution of the agreement by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, That no County tax dollars are required for this agreement since all reimbursement funds will be provided by MTA Special Allocation funds.

Schedule A

**Scope of Service for the Village of Spring Valley
To accept SuperSaver tickets**

The Village of Spring Valley "Spring Valley Jitney" (SVJ) will accept County of Rockland "Transport of Rockland" (TOR) SuperSaver discount bus tickets as full payment for a period of three years, April 4, 2011 – April 3, 2014.

TOR will pay SVJ the value of the SuperSaver tickets collected on SVJ each month.

TOR agrees to promote SVJ's acceptance of SuperSaver tickets on TOR timetables, advertisements and other media placements where appropriate.

Introduced by:

Referral No. 8293

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

**RESOLUTION NO. 15 OF 2012
 APPROVING ACCEPTANCE OF SUPPLEMENTAL AGREEMENT NO. 10
 IN THE AMOUNT OF \$650,000 WITH THE NEW YORK STATE
 DEPARTMENT OF TRANSPORTATION
 IN ORDER FOR THE COUNTY TO BE REIMBURSED FOR \$520,000
 OF WORK PERFORMED IN CONNECTION WITH ROCKLAND'S
 TRAVEL DEMAND MANAGEMENT (TDM) PROGRAM
 (WITH A LOCAL SHARE OF \$130,000)
 FOR THE PERIOD OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 DOCUMENTS BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF PLANNING]**

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

WHEREAS, The Commissioner of Planning has advised the County Executive that he desires to enter into a supplemental agreement in the amount of \$650,000 with the New York State Department of Transportation in order for the County to be reimbursed for \$520,000 of work performed in connection with Rockland's Travel Demand Management (TDM) Program (with a local share of \$130,000) for the period October 1, 2011 through September 30, 2012; and

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

WHEREAS, Supplemental agreements to Comptroller's Contract No. DO17592 have been entered into by the County of Rockland and New York State Department of Transportation on an annual basis since September 30, 2002, the last such agreement for the term October 1, 2010 through September 30, 2011 approved by the Legislature of Rockland County on January 18, 2011 under Resolution No. 26 of 2011; and

WHEREAS, Funding for the contract is through the Federal Congestion Mitigation and Air Quality Program (CMAQ); and

WHEREAS, No funding clause is required since agreement amount was already appropriated in the Department of Planning Budget for said period; and

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

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

RESOLVED, That the Legislature of Rockland County approves the acceptance of a supplemental agreement in the amount of \$650,000 with the New York State Department of Transportation in order for the County to be reimbursed for \$520,000 of work performed in connection with Rockland's Travel Demand Management (TDM) Program (with a local share of \$130,000) for the period October 1, 2011 through September 30, 2012, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no funding clause is required since agreement amount was already appropriated in the Department of Planning Budget for said period.

Introduced by:

Referral No. 7300

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

**RESOLUTION NO. 16 OF 2012
APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000
FROM ALARM SPECIALISTS, INC.
FOR ALARM MAINTENANCE AND REPAIR SERVICES
IN AN ADDITIONAL AMOUNT OF \$50,000
DURING THE FIRST OPTION TERM
FOR A TOTAL AMOUNT NOT TO EXCEED \$175,000
FOR THE PERIOD FROM JULY 1, 2010 THROUGH JUNE 30, 2012
UNDER RFB-RC-2010-047
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
(\$175,000)**

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

WHEREAS, The Director of Purchasing requested bids for alarm system inspection, testing, maintenance and repair for fire alarm systems, CCTV security systems, nurse call systems and related alarm systems under RFB-RC-2010-047 (the "RFB") for the Department of General Services for the period of one year from the date of the award with the option to renew for two additional options of one year; and

WHEREAS, The Director of Purchasing awarded a contract with Alarm Specialists, Inc. 333 Old Tarrytown Road, White Plains, New York 10603 to provide alarm maintenance and repair services for the Department of General Services under RFB-RC-2010-047 in an amount not to exceed \$60,000 for the period from July 1, 2010 through June 30, 2011; and

WHEREAS, The Director of Purchasing advises that approximately \$60,000 was spent during the first year of the RFB for the period from July 1, 2010 through June 30, 2011 and;

WHEREAS, By Resolution No. 474 of 2011, the Legislature of Rockland County approved purchases in excess of \$100,00 from Alarm Specialists, Inc., 333 Old Tarrytown Road, White Plains, New York 10603 for alarm maintenance and repair services for the Department of General Services under RFB-RC-2010-047 in the additional amount of \$65,000 for the period from July 1, 2011 through June 30, 2012 for a total contract amount not to exceed \$125,000 during the total contract period from July 1, 2010 through June 30, 2012; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve additional purchases in excess of \$100,000 from Alarm Specialists, Inc. of alarm system inspection, testing, maintenance and repair for fire alarm systems, CCTV security systems, nurse call systems and related alarm systems under the RFB for the Department of General Services in an additional amount not to exceed \$50,000 during the first option term of the agreement for the period from July 1, 2011 through June 30, 2012, for a total amount not to exceed \$175,000 for the total contract period from July 1, 2010 through June 30, 2012; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2011 and 2012 Adopted Budgets of the Department of General Services; 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 additional purchases in excess of \$100,000 from Alarm Specialists, Inc., 333 Old Tarrytown Road, White Plains, New York 10603 for the purchase of alarm system inspection, testing, maintenance and repair for fire alarm systems, CCTV security systems, nurse call systems and related alarm systems under RFB-RC-2010-047 for the Department of General Services in an additional amount of \$50,000 for the period from July 1, 2011 through June 30, 2012 in a total amount not to exceed \$175,000 for the total contract period from July 1, 2010 through June 30, 2012; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2011 and 2012 Adopted Budgets of the Department of General Services.

Introduced by:

Referral No. 9325

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

**RESOLUTION NO. 17 OF 2012
 APPROVING A PURCHASE IN EXCESS OF \$100,000
 FROM M-B COMPANIES, INC.
 IN AN AMOUNT NOT TO EXCEED \$314,078
 FOR THE PURCHASE OF ONE TRUCK-MOUNTED STRIPING MACHINE
 UNDER RFB-RC-2011-028
 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
 [DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING]
 (\$314,078)**

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

WHEREAS, The Director of Purchasing requested bids to replace aging Highway Department equipment used to stripe roads for the county and local municipalities under RFB-RC-2011-028 (the "RFB"); and

WHEREAS, Thirty one (31) vendors were notified of the RFB, and two (2) vendors responded; and

WHEREAS, The Director of Purchasing determined that M-B Companies, Inc., 1615 Wisconsin Avenue, New Holstein, WI 53061 was the lowest bidder, who submitted the lowest responsible bid that met all of the requirements of the RFB; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve a purchase in excess of \$100,000 from M-B Companies, Inc. of one truck mounted striping machine in an amount not to exceed \$314,078; and

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

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

WHEREAS, Sufficient funding for this purchase is provided for in the 2012 Adopted Capital Budget for the Department of Highways under Capital Account No. 1458; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchase in excess of \$100,000 from M-B Companies, Inc., 1615 Wisconsin Avenue, New Holstein, WI 53061 of one truck mounted striping machine in an amount not to exceed \$314,078 under RFB-RC-2011-028, and authorizes the purchase to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for this purchase is provided for in the 2012 Adopted Capital Budget for the Department of Highways under Capital Account No. 1458.

Introduced by:

Referral No. 5574

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

**RESOLUTION NO. 18 OF 2012
 APPROVING ACCEPTANCE OF A GRANT
 FROM THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES
 IN THE AMOUNT OF \$35,315 (NCTD)
 FOR THE IGNITION INTERLOCK DEVICE
 MONITORING PROGRAM FOR THE PERIOD
 OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012
 AND AUTHORIZING EXECUTION OF ALL NECESSARY
 GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF PROBATION]
 (\$35,315)**

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

WHEREAS, The County Executive and the Rockland County Legislature have been advised by the Director of Probation that the Department of Probation has been awarded a grant from the New York State Division of Criminal Justice Services in the amount of \$35,315 for the Ignition Interlock Device Monitoring Program for the period October 1, 2011 through September 30, 2012; and

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

WHEREAS, The Division of Criminal Justice Services will reimburse counties \$114.66 per ignition interlock device installation ordered by the courts to help cover \$35,315 of Department of Probation (Dept. 3140) personnel costs incurred in the implementation of this grant; and

WHEREAS, Since all Department of Probation personnel costs were already appropriated in the 2010 and 2011 Adopted Budgets, no funding clause is necessary; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a grant from the New York State Division of Criminal Justice Services in the amount of \$35,315 for the Ignition Interlock Device Monitoring Program for the period October 1, 2011 through September 30, 2012, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

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

RESOLVED, That the Division of Criminal Justice Services will reimburse counties \$114.66 per ignition interlock device installation ordered by the courts to help cover \$35,315 of Department of Probation (Dept. 3140) personnel costs incurred in the implementation of this grant; and be it further

RESOLVED, That personnel costs involved in the implementation of this grant was already appropriated in the Department of Probation (Dept. 3140) for said time period and therefore, no funding clause is necessary.



Introduced by:

Referral No. 7780

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

**RESOLUTION NO. 19 OF 2012
 APPROVING PURCHASES IN EXCESS OF \$100,000
 FROM BERKSHIRE FARM CENTER AND SERVICES FOR YOUTH
 TO PROVIDE A NON-SECURE DETENTION
 PROGRAM SERVICES (NSDS)
 FOR THE DEPARTMENT OF SOCIAL SERVICES
 UNDER RFP-RC-2011-019
 IN AN AMOUNT NOT TO EXCEED \$193,486.50
 FOR THE TWO (2) YEAR PERIOD DECEMBER 1, 2011
 THROUGH NOVEMBER 30, 2013
 [DEPARTMENT OF SOCIAL SERVICES]
 (\$193,486.50)**

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

WHEREAS, The Director of Purchasing requested bids to provide Non-Secure Detention Services (NSDS) for the Department of Social Services under RFP-RC-2011-019 (the "RFP") for a two (2) year period commencing on December 1, 2011 through November 30, 2013; and

WHEREAS, Twenty five (25) vendors were notified of the RFP, and two (2) vendors responded; and

WHEREAS, This RFP was issued to seek proposals from qualified not-for-profit organizations to provide successful, best-practice, cost-effective services for the County's Non-Secure Detention (NSD) Program for the Department of Social Services. The NSD Program consists of short-term supportive residential care for juveniles awaiting Court processing in accordance with provisions of the New York State (NYS) Family Court Act and regulations of the NYS Office of Children and Family Services (OCFS); and

WHEREAS, The Department of Social Services has decided it is in the best interest of the County to award this contract to Berkshire Farm Center and Services for Youth, 13640 Route 22, Canaan, New York 12029 at the per-diem rate inclusive of the transportation cost; and

WHEREAS, The Director of Purchasing therefore recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of \$100,000.00 from Berkshire Farm Center and Services for Youth to provide Non-Secure Detention Program Services; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2011 and 2012 Budget of the Department of Social Services and is contingent upon 2013 budget appropriations; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 from Berkshire Farm Center and Services for Youth, 13640 Route 22, Canaan, New York 12029, to provide a Non-Secure Detention Program Service at the Department of Social Services under RFP-RC-2011-019 in an amount not to exceed \$193,486.50 for the two (2) year period December 1, 2011 through November 30, 2013; and be it further

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

Introduced by:

Referral No. 2973/9463

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

**RESOLUTION NO. 20 OF 2012
AMENDING THE 2011 BUDGET
BY APPROVING THE APPROPRIATION OF ADDITIONAL FUNDS
IN THE AMOUNT OF \$114,675 [NCTD]
FROM THE NEW YORK STATE OFFICE OF ALCOHOLISM AND
SUBSTANCE ABUSE SERVICES (NYS OASAS) TO OPEN ARMS, INC.
IN ORDER TO COVER REMAINING COSTS ASSOCIATED WITH
A NEW HALF-WAY HOUSE RESIDENCE FOR WOMEN
FOR CALENDAR YEAR 2011
AND AUTHORIZING THE COUNTY EXECUTIVE
TO EXECUTE ALL NECESSARY DOCUMENTS,
INCLUDING THE APPLICABLE CONTRACT AMENDMENT
[DEPARTMENT OF MENTAL HEALTH]
(\$114,675)**

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

WHEREAS, The Commissioner of Mental Health has advised the County Executive and the Legislature of Rockland County that \$114,675 of additional New York State Office of Alcoholism and Substance Abuse (NYS OASAS) funds that were not previously appropriated to Open Arms, Inc. (Dept. 4334) for calendar year 2011 needs to be appropriated to Open Arms, Inc. for a new half-way house residence for women for the calendar year 2011; and

WHEREAS, Previously in 2011, the original \$285,000 contract amount resulted in the receipt of New York State funds in the sum of \$230,138 which left an outstanding balance of \$54,862 in the Open Arms appropriation line; and

WHEREAS, The acceptance of \$114,675 funding will require an amendment to the 2011 contract amount in the County's agreement dated March 1, 2011 with Open Arms, Inc., which is in excess of \$100,000; and

WHEREAS, A 2011 contract amendment with Open Arms, Inc. needs to be written for \$114,675, however, only \$59,813 needs to be appropriated because there is currently \$54,862 not funded or dispersed in 2011 for Open Arms; and

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

WHEREAS, No County tax dollars (NCTD) are required to appropriate these additional funds; 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 accepts and appropriates \$114,675 of New York State Office of Alcoholism and Substance Abuse (NYS OASAS) funds to Open Arms, Inc. (Dept. 4334) for calendar year 2011 for a new half-way house residence for women; and be it further

RESOLVED, That the only amount of appropriation to be entered on the Open Arms, Inc., 2011 budget line at this time is the sum of \$59,813 because the 2011 budget line for this contract agency was originally entered in the amount of \$285,000 and to date, the County has received and dispersed only \$230,138 to Open Arms, Inc., leaving the sum of \$54,862 as appropriated in the 2011 budget but not funded or dispersed.. Therefore the posting of \$59,813 to the Open Arms, Inc. appropriations line when combined with the lines current balance of \$54,862 will equal \$114,675; and be it further

RESOLVED, That the Legislature of Rockland County hereby authorizes the County Executive to execute all necessary documents related to the acceptance of these additional funds, including the letter amending the contract amount in the County's agreement dated March 1, 2011 with Open Arms, Inc., which is in excess of \$100,000; and be it further

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

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

GENERAL FUND - 2011

<u>Increase Approp. Acct.</u> A-DMH-4334-E5010	Open Arms, Inc.	59,813
<u>Increase Est. Rev. Acct.</u> A-DMH-4334-R3476	State Aid-OASAS	59,813

Introduced by:

Referral No. 9472

- Hon. Michael A. Grant, Sponsor
- Hon. Ilan S. Schoenberger, Co-Sponsor
- Hon. Jay Hood, Jr., Co-Sponsor
- Hon. Alden H. Wolfe, Co-Sponsor
- Hon. Harriet D. Cornell, Co-Sponsor
- Hon. Toney L. Earl, Co-sponsor
- Hon. Philip Soskin, Co-Sponsor

**RESOLUTION NO. 21 OF 2012
ADOPTING THE PROVISIONS OF THE HURRICANE IRENE
AND TROPICAL STORM LEE ASSESSMENT RELIEF ACT
WITHIN THE COUNTY OF ROCKLAND**

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

WHEREAS, as part of the tax legislation passed by the New York State Legislature in December of 2011, the Legislature enacted the Hurricane Irene and Tropical Storm Lee Assessment Relief Act. A complete summary of the Act, as provided by the New York State Department of Taxation and Finance, is annexed hereto as Schedule A; and

WHEREAS, the Act allows local municipalities to provide tax relief to owners of properties that were “catastrophically impacted” by the severe 2011 storms. Property that lost 50% more of its value as a result of flooding is considered catastrophically impacted, and the Act effectively allows heavily damaged properties to be reassessed on the 2011 assessment roll based upon its post-storm condition, even though the damage occurred after the 2011 taxable status date; and

WHEREAS, the program may be adopted by local resolution in counties deemed eligible – of which Rockland is one – as well as any city, town, village or school district contained wholly within one of the eligible counties; and

WHEREAS, adoption of the provision by Rockland County affects only the County portion of the tax bill and does not result in the provision applying to other local governments within the County; each municipality and school district that wishes to offer the option to their property owners must separately adopt a resolution; and

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

RESOLVED, that the Rockland County Legislature hereby adopts on behalf of the County the provisions of the Hurricane Irene and Tropical Storm Lee Assessment Relief Act; and

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified 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 Senate; 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.

Schedule 'A'

Summary of Legislation
Hurricane Irene and Tropical Storm Lee Assessment Relief Act
December 20, 2011

Overview

- Allows taxing jurisdictions to provide relief to owners of properties that were "catastrophically impacted" by the storms.
- Property that lost 50% or more of its value as a result of flooding is considered catastrophically impacted.
- Effectively allows heavily damaged property to be reassessed on the 2011 assessment roll based upon its post-storm condition, even though the damage occurred after the 2011 taxable status date.

Local Option

- The provisions of the legislation are available to taxpayers by local option only.
- The program can be adopted by local resolution in the eligible counties (see below) and any city, town, village or school district that is wholly or partly contained within the eligible counties.
- Adoption of the provision by a county does not result in the provision applying to other local governments within the county; each municipality or school district that wishes to offer the option to their property owners must separately adopt a resolution.

List of Eligible Counties

New York City and the following counties are eligible to participate in the program: Albany, Broome, Chemung, Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington and Westchester.

Procedure

- To receive relief, the property owner in a taxing jurisdiction that has adopted the provisions must submit a written request to the assessor along with supporting documentation.
- No specific form is required but documentation should be included with the request if it is available.
- The assessor determines the percentage reduction in value.
- If warranted, the assessor reduces the taxable assessed value.
- Upon making a determination, the assessor mails written notice to the property owner and the participating municipality.
- If a reduction is granted and taxes have not yet been paid, then the tax liability will be reduced; if taxes have already been paid then the taxing jurisdiction will refund the appropriate amount.

- A property owner who is dissatisfied with the assessor's determination may file a complaint with the Board of Assessment Review, which shall reconvene upon 10 calendar days written notice to the property owner and assessor to consider the matter.

Deadlines

- The deadline for taxing jurisdictions to opt into the program is January 23, 2012 (45 calendar days after the act was signed by the Governor).
- The deadline for a property owner to apply for assessment relief is March 8, 2012 (90 calendar days after the act was signed by the Governor).

Assessment Reductions

Upon reviewing the property's documentation, the assessor does not have to determine exactly how much value the property lost, but merely classifies the loss into one of the ranges in the table below:

Property Loss	Reduction in Taxable AV
Less than 50%	None
At least 50% but less than 60%	55%
At least 60% but less than 70%	65%
At least 70% but less than 80%	75%
At least 80% but less than 90%	85%
At least 90% but less than 100%	95%
100%	Reduced to 0

Please note, this is not a legal document and should not be relied on as such. For the law governing this program, see Part G of Chapter 56 of the Laws of 2011.

S. 40002 / A. 40002

PART G

Section 1. Short title. This act shall be known and may be cited as the "**Hurricane Irene and Tropical Storm Lee assessment relief act**".

§ 2. Definitions. For the purposes of this act, the following terms shall have the following meanings:

1. "Eligible county" shall mean those counties which have been included in the federal disaster declarations for either Hurricane Irene or Tropical Storm Lee or both.

2. "Catastrophically impacted property" shall mean a property which is located in an eligible municipality and which lost fifty percent or more of its value as a result of either Hurricane Irene or Tropical Storm Lee or both.

3. "Eligible municipality" shall mean a municipal corporation, as defined by subdivision ten of section one hundred two of the real property tax law, which is either (a) an eligible county, or (b) a city, town, village or school district that is wholly or partly contained within an eligible county.

4. "Impacted assessment roll" shall mean a final assessment roll which satisfies both of the following conditions: (a) the roll is based upon a taxable status date occurring prior to August twenty-seventh, two thousand eleven, and (b) taxes levied upon that roll by or on behalf of a participating municipality are payable without interest on or after August twenty-seventh, two thousand eleven.

5. "Participating municipality" shall mean an eligible municipal corporation that has chosen to provide assessment relief to owners of catastrophically impacted properties pursuant to section three of this act.

§ 3. Local option. An eligible municipality may exercise the provisions of this act if its governing body shall, by the forty-fifth day following the date upon which this act is approved by the governor, pass a resolution adopting the provisions of this act.

§ 4. Assessment relief for flood victims. (a) Notwithstanding any provision of law to the contrary, where property was catastrophically impacted by either Hurricane Irene or Tropical Storm Lee or both and is located within a participating municipality, assessment relief shall be granted as follows:

i. If the property lost at least fifty but less than sixty percent of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property shall be reduced by fifty-five percent for purposes of the participating municipality on the impacted assessment roll.

ii. If the property lost at least sixty but less than seventy percent of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property shall be reduced by sixty-five percent for purposes of the participating municipality on the impacted assessment roll.

iii. If the property lost at least seventy but less than eighty percent of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property shall be reduced by seventy-five percent for purposes of the participating municipality on the impacted assessment roll.

iv. If the property lost at least eighty but less than ninety percent of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property shall be reduced by eighty-five percent for purposes of the participating municipality on the impacted assessment roll.

v. If the property lost at least ninety but less than one hundred percent of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property shall be reduced by ninety-five percent for purposes of the participating municipality on the impacted assessment roll.

vi. If the property lost all of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property shall be reduced to zero for purposes of the participating municipality on the impacted assessment roll.

vii. The percentage loss in value for this purpose shall be determined by the assessor in the manner provided by this act, subject to review by the board of assessment review.

viii. No reduction in taxable assessed value shall be granted pursuant to this act except as specified above. No reduction in taxable assessed value shall be granted pursuant to this section for purposes of any county, city, town, village or school district which has not adopted the provisions of this act.

(b) To receive such relief pursuant to this act, the property owner shall submit a written request to the assessor within ninety days following the date upon which this act is approved by the governor. Such request need not be in a particular format but shall describe in reasonable detail the damage caused to the property by either Hurricane Irene or Tropical Storm Lee or both and the condition of the property following the hurricane or storm or both, and shall be accompanied by supporting documentation if available.

(c) Upon receiving such a request, the assessor shall make a finding as to whether the property lost at least half of its value as a result of the hurricane or storm or both, and if so, shall classify the percentage loss of value within one of the following ranges:

i. At least fifty percent but less than sixty percent,

ii. At least sixty percent but less than seventy percent,

- iii. At least seventy percent but less than eighty percent,
- iv. At least eighty percent but less than ninety percent,
- v. At least ninety percent but less than one hundred percent, or
- vi. one hundred percent.

(d) The assessor shall mail written notice of such finding to the property owner and the participating municipality. Where the assessor finds that the loss in value is less than fifty percent, or classifies the loss within a lower range than the property owner believes is warranted, the property owner may file a complaint with the board of assessment review. Such board shall reconvene upon ten days written notice to the property owner and assessor to hear the appeal and determine the matter, and shall mail written notice of its determination to the assessor and property owner. The provisions of article five of the real property tax law shall govern the review process to the extent practicable.

(e) Where property has lost at least fifty percent of its value due to either Hurricane Irene or Tropical Storm Lee or both, the taxable assessed value of the property on the impacted assessment roll shall be reduced by the appropriate percentage specified in paragraph (a) of this section, provided that any exemptions which the property may be receiving shall be adjusted as necessary to account for such reduction in the taxable assessed value. To the extent the taxable assessed value of the property originally appearing on such roll exceeds the amount to which it should be reduced pursuant to this act, the excess shall be considered an error in essential fact as defined by section five hundred fifty of the real property tax law. If the error appears on a tax roll, the tax roll shall be corrected in the manner provided by section five hundred fifty-four of the real property tax law or a refund or credit of taxes shall be granted in the manner provided by section five hundred fifty-six or five hundred fifty-six-b of the real property tax law. If the error appears on a final assessment roll but not on a tax roll, such final assessment roll shall be corrected in the manner provided by section five hundred fifty-three of the real property tax law.

(f) The rights contained in this act shall not otherwise diminish any other legally available right of any property owner or party who may otherwise lawfully challenge the valuation or assessment of any real property or improvements thereon. All remaining rights hereby remain and shall be available to the party to whom such rights would otherwise be available notwithstanding this act.

§ 5. School districts held harmless. Each school district that is wholly or partially contained within an eligible county, as defined in subdivision one of section two of this act, shall be held harmless by the state for any reduction in state aid that would have been paid as tax savings pursuant to section 1306-a of the real property tax law incurred due to the provisions of this act.

§ 6. The director of the office of real property tax services, or other chief administrative official of that office within the department of taxation and finance is authorized to develop a guidance memorandum for use by assessing units. Such guidance memorandum shall assist with the implementation of this act and shall be deemed to be binding on all assessing units in counties which implement the provisions of this act. The guidance memorandum shall have no force or effect or serve as authority for any other act of assessing units or of the interpretation or implementation of the laws of the state of New York except as they relate to the specific implementation of this act.

§ 7. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after August 26, 2011.

Introduced by:

Referral No. 9384

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Philip Soskin, Sponsor
- Hon. Toney L. Earl, Sponsor

**RESOLUTION NO. 22 OF 2012
 APPROVING AN AGREEMENT IN EXCESS OF \$100,000 WITH
 ORRICK, HERRINGTON AND SUTCLIFFE, LLP
 FOR BOND COUNSEL SERVICES FOR THE
 PERIOD FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
 [DEPARTMENT OF FINANCE]
 (\$150,000)**

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

WHEREAS, The Commissioner of Finance and the County Attorney issued a solicitation for bond counsel services from six firms on behalf of the County of Rockland in 2009; and

WHEREAS, At that time, a committee consisting of members of the Department of Law and the Department of Finance reviewed the proposals from the three firms that responded and conducted interviews with each firm; and

WHEREAS, The firm of Orrick, Herrington & Sutcliffe, LLP, 51 West 52nd Street, New York, New York 10019 was selected by the committee to provide bond counsel services to the County based upon the evaluation criteria; and

WHEREAS, Services of bond counsel are necessary to the Department of Finance and the Department of Law for the issuance of bonds for the financing of capital improvements; and

WHEREAS, By Resolution Nos. 591 of 2009 and 25 of 2011, the Legislature of Rockland County approved an agreement with Orrick, Herrington & Sutcliffe, LLP to provide bond counsel services for 2010 and 2011; and

WHEREAS, Orrick, Herrington & Sutcliffe, LLP has agreed to continue bond counsel services at the same rates proposed in 2009; and

WHEREAS, The Acting Commissioner of Finance and the Acting County Attorney recommended that it is in the best interest of the County to enter into an agreement for with Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, New York 10019 for bond counsel services, in a total sum not to exceed \$150,000, for a term from January 1, 2012 through December 31, 2012; and

WHEREAS, Sufficient funds exist in the 2012 Adopted Budget of the Department of Finance and the 2012 Adopted Capital Budget; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves the agreement in excess of \$100,000 with Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, New York 10019 for bond counsel services and authorizes its execution by the County Executive, in a total sum not to exceed \$150,000, for a term from January 1, 2012 through December 31, 2012, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds exist in the 2012 Adopted Budget of the Department of Finance and the 2012 Adopted Capital Budget.

Introduced by:

Referral No. 8281

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

**RESOLUTION NO. 23 OF 2012
 APPROVING AN AMENDMENT TO THE FIVE (5) YEAR LEASE
 AGREEMENT IN EXCESS OF \$100,000 (NCTD)
 WITH ROBERT PITT PROFESSIONAL PLAZA, LLC
 FOR ADDITIONAL SPACE AND THE ADDITIONAL AMOUNT OF
 \$28,049.70 FOR A TOTAL AMOUNT NOT TO EXCEED \$285,415.02
 FOR THE DEPARTMENT OF HEALTH OFF-SITE CLINIC,
 WOMEN, INFANT AND CHILDREN PROGRAM (WIC)
 23 ROBERT PITT DRIVE MONSEY, NEW YORK
 (DEPARTMENT OF HEALTH)
 (\$285,415.02)**

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

WHEREAS, By Resolution 225 of 2010 the Legislature of Rockland County approved a Five (5) year lease agreement with Robert Pitt Professional Plaza, LLC, for the Department of Health Off-Site Clinic space for the Women, Infant and Children Program (WIC), 23 Robert Pitt Drive, Monsey, New York for the period from March 2010 through February 28, 2015 for a base rent of \$231,295.92; and

WHEREAS, The Off-Site Clinic serves over 5,000 individuals a month and in the past 5 years has grown well over 66% since moving to 23 Robert Pitt Drive, Monsey, New York; and

WHEREAS, There is approximately 420 square feet available and is necessary to increase the size of this programs waiting room; and

WHEREAS, The Commissioner of Health has requested approval to amend the Five (5) year lease with Robert Pitt Professional Plaza, LLC, 23 Robert Pitt Drive, Suite 103 Monsey, New York for the necessary additional space to increase the waiting room for the Department of Health Off-Site Clinic space for the Women, Infant and Children Program (WIC) for an amount of \$738.15 a month (\$28,049.70) from January 1, 2012 until February 28, 2015 for a lease amount not to exceed \$285,415.02; and

WHEREAS, The off-site clinic will be used by the Health Department for Child Health Women’s Health Services and WIC Clinics, and

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

WHEREAS, Sufficient funds for this amendment are covered by the WIC grant in the Department of Health – WIC Program, and there is no county tax dollars or County funds needed; 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 approves the amendment to the five (5) year lease in excess of \$100,000 with Robert Pitt Professional Plaza, LLC for additional space at the off-site (WIC) Clinic, 23 Robert Pitt Drive, Suite 103, Monsey, New York 10952 for an additional amount of \$738.15 a month (\$28,049.70) from January 1, 2012 until February 28, 2015 for a total lease amount not to exceed \$285,415.02; and

RESOLVED, That the Legislature of Rockland County authorizes the County authorized the County Executive to execute the amendment to the lease and all other documents necessary to effectuate the off-site clinic and facilities, subject to the approval of the County Attorney, and be it further

RESOLVED, That sufficient funds for this lease are covered by the WIC grant in the Department of Health – WIC Program.

Introduced by:

Referral No. 9121

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

**RESOLUTION NO. 24 OF 2012
APPROVING AMENDMENT TO AGREEMENT IN EXCESS OF
\$100,000 WITH CENTER FOR DISEASE DETECTION, LLC.
IN THE ADDITIONAL AMOUNT OF \$35,000 FOR THE PERIOD
FROM JANUARY 1, 2012 THROUGH DECEMBER 31, 2012
FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$130,000
FOR LABORATORY TESTING SERVICES FOR PAP SMEAR AND HPV DNA TESTING FOR
THE DEPARTMENT OF HEALTH UNDER RFP-RC-08-151 AND AUTHORIZING ITS
EXECUTION BY THE COUNTY EXECUTIVE
[DEPARTMENT OF HEALTH]
(\$130,000)**

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

WHEREAS, The Director of Purchasing let bids under RFP-RC-05-151 for laboratory testing services for Pap Smear and HPC DNA for the Department of Health for a period of one year with the option to renew for four additional one-year terms; and

WHEREAS, It was determined that the most responsive vendor to the RFP was Center for Disease Detection, LLC., 11603 Crosswinds Way, Suite 100, San Antonio, Texas 78233; and

WHEREAS, On May 22, 2009, the County entered into an agreement with Center for Disease Detection, LLC., 3370 Nacogdoches Road, Suite 100, San Antonio, Texas 78217; under RFP-RC-08-151 for laboratory testing services for Pap Smear and HPC DNA, for a total contract sum not to exceed \$30,000, for the period through December 31, 2009 with the option to renew for four additional one year terms; and

WHEREAS, On August 2, 2010, the County entered into an amendment to the agreement with Center for Disease Detection, LLC., 3370 Nacogdoches Road, Suite 100, San Antonio, Texas 78217; under RFP-RC-05-028 for laboratory testing services for Pap Smear and HPC DNA, for the additional sum of \$30,000, for a total contract sum not to exceed \$60,000, for the period from January 1, 2010 through December 31, 2010 with the option to renew for three additional one year terms; and

WHEREAS, On January 28 2011, the County entered into an amendment to the agreement with Center for Disease Detection, LLC., 3370 Nacogdoches Road, Suite 100, San Antonio, Texas 78217; under RFP-RC-05-028 for laboratory testing services for Pap Smear and HPC DNA, for the additional sum of \$35,000, for a total contract sum not to exceed \$95,000, for the period from January 1, 2011 through December 31, 2011 with the option to renew for two additional one year terms; and

WHEREAS, The Commissioner of Health recommends that the County of Rockland enter into an amendment to the agreement with Center for Disease Detection, LLC., 11603 Crosswinds Way, Suite 100, San Antonio, Texas 78233; under RFP-RC-05-028 for laboratory testing services for Pap Smear and HPC DNA, for the additional sum of \$35,000, for a total contract sum not to exceed \$130,000, for the period from January 1, 2012 through December 31, 2012 with the option to renew for one additional one year terms;

WHEREAS, That sufficient funding for these services is provided for in the 2012 Budget of the Department of Health; and

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

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

RESOLVED, That the Legislature of Rockland County hereby approves an amendment of the agreement in excess of \$100,000 with Center For Disease Detection, LIC., 11603 Crosswinds Way, Suite 100, San Antonio, Texas 78233, under RFP-RC-08-151 for laboratory testing services for Pap Smear and HPC DNA, in the additional amount of \$35,000, for a total contract sum not to exceed \$130,000, for a contract period from January 1, 2012 through December 31, 2012 with the option to renew for one additional year term , and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for these services is provided for in the 2012 Budget of the Department of Health.

Introduced by:

Referral No. 6698/9372

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

**RESOLUTION NO 25 OF 2012
 SETTING A DATE FOR A PUBLIC HEARING
 WITH RESPECT TO ADOPTION OF A LOCAL LAW
 AMENDING LOCAL LAW NUMBER 11 OF 2006 AND
 LOCAL LAW NUMBER 2 OF 2009, TO EXTEND
 THE EFFECTIVE DATES OF THE LOCAL MORTGAGE
 RECORDING TAX ON OBLIGATIONS SECURED BY A MORTGAGE
 ON REAL PROPERTY AND AS CODIFIED IN THE LAWS OF
 ROCKLAND COUNTY AS SECTION 355-80, ET SEQ.**

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

WHEREAS, The County Executive has recommended to the County Legislature of Rockland County that the Legislature adopt a local law amending local law number 11 of 2006 and local law number 2 of 2009, to extend the effective dates of the local mortgage recording tax on obligations secured by a mortgage on real property, and as codified in the laws of Rockland county as Section 355-80, et seq.; and

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

RESOLVED, That the Legislature of Rockland County hereby sets the **21st** day of **February, 2012**, at **6:05 p.m.**, for a public hearing to provide for a local law amending local law number 11 of 2006 and local law number 2 of 2009, to extend the effective dates of the local mortgage recording tax on obligations secured by a mortgage on real property, and as codified in the laws of Rockland county as Section 355-80, et seq.

Debate:

Mr. Schoenberger

This relates to the existing mortgage tax that the County of Rockland now has and has had for several years on real property that is mortgaged in Rockland County. This is not a new tax or an additional tax. This is a continuation of the existing tax.

Mr. Day

I thank Legislator Schoenberger for bringing that up, because I had some questions about that myself actually. Frankly, the backup was not helpful. We have a number of resolutions coming up to us today regarding a variety of added taxes. I see it as much like the situation we had last March with the urging by the County Executive for \$18,000,000 borrowing as kind of a bridge loan for the PBC. Myself and a number of other Legislators argued that we should see details on the effort before we approve the monies since five months had elapsed at that time.

Depending on the details and under certain circumstances I could support some of these taxes that are proposed this year, but I will support the setting of public hearings I will not support any tax increases until we see demonstrated effort by the administration to establish equivalent efficiencies in government operations.

Additionally, if we are going to tell the people that we need this money as part of solving our financial crisis, then our citizens should rightfully expect that we lie out the end game also and we define a sunset date for these taxes.

We have spoken about a variety of areas to investigate, Summit Park, personnel and finance functions, self-insurance, and relief workers just to mention a few.

With higher taxes comes an altered market and impact on our local economy. We should heed that reality as we already have seen instances where our hotel industry are losing bookings ahead of this proposed tax and the pending increased sales tax, and as reported in the journal news three days ago, a downturn in mortgage tax receipts as more avoid that tax by opting for cash transactions.

Raising taxes without defined efficiencies is neither good policy nor good government. Neither is permanently adding to the tax burden under the guise of fixing a funding problem with a defined time frame.

In short, these are just my expectations of one Legislator. Thank you.

Mr. Carey

I agree to set a date for a public hearing. I just want it to be known that I am not yet sure that I support this.

Mrs. Low-Hogan

Is there a deadline by which we have to have this particular public hearing since it is the extension of the current tax?

Chairwoman Cornell

It has to be done by the end of March. We are setting a date for the second meeting in February.

Mr. Wolfe

The extension of the tax will commence on April 1, 2012 and run to March 31, 2015. It seems that the current authority that we have expires at the end of March.

Introduced by:

Referral No. 9438

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

**RESOLUTION NO. 26 OF 2012
 SETTING A DATE FOR A PUBLIC HEARING
 PROVIDING FOR A LOCAL LAW IMPOSING A TAX
 ON THE OCCUPANCY OF HOTEL ROOMS
 PURSUANT TO ARTICLE TWENTY-NINE
 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

WHEREAS, The County Executive has recommended to the County Legislature of Rockland County that the Legislature adopt a local law imposing a tax on the occupancy of hotel rooms, pursuant to Article twenty-nine of the tax law of the state of New York; and

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

RESOLVED, that the Legislature of Rockland County hereby sets the **21st** day of **February, 2012** at **6:10 P.M.**, to consider adoption of a local law imposing a tax on the occupancy of hotel rooms, pursuant to article twenty-nine of the tax law of the state of New York.

Debate:

Mr. Schoenberger

This is not the first time this Local Law has been before this Legislature. This Local Law and a subsequent one, the next one having to do with at .30 cents per month charge on each wireless communication device, were before this Legislature approximately two or so years ago. At that time the Legislature had set dates for a public hearing for this and for the cell phone tax, which is up next, and on both of those the night they were on we received a letter from the County Executive telling us that he had found revenue in other sources and it was not necessary for us to enact either one of these two taxes.

This is only setting a date for a public hearing. The Law is slightly different than the Law we had two years ago. There were some changes that Legislator Soskin and Legislator Hood had wanted. If we set the date for a public hearing this will be placed on the next Budget and Finance Committee agenda to address the questions raised by Legislator Soskin and Legislator Hood and the Law will probably be the same as it was when we did not vote nor hold the public hearing two years ago.

This is only setting a date for a public hearing. I urge everyone to support this, hear from the public and their view on this item and then vote the way they feel is appropriate at that time.

Mr. Sparaco

I am going to go along with supporting the public hearings, but I want to put on the record that I am leaning towards voting against these measures. The public has the right to come and voice their concerns. Unfortunately, we have been through the debate on these issues and we pretty much hashed it out. I am not leaning towards supporting either of these. I will support the public hearing.

Mr. Carey

I agree on setting a date for a public hearing, but at this time I am not in support of this.

Introduced by:

Referral No. 9252

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

**RESOLUTION NO. 27 OF 2012
 SETTING A DATE FOR A PUBLIC HEARING
 WITH RESPECT TO ADOPTION OF A LOCAL LAW
 PURSUANT TO NEW YORK STATE COUNTY LAW §308-W
 TO IMPOSE A SURCHARGE IN THE AMOUNT OF THIRTY CENTS (\$0.30)
 PER MONTH ON EACH WIRELESS COMMUNICATIONS
 DEVICE IN ROCKLAND COUNTY, WHICH SURCHARGE
 MONIES SHALL BE USED ONLY FOR PAYMENT
 OF ELIGIBLE WIRELESS 911 SERVICE COSTS AS
 DEFINED IN NEW YORK STATE COUNTY LAW**

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

WHEREAS, By Resolution No. 164 of 2009, the Rockland County Legislature approved a home rule request to enact Assembly bill A6564-a and Senate bill S2807-a and forwarded the same to the New York State Legislature for legislative action; and

WHEREAS, The bills were passed by their respective houses and submitted to the Governor for his signature; and

WHEREAS, The Governor signed into law an amendment of the New York State County Law to add §308-w [Chapter 113 of the Laws of 2009] which authorizes the County of Rockland to impose a surcharge in an amount not to exceed thirty cents (\$0.30) per month on wireless communications service in Rockland County; and

WHEREAS, Surcharge monies shall be used only for payment of eligible wireless 911 service costs as defined in New York state county law; and

WHEREAS, The County Executive is recommending to the Legislature that the Legislature adopt a local law pursuant to New York State County Law §308-w to impose a surcharge in the amount of thirty cents (\$0.30) per month on each wireless communications device in Rockland County; and

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

RESOLVED, That the Legislature of Rockland County hereby sets the **21st** day of **February, 2012** at **6:15 p.m.**, for a public hearing to provide for a local law pursuant to New York State County Law §308-w to impose a surcharge in the amount of thirty cents (\$0.30) per month on each wireless communications device in Rockland County.

Debate:

Mr. Carey

I agree on setting a date for a public hearing, but I reserve judgment after I hear the public.

The next item on the agenda, 10 A 16, Referral No. 9372 - Requesting That The New York State Legislature Introduce Home Rule Legislation Authorizing An Increase Of $\frac{1}{4}$ Of 1% (From $\frac{1}{4}$ Of 1% To $\frac{1}{2}$ Of 1%) For Each \$100 Of Obligation Secured By A Mortgage On Real Property Situated In Rockland County And Amending New York State Tax Law Section 253-F, was pulled.

The next item on the agenda, 10 A 17, Referral No. 4817 - Requesting That The New York State Legislature Introduce Home Rule Legislation Permitting Rockland County, Pursuant To Article 31 Of The New York State Tax Law, To Adopt A Local Law To Impose, Collect And Retain A Tax On Real Estate Transfers Of \$2.00 For Each \$500 Of Consideration On Real Property Transactions Within Rockland County [Department Of Finance], was pulled.

Introduced by:

Referral No. 7070

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

**RESOLUTION NO. 28 OF 2012
REQUESTING THAT THE NEW YORK STATE LEGISLATURE INTRODUCE
HOME RULE LEGISLATION AUTHORIZING THE COUNTY OF ROCKLAND
TO FINANCE A CERTAIN DEFICIT BY THE ISSUANCE OF BONDS AND
AUTHORIZING THE IMPOSITION OF AN ADDITIONAL
THREE-EIGHTHS OF ONE PERCENT (3/8 %) OF SALES AND
COMPENSATING USE TAXES TO FUND SUCH BONDS**

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

WHEREAS, By Resolution No. 541 of 2011, the Legislature of Rockland County adopted the proposed 2012 budget for Rockland County; and

WHEREAS, In order to address the growing deficit, the Legislature of Rockland County determined that it was in the best interest of the County to issue serial bonds for the specific objective of liquidating actual deficits in the County's budget; and

WHEREAS, To obtain Home Rule relief, the Legislature of Rockland County must request that the New York State Legislature introduce legislation, in the model as provided herein, which would permit Rockland County to finance its deficit by issuing bonds; and,

WHEREAS, As part of said request, the Legislature of Rockland County is requesting authorization for the imposition of an additional three-eighths of one percent (3/8%) above the current sales and compensating use tax rate, to take effect March 1, 2012 or as soon thereafter as possible, through November 30, 2022; and

WHEREAS, The Legislature of Rockland County further requests that said Home Rule legislation provide that the county shall use the revenue generated from said additional 3/8 %, effective from March 1, 2012 or as soon thereafter as possible, through November 30, 2022 as follows: (1) all revenue recognized from this increase for the fiscal year ending December 31, 2012 shall be used to pay 2012 operating costs of the County of Rockland; and (2) all revenue recognized from this increase for fiscal years ending December 31, 2013 and thereafter shall be used to pay any indebtedness incurred as a result of this legislation, with all excess funds, if any, to be used to pay any other bonded indebtedness of the County of Rockland; and be it further

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

RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Legislature introduce Home Rule legislation substantially in the form attached herein which would permit the County of Rockland to finance its deficit by issuing bonds and increase the current sales and compensating use tax rate by an additional three-eighths of one percent (3/8%); and,

RESOLVED, The Legislature of Rockland County further requests that said Home Rule legislation provide that the county shall use the revenue generated from said additional 3/8 %, effective from March 1, 2012 or as soon thereafter as possible, through November 30, 2022 as follows: (1) all revenue recognized from this increase for the fiscal year ending December 31, 2012 shall be used to pay 2012 operating costs of the County of Rockland; and (2) all revenue recognized from this increase for fiscal years ending December 31, 2013 and thereafter shall be used to pay any indebtedness incurred as a result of this legislation, with all excess funds, if any, to be used to pay any other bonded indebtedness of the County of Rockland; 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; New York State Comptroller, Hon. Thomas P. DiNapoli; Hon. David Carlucci, New York State Senator, Hon. Kenneth P. Zebrowski, Hon. Ellen C. Jaffee, Hon. Nancy Calhoun, and Hon. 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.

The vote resulted as follows:

Ayes:	11	(Legislators Grant, Hood, Jr., Jobson, Low-Hogan, Paul, Schoenberger, Soskin, Sparaco, Wieder, Wolfe, Cornell)
Nays :	03	(Legislators Carey, Day, Meyers)
Absent:	03	(Legislators Earl, Moroney, Murphy)

HDW: 4th Draft
January 10, 2012

AN ACT to authorize the county of Rockland to finance a certain deficit by the issuance of bonds and to amend the tax law, in relation to authorizing the imposition of an additional rate of sales and compensating use taxes to fund such bonds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

Section 1. The county of Rockland is hereby authorized to issue bonds on or before December 31, 2012 in an aggregate principal amount not to exceed eighty million dollars (\$80,000,000) for the specific object or purpose of liquidating the projected accumulated deficit in the general fund of such county for the fiscal year ended December 31, 2011. In anticipation of the issuance of the bonds authorized to be issued by this act, the issuance and sale of bond anticipation notes are hereby authorized.

S 2. Notwithstanding any provision of this act to the contrary, the county of Rockland shall not issue any bonds for the purpose of liquidating the projected deficits unless and until the amounts thereof are reviewed and determined by the state comptroller. The county of Rockland shall prepare a report detailing the amount and cause of such deficits and submit such report together with the county's independent audit report for its last completed fiscal year, if any such audit report has been or is to be prepared, and such other information as the state comptroller may deem necessary, to the state comptroller, as well as the chairs of the senate finance committee and the assembly ways and means committee, at least thirty days prior to the issuance of any bonds pursuant to this act. Within thirty days after receiving such report, the state comptroller shall perform such reviews as may be necessary to determine the amount of such deficits and report the same to the chairs of the senate finance committee and the assembly ways and means committee, the county executive and the legislature of the county of Rockland. Bonds to liquidate each

such deficit shall not be issued in an amount exceeding such deficit as determined by the state comptroller. Nothing provided in this act shall prevent the county of Rockland from authorizing the issuance of bonds or bond anticipation notes, and issuing bond anticipation notes, prior to the determination of the state comptroller of the amount of such deficits. In the event bond anticipation notes are issued in an amount in excess of the amounts determined by the state comptroller, the county of Rockland shall redeem from funds other than the proceeds of the bonds or bond anticipation notes, such bond anticipation notes in the amount by which the amount of bond anticipation notes exceeds the amount of such deficits as determined by the state comptroller.

S 3. It is hereby determined that the financing of the deficits hereinbefore described is a purpose of the county of Rockland for which indebtedness may be incurred, the period of probable usefulness of which is hereby determined to be ten years, computed from the date of such bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. Such bonds and/or bond anticipation notes shall be general obligations of the county of Rockland to which the faith and credit of the county is pledged, and the county shall make an annual appropriation sufficient to pay the principal of and interest on such obligations as the same shall become due.

S 4. Except as provided in this act, the provisions of the local finance law shall be applicable to the authorization, sale and issuance of the bonds and bond anticipation notes authorized to be issued by this act.

S 5. (a) For each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the county executive of the county of Rockland or such other officer or officers as he or she may designate shall prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budget expenditures for the entire budget rather than individual line items. Such

budgetary reports shall compare revenue estimates and appropriations as set forth in such budget with the actual revenues and expenditures made to date. All such quarterly budgetary reports shall be accompanied by recommendations of the county executive setting forth any remedial action necessary or desirable to resolve any unfavorable budget variance including the over-estimation of revenues and the under-estimation of expenditures. Each such quarterly budgetary report shall be completed within thirty days after the end of each quarter and shall be submitted to the legislature of the county of Rockland, the director of the division of the budget, the state comptroller, and the chairs of the senate finance committee and the assembly ways and means committee.

(b) For each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the county executive of the county of Rockland or such other officer or officers as he or she may designate shall also prepare a quarterly trial balance of general and special fund ledger accounts. Each such quarterly trial balance shall be prepared in accordance with generally accepted accounting principles. Each such quarterly trial balance shall be completed within thirty days after the end of each quarterly period and shall be submitted to each member of the legislature of the county of Rockland, the director of the division of the budget, the state comptroller, and the chairs of the senate finance committee and the assembly ways and means committee.

(c) For the fiscal year beginning January 1, 2012 and for each fiscal year thereafter during which such debt or any debt incurred to refund such debt is outstanding, the county executive of the county of Rockland or other officer or officers responsible for the preparation of the tentative budget shall submit the tentative budget for the next succeeding fiscal year to the state comptroller simultaneously with submission of such budget to the county legislature on or before the twenty-third day of October in accordance with the charter of the county. Submission of such budget to the state comptroller in

electronic form shall be sufficient for compliance with this section. The state comptroller shall examine such proposed budget and make such recommendations as deemed appropriate thereon to the county legislature no more than twenty days after the date of submission of such budget to the state comptroller. Such recommendations shall be made after examination into the estimates of revenues and expenditures of the county of Rockland. The legislature of the county of Rockland, no later than five days prior to the adoption of the budget, shall review any such recommendations and may make adjustments to its proposed budget consistent with any recommendations made by the state comptroller. Any recommendations that the legislature rejects shall be explained in writing to the state comptroller. The action or inaction of the state comptroller under this section shall not be construed to affect the legal validity of the budget of the county of Rockland nor to affect the powers or duties of the county of Rockland with respect to the local budget; provided, however, that the county of Rockland may not issue bonds for any object or purpose unless and until adjustments to its proposed budget, consistent with any recommendations made by the state comptroller, are made, or any such recommendations that are rejected have been explained in writing to the state comptroller.

(d) Within ninety days of the issuance of any debt pursuant to this act and for each fiscal year thereafter during which such debt or any debt incurred to refund such debt is outstanding, the county executive of the county of Rockland or other officer or officers responsible for the preparation of the tentative budget of the county of Rockland, within thirty days after the final adoption of the budget for the next succeeding fiscal year, shall prepare a three-year financial plan covering the next succeeding fiscal year and the two fiscal years thereafter. The financial plan shall, at a minimum, contain the information required to be provided in a three-year financial plan as prescribed by subdivision 10 of section 54 of the state finance law. Copies of the financial plan shall be provided to the

county executive and chief fiscal officer of the county of Rockland, the director of the budget, the state comptroller, the chair of the assembly ways and means committee and the chair of the senate finance committee. This financial plan requirement shall not apply to the extent the county of Rockland is subject to a different multi-year financial plan requirement under state or local law.

(e) For each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the chief fiscal officer of the county of Rockland shall notify the state comptroller at least fifteen days prior to the issuance of any bonds or notes or entering into any installment purchase contract and the state comptroller may review and make recommendations regarding the affordability to the county of Rockland of any such proposed issuance or contract. The state comptroller may require the submission by the county of Rockland of such information as the state comptroller shall deem necessary to complete his or her review.

S 6. To facilitate the marketing of the bonds and/or bond anticipation notes authorized to be issued by this act, the county of Rockland may, notwithstanding any limitations on the private sales of bonds otherwise provided by law, and subject to approval by the state comptroller of the terms and conditions of such sales, arrange for the underwriting or other sale of its bonds and/or bond anticipation notes at private sale upon negotiated terms and conditions which may include reasonable underwriting or placement fees or discounts. The costs of such underwriting or sale shall be deemed preliminary costs for purposes of section 11.00 of the local finance law.

S 7. Clause 23 of subparagraph (i) of the opening paragraph of section 1210 of the tax law, as amended by chapter 155 of the laws of 2009 and further amended by chapter 124 of the laws of 2011, is amended to read as follows:

(23) the county of Rockland is hereby further authorized and empowered to adopt and amend local laws, ordinances or resolutions imposing such taxes at a rate which is: (i) five-eighths of one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning March first, two thousand two, and ending November thirtieth, two thousand thirteen; and also (ii) at a rate which is three-eighths of one percent additional to the three percent rate authorized above in this paragraph, and which is also additional to the five-eighths of one percent rate also authorized above in this clause for such county, for the period beginning March first, two thousand seven and ending November thirtieth, two thousand thirteen; **and also (iii) an additional three-eighths of one percent in addition to the other rates authorized in this paragraph for such county for the period beginning March first, two thousand twelve and ending November thirtieth, two thousand twenty-two;**

S 8. (a) The legislature of the county of Rockland, acting by resolution approved by the county executive, shall contract with a bank or trust company located and authorized to do business in this state for the purpose of having such bank or trust company act, in connection with the issuance of bonds and/or bond anticipation notes issued pursuant to this act, as the fiscal agent for the county in accordance with section seventy of the local finance law and this act. Upon the issuance of any debt pursuant to this act, the legislature of the county of Rockland shall establish and thereafter maintain a debt service fund with such fiscal agent for the purpose of paying with respect to each fiscal year occurring during the time bonds and/or bond anticipation notes issued pursuant to this act are outstanding, the amounts required for the timely payment of (i) all principal due or becoming due and payable in said year with respect to any bonds issued pursuant to this act and all principal amortization for said year required by law with respect to bond anticipation notes issued pursuant to this act, (ii) all interest due or becoming due and payable in said year with

respect to any such bonds or bond anticipation notes, and (iii) all sinking fund contributions required in said year with respect to any sinking fund bonds issued pursuant to this act. Such debt service fund shall be discontinued upon the payment of all principal and interest due with respect to any such bonds and/or bond anticipation notes issued pursuant to this act.

(b). The chief fiscal officer of the county shall deposit and pay into the debt service fund all sales and compensating use tax revenues recognized for the fiscal years ended December 31, 2013 and thereafter from the additional three-eighths of one percent of such taxes imposed pursuant to section seven of this act for the period beginning March first, two thousand twelve and ending November thirtieth, two thousand twenty-two.

(c) The moneys in the debt service fund shall be invested in the manner provided by section eleven of the general municipal law, provided, however, that the investments shall be made for and on behalf of the county of Rockland by the fiscal agent upon instructions from the chief fiscal officer of the county which shall be consistent with the county's investment policy adopted pursuant to section thirty-nine of the general municipal law.

(d) The fiscal agent shall from time to time during each fiscal year withdraw from the debt service fund all amounts required for the payment as the same becomes due of scheduled debt service payments on all outstanding bonds or notes issued pursuant to this act and shall cause the amounts so withdrawn to be applied only to such payments as and when due. After the date the fiscal agent has made payment of all such amounts due for each such fiscal year and retained any amounts necessary to make payments of such scheduled debt service for the immediately succeeding fiscal year, any balance remaining in the debt service fund shall be paid by such fiscal agent to the chief fiscal officer of the county of Rockland to be used only for the payment of principal and interest due in such fiscal year or

the immediately succeeding fiscal year with respect to outstanding bonds and/or bond anticipation notes issued by the county for capital project financing purposes.

(e) The special debt service fund and all monies or securities therein or payable thereto in accordance with this section is hereby declared to be county of Rockland property devoted to essential governmental purposes and accordingly, shall not be applied to any purpose other than as provided herein and shall not be subject to any order, judgment, lien, execution, attachment, setoff or counterclaim by any creditor of the county of Rockland other than a creditor for whose benefit such fund is established and maintained and entitled thereto under and pursuant to this act.

S 9. The state does hereby pledge to and agree with the holders of any bonds, notes or other obligations issued by the county pursuant to this act and secured by such a pledge that the state will not limit, alter or impair the rights hereby vested in the county to fulfill the terms of any agreements made with such holders pursuant to this act, or in any way impair the rights and remedies of such holders or the security for such bonds, notes or other obligations until such bonds, notes or other obligations together with the interest thereon and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully paid and discharged. The county of Rockland is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds, notes or other obligations. Nothing contained in this act shall be deemed to (i) obligate the state to make any payments or impose any taxes to satisfy the debt service obligations of the county, or (ii) create a debt of the state within the meaning of any constitutional or statutory provisions.

S 10. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 11. This act shall take effect immediately.

Debate:

Mr. Day

I'd like to thank Bond Counsel Todd Miles for enlightening this Legislator in particular, as I and many of my neighbors were aghast at the notion of taking out a bond to retire our debt.

While I was obviously not comfortable with some of the rationale offered, I did take some solace in the fact that my research and his testimony revealed this is a tried and true, 25 year old strategy, that if, and I emphasize if, done correctly, can right the ship of a foundering municipality. By doing this, we bring in the State Comptroller as a monitor of our finances, much more desirable than formal oversight. The fact is that a state takeover is a "nuclear option" and this borrowing is precisely what the Comptroller would force us to do if he took over the County, except that things such as sharing sales tax money with towns and villages would likely cease, adding to those property tax bills.

You cannot chart a course out of dangerous waters unless you know how you got there. There have been a number of Legislators who have been fighting the fight to alter the course that brought us here this evening. And while certainly the Legislature, as a body, shares in the responsibility of our fiscal condition, make no mistake about it we have been brought by the administration to full acceleration towards what some characterize as financial doom, particularly over the past fifteen months. The facts and the math speak for itself. The key financial issue here is sourced within the fractured vision and direction that has been offered by the administration regarding the Summit Park facility. To be blunt, they have been all over a map that has ranged from building a new facility back in 2008; telling us it could not be fixed or sold; then floating the notion of a sale to a Pubic Benefit Corporation and finally announcing the closing.

The lynchpin of this failed vision, and the match that lit the fuse on the bomb we hold in our hands today, was the urging of the County Executive fifteen months ago to borrow an \$18 million deficiency note to cover a pending sale of the hospital within a year. Since the borrowing on that note was applied to an operational deficiency, that created the potential of that \$18 million becoming a \$36 million deficit a year later.

When you add to that a \$10 million loss reported a few months later at Summit Park and \$11 million that disappeared out of a leave account, we are now looking at an additional deficit range from \$39 million to \$57 million in just those fifteen months. Adding that to what we inherited coming into 2011 and we see that projected \$80 million deficit.

While I know I am not popular in some quarters, I am very proud of the fact that in November 2010, I insisted the New York State Comptroller come here to audit our books. People now know precisely why I did that. What that action did was identify the problem and tell us here in government to fix it, because we cannot afford one more year of business as usual.

The County Executive was quoted saying that "now we have to run the government" and I absolutely concur, but in my mind, running the government does not mean singing the same old song. We must take a proactive approach that is consistent with not only with the expectation of the State Comptroller's audit, but more importantly in service to those who fund government – our taxpayers.

Driven by that nagging discomfort I took away from last week's Budget and Finance meeting, I took all the information conveyed by Bond Counsel, along with the representations made by our County finance people to a colleague in New York City who is well practiced in municipal finances. Bear in mind that this is the same gentleman who offered me the good and successful counsel back in November 2010 that brought the New York State Comptroller here to begin with. He concurred that the deficit bonding was an appropriate strategy. He also stated with the same certainty that the amount set forth in the bond is at least \$20 million too high and the proposed sales tax increase is notably more than necessary to satisfy the needs in front of us.

I prepared some charts that you all have a copy of that I would like to go over.

DEFICIT

Year ending 12/31/2011	\$52 Million
Deficit Note (2011 Budget – PBC)	<u>\$18 Million</u> (\$17.8)
DEFICIT - 2011	\$70 Million
Plus: Other Projected Shortfalls/Overspent	<u>\$10 Million</u>
TOTAL DEFICIT – 2011	<u>\$80 Million</u>
(Found on page 54 of our own accountants report with regards to the 2012 budget analysis)	

+++++

2012 Budget (Balanced by law)

Property tax raised 30% (approximate equivalent** *NOTE: Payment of principal on of CE "one time" assessment and the 2011 PBC deficit note DOES NOT equal an Deficit note of \$18 Million expenditure. When you pay principal on a note - it is NOT an expense!*

Theoretically, there is an \$18 million surplus (i.e., revenue dedicated to deficit reduction)

Observation by Commissioner DeGroat – "There is a hole in the 2011 budget" – That is correct inasmuch that the PBC was NOT CREATED and we borrowed on the deficit note to cover a cash hole in 2011.

This property tax increase for 2012 (or what should be better described as property tax dedicated to deficit reduction by paying a deficiency note) is a deficit reduction and NOT an expense.

Conclusion: The projected deficit is \$62 Million NOT \$80 million – presuming of course that we were presented with a proposed budget by the executive branch that was, in fact, balanced.

The support for this observation – The Budget report prepared by our own auditors from November 16th, 2011, only 3 weeks before the 2012 budget was approved. In that, they affirmed that we had a \$60 million deficit and should be a looking at borrowing that amount. The PBC Deficit Note is, properly so, treated separately.

The only other answer is if the Administration is willing to admit that there is \$20 million MORE of a deficit than we knew of then and we know of now.

Note also that there is also a deficit reduction "cushion" in the 2012 Budget - \$5 million from the projected sale of two (2) assets. As an aside, my information is that the Administration is actively pursuing same. **That would REDUCE the deficit further to \$57 Million.**

Propose we reduce the burden to the taxpayer as follows:

ALTERNATIVE BOND AMOUNT: Follow the recommendations of our own Auditors as contained in the 2012 Budget Analysis and Review:

- Bond \$62 million NOT \$80 million.
- Projected cost - \$8 million annually

**Note: Sales tax revenue annual projections - @ 1/4% additional sales tax - \$11 million
@ 3/8% additional sales tax - \$16 million

** The Sales Tax projections BOTH exceed the necessary funds to repay the bond. The 3/8% projection is actually DOUBLE that.

** The revenue from the 3/8% additional sales tax rate even exceeds the necessary fund to repay a \$80 million bond (approximately \$10 million annually)

** With the improving economy, more sales tax revenue projections will be realized.

ALTERNATIVE SALES TAX RATE:

2012 (Remainder 2012- 9 months) – additional 3/8% as planned. This will satisfy the commitments made in the budget for 2012.

2013 – eff. 1/1/2013 reduce to an additional 1/4% from 3/8%. This will generate a projected \$11 million in revenue used as follows: \$8 million to make payment on bond and \$3 million to make payment to reduce principal.

This is chapter and verse from Municipal Finance professional. This is not just one Legislator. No one is an expert on this.

RESTRICTIONS:

Add language ensuring that all monies collected from the added sales tax revenue goes solely to repaying the bond.

Ensure that the language that sunsets the sales tax increase remains.

\$ -52 million: deficit from audit December 31 , 2010

Plus

\$ -18 million: in 2011 budget PBC (Public Benefit Corp. sale of Summit Park)
Cash shortage covered by deficiency notes issued in May 2011

Plus

\$ -10 million: deficit for 2011 identified by our accountants (O'CONNOR DAVIES MUNNS & DOBBINS) reviewing 2012 Proposed budget.

\$ -80 million: TOTAL projected deficit (page 54) in our accountants report on 2012 Budget analysis

LESS

\$ -18 million: Deficiency note repayment from 30 % property tax increase "in lieu Vanderhoef Surcharge" Budgeted in 2012 budget (see page 339) and O'CONNOR DAVIES MUNNS & DOBBINS) report "payoff of the deficiency notes in 2012 will result in a reduction of \$17.7 million of the deficit" (see page 56)

RESULTS IN

\$ -62 million deficit NOT an \$80 million deficit: The true amount of deficit to be bonded (see page 57 of accountants report) is QUOTED FROM THE O'CONNOR DAVIES MUNNS & DOBBINS REPORT on the analysis of the 2012 Budget:

"A conservative estimate on a borrowing of \$ 60 million of deficit financing serial bonds that have a 10 year maturity will require annual debt service payments of approximately \$ 8 million per year, an amount that can be raised by dedicating 1/4 % percent increase in the County's sales tax rate to repay the principal and interest associated with the deficit bonds"

Finally, these numbers (deficit and sales tax revenue projections) are confirmed by our own Legislative Fiscal Analyst (e mail Jan. 12, 2012)

The 2012 budget is balanced by law. The property tax raise of 30%, the approximate equivalent of the County Executive's one time assessment and the 2011 Public Benefit Corporation deficit note of \$18 million. A payment on principal of a deficit note does not equal an expenditure. When you pay principal and note it is not an expense. I was told that theoretically there actually is an \$18 million revenue dedicated to deficit reduction that we would collect this year for the property tax. Commissioner DeGroat, during the Budget and Finance Committee made a comment that there was a hole in the 2011 budget and he was absolutely correct. Many of us heard that and many of us questioned that. In so much that a PBC was not created the deficit note to cover the cash hole in 2011 the property tax of 2012, or what can better be described, as property tax dedicated to deficit reduction by paying a deficiency note is a deficit reduction and not an expense. The conclusion was simple, the projected deficit is \$62 million not \$80 million, which I had said earlier. The support for this observation, the budget report prepared by our own auditors on November 16th, only three weeks the 2012 budget was approved. In that they have affirmed that we have a \$60 million deficit and we should be looking at borrowing that amount. The PBC deficit note is property so treated separately. The only other answer is if the administration is willing to admit that there is a \$20 million more of a deficit than we knew then and that we know of now. Other than that the 2012 budget by law is balanced. Note, that there is also a deficit reduction cushion in the 2012 budget. In the budget there is \$5 million set aside towards deficit reduction through the sale of two buildings. That would reduce the deficit legitimately and specifically to \$57 million.

The bond cost should be \$62 million not \$80 million. The projected cost should be \$8 million annually. I am going to point out that the sales tax revenue annual projections, a quarter of a percent additional sales tax, should net \$11 million. The three-eighths of a percent should net \$16 million. If these collections went specifically towards deficit reduction that we have identified here, and that we are trying to fix at the direction essentially of the State Comptroller, we need \$8 million to pay that bond off. Why are we collecting \$16 million? If we are collecting \$8 million more for another reason that is fine, but if we are collecting it for deficit reduction we should be legitimate about the issue and collect the amount of money that is focused solely on repaying that debt.

I will also note there are presumptions made in the 2012 budget presuming a 3/8 of 1% sales increase. Regardless if anybody voted for the budget up or down the reality is that it is the budget of the County. The responsible way to go right now is to leave that 3/8 of 1% where it is, because it is committed funding, and it keeps the books in balance. I am going to propose that we lower the sales tax rate from 3/8 of 1% to a ¼ of 1% in 2013 and going forward until these notes are paid off.

In short, I want to see all the money from the added sales tax revenue brought towards deficit reduction. I am going to make a plan language at this point that the Home Rule be adjusted where we are asking for the authority to borrow \$62 million not \$80 million. Bear in mind that there is a cushion and that we reduce the sales tax leaving it at 3/8 of 1% for year one (2012) and reducing it to ¼ of 1% year 2013 and for the life of the bonds if they are so borrowed.

These are basically my observations and my backup that I offer my colleagues for their consideration. Those are my two motions. Thank you.

Chairwoman Cornell

We are going to go to Legislator Schoenberger.

Mr. Schoenberger

I have the option of accepting those motions and I will not accept either one. They are based on entirely completely fallacious logic, which I can explain in detail and will actually cost County taxpayers real property tax in much more money than the proposed plan we have now. I will not accept either one. If it comes to the point of debate I am prepared to debate those.

Chairwoman Cornell

Would you please restate your motions to amend?

Mr. Day

I motion to amend to reduce the authority of the bond from the stated \$80 million to \$62 million.

Mr. Carey

I second the motion to amend.

Mr. Schoenberger

I appreciate that Ed divided them out. I know the first was to reduce the bond to \$62 million and I think the second is to reduce the sales tax to a ¼% of 1% from 3/8% of 1%. First, let me start off by correcting Legislator Day. It was you, Chair Cornell who contacted the State Comptroller to request an audit. It was your offices, your title and your leadership, period.

What Legislator Day is referring to is the part of the report that refers to the County Executive's proposed budget. In County Executive's proposed budget he proposed \$18 million being raised by a one-time surcharge to be added to real property tax. If you look in the papers you have you will see that the auditors told us that will only result in us having to do that again next year. When Legislator Day refers to the \$62 million set forth by our auditors that was without the \$18 million, because that \$18 million was going to be raised by a one-time surcharge. What the Legislature's Budget and Finance Committee did and approved, some Legislators voted for it and some against, was to take that \$18 million dollar one-time surcharge and recognize it for what is really was, which was a real property tax increase, and make it a real property tax increase not a one-time surcharge. That \$18 million was raised to run Rockland County's expenses and finances for calendar year 2012. What we did was raise real property taxes to balance the budget.

The \$18 million that he is referring to was and now is still part of the deficit. The true deficit is \$80 million. On the pages I handed out, the first page conclusion says, "The County has amassed a \$52 million deficit in its general fund (under the words May 2011) as of fiscal year end December 31, 2010. Our projected results for the current fiscal year indicate that an additional \$28 million is likely to be added to this accumulative deficit to bring the total deficit to \$80 million." This comes from O'Connor, Davies, Munns and DeSantis Analysis Review of the 2012 budget.

We have an \$80 million deficit no matter how you slice it. We have to deal with that deficit. Let me explain the deficiency note, because I think that some people, including my learned colleague Legislator Day, does not understand what is being done. We are asking the State of New York by a Home Rule request to allow us to sell deficit bonds for \$80 million, because that is the amount of the deficit. If the State allows us to do that we will sell those bonds and pay them back over ten years. It won't happen this year. What we will have to do if they allow us is sell bond anticipation notes for this year, because the only amount we can sell the deficit bond, even though we pass this tonight, is up to \$80 million. We have to certify to the State Comptroller the amount of the deficit. The State Comptroller must approve and agree that is the actual amount of the deficit. If we certify the deficit it won't happen over night, because our 2011-year books do not close until March 31, 2012. After our Finance Department closes the books effective March 31, 2012 we then have to bring in our auditors who have to audit the books. We may not have a result from our auditors until July or August of 2012. Then after our auditors look at and certify the deficit, it then gets sent to the State Comptroller who takes a number of months. We would be lucky if we have a certification from the State Comptroller to what our actual deficit is by the end of this year. So once we pass the State Law or get the State to pass this Law we then sell bond anticipation notes up to \$80 million, which is in anticipation of that bond that is a ten-year bond.

Let's say it takes the State a year to certify our deficit and for us to sell the \$80 million in bonds. The entire whole process will be a ten-year bond if we do one year as a bond anticipation note it will be a nine-year bond. It is not going to be one and ten more it will only be ten years. If, when we certify the deficit, it turns out to be less than \$80 million, example-\$75 million, we are obligated out of a bond anticipation note to immediately pay back that \$5 million from the bond anticipation note and to sell the deficit bond at no more than \$75 million. So if Legislator Day is correct it will automatically be reduced.

Let's take the other side. Let's say after the certification is made that the deficit is not \$80 million, but \$85 million we cannot sell above \$80 million, because that is all the State authorized us if this Home Rule request is enacted. One of the earlier drafts of this Home Rule request had said a deficit bond of \$90 million. Some Legislators questions how did it get from \$90 million to \$80 million and the answer was that our Commissioner of Finance believed he could only legitimately represent to us a deficit of no more than \$80 million without having 2011 completed and audited.

Why then should we sell a bond for \$62 million? If we did that and it turned out the deficit was \$80 million we would have to sell the bond for \$62 million, which by the way the plan is to use sales tax money not property tax money, and it turned out to be \$80 million every property tax owner would have to be raised another \$18 million in property tax to make up that difference, which is 2012 was 30%. I would have to think that my friend Legislator Day misunderstands the process, because I am sure he doesn't want the homeowners and taxpayers to have to pay another 30% property tax increase. I can only assume that he doesn't fully understand the process.

Why would we hurt the taxpayers? If we are going to sell a bond for \$62 million or sell a bond for \$80 million and the sales tax is our plan to pay it back, not the property tax money. Why would we sell less than we possibly could? Once you are selling it you should sell it for the full deficit, as much as possible. We don't want to go forward into another year where we bond \$62 million in deficit and then sit there with \$18 million. What have we solved? We haven't eliminated the deficit.

I can't support this. I think is it based upon a complete misunderstanding. I think the parts that are given to you by Legislator Day, the handouts, are the parts of the Bennett Kielson report that reviewed the County Executive's budget with the anticipation that his budget was going to have in it a one-time surcharge. The Legislature when it adopted the budget changed that. It made it a property tax increase and that property tax increase is going to fund Rockland County government.

I would like to know who the anonymous source is that Legislator Day spoke to. If it is such a reputable person of such a high character and such experience and a name that no one would be ashamed to hear I would like to know who it is. I would hate to think that it is someone that he made up or picked out of the air. Anonymous source, some guy in New York who knows everything – who is he? I would hate to think that it is just a subterfuge and until I hear the name I am afraid I am going to have to conclude that.

Thank you.

Mr. Meyers

I am a little bit confused and I thought I understood the budget pretty well. I have a question or two Madam Chair. Reading from the pages from the report the \$14 million that the DeSantis report said that the 2012 budget was out of balance – has that been taken care of by making the tax increase permanent?

Chairwoman Cornell

Are you referring to page 55?

Mr. Meyers

Yes, and the top of page 56.

Mr. Schoenberger

Let's understand what was done in this budget, because there are a lot of misunderstandings. We approached the budget from several different ways. We knew that the County Executive had approximately \$17.7 million in revenue in the budget, which may not be attainable. That came from \$7.5 million in projected furloughs, \$5.5 million in union givebacks, and I forget what the other two items were, but they came to \$17.7 million. There were 568 bodies/human beings and 550 positions that the County Executive wished to lay off. We restored 528 human beings. We projected to do those through the one-year increase in sales tax. We also know that if we bond the deficit and it includes the \$18 million surcharge so that the deficit bond is \$80 million the County Executive had proposed \$5 million in a deficit reduction fund to come from the sale of two County owned properties. One was the RCC property used by RCC and owned by the County on Route 45 in Spring Valley and the other was the Bank of New York Building across the street.

If the money is placed into the total deficit and bonded as a deficit, and those buildings are sold and the \$5 million is realized, that can be used to general application of County funds, because we won't need it for the deficit, because we had bonded the deficit.

I would like to mention why it is 3/8 % of 1% instead of 1/4% of 1% on the proposed increase in sales tax. Under this Home Rule is dedicated to pay the deficit bond and bonded indebtedness only not to go for operating funds. This Home Rule request will automatically terminate once the deficit bond is paid. I think that is a much more preferable way to go then asking each of our property taxpayers to pick up the bill, but that is my opinion and others may disagree.

If you are talking about an \$80 million deficit bond payable over ten years then you know right away it is \$10 million per year, give or take. Then there would be interest on the bond. I think 5% would be a high interest, but I would rather use a higher interest calculation. The interest rate will probably be closer to 3% to 3½%. If I use 5% of \$80 million it is \$4 million. \$8 million plus \$4 million equals \$12 million per year. I think that is a high number, but I would rather have a safe number and be more conservative. 1/4% sales tax does not raise \$12 million per year. It raised \$10.5 million. If it raises \$10.5 million that deficiency has to be made up somewhere. Where is the somewhere? The property tax owners/payers. I would rather raise a little bit higher sales tax go to 3/8% of 1%, raise about \$16 million in sales tax, apply that toward the deficit bond of \$12 million or so per year and use the remainder of \$4 million to pay our bonded indebtedness, which we have to raise through real property taxpayers of about \$6 million per year. If we do it that way we free up another \$6 million that would otherwise be raised by real property tax to go towards general County operations. I have just given you \$6 million plus \$5 million, which equals \$11 million.

Mr. Meyers

With all due respect, I do not think that was responsive to necessarily to my question. My question was the DeSantis report said there was \$14 million that wasn't accounted for in the budget. Did we in our revisions to the budget that was passed by this body acknowledge those \$14 million and address it. Was it addressed or was it not? I am not interested in what we can take from here or there. I just want to know if the \$14 million was addressed. Yes or no?

Mr. Schoenberger

The answer to your question is yes. We took the true number of the deficit and put it into a deficit bond and requested it to be paid by sales tax. We requested that the sales tax be raised this year and be used this year by the County's budget. We also credited other monies that would have been other wise used to deficit and bond payments.

Mr. Meyers

So we acknowledged in our budget that the line items that made up the \$14 million should be adjusted the way DeSantis had I mind. I don't remember doing that. Did we allocate some of the 3/8% sales tax to addressing those line items? I thought most of the 3/8% sales tax went for restoring those positions.

Mr. Schoenberger

The answer to your question is both yes. This budget was probably the most complicated budget that I have seen in many years. What we had to do was account for expenditures by raising revenues. Even if the County Executive's \$17.7 million for union furloughs and givebacks was not achieved in full and only in part, which I believe it will be achieved in part even if only half of it is accomplished, that is about \$8 million. I gave you \$8 million, I gave you \$5 million and I gave you \$6 million plus the deficit paid off. I don't know how to answer our question. If you want to know if this money is counted this way and added that way – no. It is counted as an overall sum. I believe that the 2012 budget, if we get it approved by the State with the increase in sales tax, will not only eliminate the deficit, but will bring this County back its surplus in a very short period of time and that is where we have to be. The County cannot continue on a deficit bases. It just can't.

In the newspaper today, my learned colleagues Legislator Day and with all due respect Legislator Carey, said that they may have to call for the State Comptroller to take over the County and have a Financial Control Board. What do you think is going to happen if we have a Financial Control Board in this County? I will tell what is going to happen, which is the same thing that happens in other counties, the first thing they will do is look at where we are spending the money. You are giving \$10.5 million to \$11 million per year to towns and villages, which have the ability to raise taxes; we are giving them that money so they don't have to raise taxes while we are raising that money and not applying it to our deficit or reducing our taxes – that is going to be gone in a flash. Certain Supervisors will get killed on that, because that is the first thing the State is going to do; they are going to say that we are crazy in Rockland County raising \$10.5 million to \$11 million and giving it to the towns and villages so they don't have to raise taxes while they are in surplus, you are in deficit. Why would you give them that money? It will be gone and that will have an affect on the towns, because they will have to raise property taxes to make up for that loss.

The second thing that will happen is they will look at you and say that you have a deficit. How do we cure a deficit? We know how you cure a deficit, we go to the State and ask them for a bond and we sell a deficit bond. Guess what, they won't care whether it comes from property tax or from sales tax, because they are a Financial Control Board. They will just say to raise the money by raising taxes to pay for it whether you like it or not.

This plan, assuming it is approved by the State, takes the burden off the real property taxpayer and puts it on everybody who spends money or buys things in Rockland County. Go to the Palisades Mall and look at all the cars from New Jersey. They are going to be paying off your deficit under this plan. Now, look there are no simple solutions for this problem, there really aren't. We have a deficit that must be addressed. Either we step up to the plate as a governmental body and address it or somebody else will and then we will lose the ability to control our own destiny and pay off our own deficit. Those are your choices.

I reject what I read in the paper today, which was by Legislator Day that we should have a Financial Control Board come in. I can't possible understand how someone could think that is for the benefit of Rockland County taxpayers. It is beyond me. To me it would mean a disaster. It would mean that the State would send people down that would be paid humongous salaries as a Board, which we would pay for from out tax money, and they would start running our County, making cuts and making decisions about services and how money is allocated and how taxes have to be raised. I don't want to abdicate my responsibility. I would rather come up with a plan, which this Legislature did. I know four members voted against it and that is their prerogative. I would rather see a plan that at least has a concept and a possibility of making this County financially stable than having someone else come in for a period of years and running this County.

I have answered your questions the best that I can. Is there a line that says that this dollar expenditure is made up of this revenue? No. It is in generalized whole numbers to be placed against whole numbers.

Mr. Meyers

I really feel that the numbers do not add up. I think that the \$14 million was not addressed in the budget that DeSantis pointed out by line items where he thought that \$10 million in appropriations and \$3 million in revenues did not add up. We did not change those line items in our budget so there is that \$14 million hanging out there by which our budget is out of balance, because we have a generalized history over the four years that I have been here of not really addressing the DeSantis reports. We get the reports, we listen to them, we cringe, but we don't really address them in the budget, because there isn't the will to address them in the budget.

I am also very concerned about the fact that the 3/8% of 1% sales tax increase is earmarked for balancing our budget this year without any real plan for how it is going to be freed up next year to pay the bond debt service. I see that we are not out of the woods yet. We are not ready to have a deficit bond, because we don't really have our fiscal house in order yet. We cannot say with any degree of certainty whatsoever that this will balance our budget going forward.

Also, although I know that the County Executive is meeting with the unions, don't we really need to see what results with the unions? He budgeted \$17.7 million in savings from union givebacks. Many of us have acknowledged that we don't see how he is going to get this \$17.7 million. If he is close to negotiating something with the unions I would like to see how close to the \$17.7 million annually he gets, because if he is short then that is another amount by which our budget is out of balance.

Also, a number of members of this body in the Multi-Services Committee last week were unwilling to raise \$1.4 million in revenue that was called for by the budget that the majority passed (13-4), because their town Supervisors had already done their budgets. Nevertheless, that is another \$1.4 million hole. Plus the majority voted for a budget that had certain fees for civil service exams. I think this was wrong if the two leading members of this body and the majority didn't believe in that revenue source then they had the power to change that revenue source at the time before the budget was adopted. I know that it was said that only people that voted against the budget have the right complain. That was an unwise comment, but still if the head of the Budget and Finance Committee and the Chair of this Legislature were against that revenue source they should have said so and done something about it in the budget. They have tremendous influence with the Majority members – why did you pass the budget with that revenue in there?

There are a lot of problems with our budget. I think we all know that and whether the \$18 million raised from sales tax is going to pay the deficit or fund operations it is like another Jackie Mason routine. I think that Ed is right and you are right that the \$18 million is a flip of a coin and there is no point in arguing whether it is this \$18 million or that \$18 million. I can see so clearly now from Legislator Day's remarks that we are raising this other \$18 million to try to fill all of these gaps that I mentioned that nobody wants to admit are there. The deficit is being inflated to raise the money to cover all of the extra items to try to get us back into balance and that is not right.

Thank you.

Mr. Schoenberger

The deficit is not being inflated. The deficit has to be calculated and submitted to our auditors and to the State Comptroller who has to certify it. If it is less than what they certify we are bound by the less. If it is higher than what they certify we are stuck, because we can't go any higher.

Let me talk about this Home Rule request to ask the State to give us a deficit bond. Let me tell you about the restraints it puts upon County government, upon the Executive branch and upon this Legislature. It is not just a Home Rule request asking for the right to have a bond and put in the 3/8 of 1%. Under Section 2 it says, "The County of Rockland shall prepare a report detailing the amount and cause of such deficits and submit such report together with the County's independent audit report for the last fiscal years." It goes to the State Comptroller and the Chairs of the Senate Finance and Assembly Ways and Means Committee. Under Section 5a it says, "The County Executive of the County of Rockland or such other office he may designate shall prepare a quarterly report of summarized budget data depicting overall trends of actual revenues and budgeted expenditures for the entire budget rather than individual line items. Such budgetary reports have to compare revenue estimates and appropriations as set forth in such budget with actual revenues and expenditures made to date." We've never seen such a thing in Rockland County and this Law is going to require it to be done. Under Section 5b it says, "For each fiscal year or incurring during the time the bonds or bond anticipation notes are issued the County Executive or one of his offices shall prepare a quarterly trial balance of general and special fund ledger accounts. Each such quarterly trial balance shall be prepared in accordance with general accepted County principals and such quarterly trial balance shall be in thirty days after the end of each quarterly period." Never seen that in Rockland County. It is going to be required now.

Under 5c it says, "For the fiscal year commencing January 1, 2012 the County Executive or such other offices he may designate will be responsible for preparation of the budget shall submit the tentative budget for the next succeeding fiscal year simultaneously to the State Comptroller." Which means that when the County Executive gives it to us on October 23rd a copy gets filed at the same time with the State Comptroller who has twenty days to exam the proposed budget and make such recommendations as deemed appropriate to the County Legislature no more than twenty days after submission by the State Comptroller. "Such recommendations shall be made after examination of the estimates of revenues and expenditures of the County of Rockland. The Legislature of the County of Rockland, no later than five days prior to the adoption of the budget, has to comply with the recommendations made by the State Comptroller to be in balance or put out a written letter explaining why we disagree." That has ever been done before. Every year we have this tug of war, which Legislator Meyers referred to, between the Executive. We have our consultant come in that says that they think the County Executive overestimated sales tax revenues by \$10 million. Then we have the people from the Finance Department and the Executive's administration saying that they are right on target and they will make those numbers. It turns out a year later either we did or we didn't. The last few years we didn't. This requires the State Comptroller to look at those revenues, to make sure that they are certified correctly and to make sure that they are complied with. Under 5d, "Within 90 days of issuance of any debt the County Executive or other offices responsible for the preparation of the budget within 30 days after the final adoption shall prepare a three year financial plan covering the next six fiscal years and the two years thereafter." Don't we already have that Chair Cornell? We already enacted that. Under your leadership we passed a law requiring that. Under 5e, "The Chief Fiscal Officer of the County of Rockland shall notify the State Comptroller at least fifteen days prior to issuance of any bonds or notes." The State Comptroller can now review them and make a recommendation as to whether he feels it is appropriate.

Lastly, rather than having to have to sell our deficit bond on the public market it is allowed to be sold under this law on a private sale. The reason for that is that under a private sale you meet with potential bidders and financial people and explain to them everything we are doing and how we are doing it. They get a better picture of what we are doing and you get better rates. If you just put it out for public sale you don't get that kind of a detail. These are tremendous restraints upon both the County Executive and this Legislature to make sure that what we have run into now will never happen again. But if we only float a bond for \$62 million we are already incorporating a deficit right into the deficit. The deficit we are trying to wipe out doesn't get wiped out, it continues and continues and continues as a deficit and it is wrong. We can't do that. We have to deal with the full deficit and we have to wipe it out. Thank you.

Mr. Carey

I understand the need for bonding the deficit, however, based upon the information that I have reviewed from staff I cannot agree with bonding \$80 million. While I understand that the State Comptroller would be required to certify the debt amount and this would eventually be reviewed by Bond Counsel I do not believe based upon the information available to me that the actual debt is anywhere near \$80 million. Accurate budget numbers and projections have been at the center of the controversy over the County's budget process for years. I am not interested in pointing fingers or placing blame rather just finding a solution to our budget crisis. I believe that solutions can only be found in real budget numbers based in fact, therefore, I am not prepared to cast my first vote related to the budget in this Legislative body by agreeing to faulty or seemingly inaccurate budget numbers. To businesses and to working families struggling to balance a budget numbers mean something. It has to be the same here. Numbers must be real and based upon reasonable assumptions and the available facts. According to the information provided to me at recent meetings and additional clarification received from fiscal staff it appears that the numbers are much closer to \$62 million rather than \$80 million, therefore, I cannot support the larger bond number and urge my colleagues to approve a number that is based upon fact with reasonable contingency, which would be far lower than the \$80 million request before you. Thank you.

Mr. Day

I know my colleague Legislator Schoenberger has to be upset, because when he starts going the way he did and misses some points that I made then I know he is not happy with me. I have the utmost respect for the work that he has done in this body and I am not going to alter that thought right now.

To be very clear, I have always given Chairwoman Cornell credit for communicating with the State Comptroller. Let's be very clear, on November 22nd I had a personal telephone call with Steve Hancox that predated an communications from this body and that is a fact. Again, I am not looking to claim sole credit. If you go back to the comments that I made during the budget last year I gave the Chairwoman credit for her work and continuing that.

As it relates to my colleague, I do resent the inference from Legislator Schoenberger; this is a gentleman who I know for many years. I am not going to drop his name publicly until I speak to him, because he spoke to me unofficially. He clearly may have a problem giving formal advice under these circumstances. I think Legislator Schoenberger should know me better than that, that I would just drop some kind of scam on this body. So I do resent that. I will speak with him and if he is comfortable with that I will let him and Ilan speak if he so desires.

As it relates to having the documentation from our auditors handed out today. Most of this is in the paperwork that I gave to my colleagues tonight. There is not a slight of hand going on here. There were many similar comments that Legislator Schoenberger made that I made during the presentation. This is why I think he was mad, because I don't think he caught it all. What I will say is unless people were deaf the night of the Budget and Finance Committee meeting that was here, and there were a number of people in the room all of whom represent various entities in government, including our own auditors, you should have heard comments such as, "you've got to be kidding" "no way" "it's don't add up" and "there is something wrong with this." This was a conversation going on in the room that evening. Can we take it as completely legitimate and make judgments on it? No, but this wasn't a shocking thought to anybody.

The one thing that I find cleansing is the issue of the \$18 million, which everybody now knows is the crux of the issue. Maybe it is me, but it seemed that the entire community was under the impression that when the \$18 million one-time assessment was removed and replaced with a permanent 30% tax that went on forever that first year was replacing the one-time assessment. Everybody I spoke to was under the impression that is what happened. Apparently it didn't so now we all know that the impression was wrong. I think every media outlet reported that. Nobody here made a press release to change the perception of that, but everybody I spoke to, every interview, every person in the community was under the distinct impression based on what they had heard during the whole process, including me, that the first year of property tax money would be going towards paying that note off.

I find it very interesting every time we have these discussions about the property tax it seems it is like the boogieman. We just raised the property tax by 30% so we did raise the property tax so apparently that is not an impossible thing to do. There was a comment about selling the bond for \$62 million when it turns out to be \$80 million we will have to raise the property tax, well we just did.

I made a comment earlier about the impact of the sales tax. The sales tax is paid by everybody coming to visit us. That is absolutely not true. Yes, many people visit here; shop here and on Sunday New Jersey people come here. Let's understand something, the sales tax is directly paid by Rocklander's. When you go to the store you are paying tax. Utilities are taxed. Telephones are taxed. We are getting killed with sales tax. So it is not an innocuous thing. What I find particular frustrating as a representative of the people is that the impact of the sales tax has collateral damage outside of the numbers we see in County government. We talked about during the gasoline sales tax debate. I mentioned tonight about the hotels. There is an impact on other areas. If it doesn't fit neatly into our ledgers so we disregard here in County government and that is wrong. It does affect the people. The sales tax is not an innocent tax. It has a true affect on the economy, a true affect on people who are laid off, because the economy goes down. It is a vicious circle.

I guess I misunderstood the process. Quietly what we did is a bait and switch to the people of this County. Maybe it wasn't intentional, but it was done quietly, because everybody here believed that 30% increase year one was going to retire that note.

I listen and I am inline with my colleague Joe. The commentary about the concessions in the 2012 budget; will they come to fruition? I just get this sense that to some degree this borrowing is also a hedge to things that are not going to happen and that is wrong. If we are going to do this specifically for deficit reduction to retire the debt we have now, fine, but we should not be borrowing money that somehow hedges an inefficiency that does or doesn't occur. There is an expectation of things that are going to happen.

I don't see the State taking us over. In fact I used the words "nuclear option" if anybody was listening. It is not the option of first choice and I don't believe that. I made the same comment that my colleague made that they would probably eliminate revenue sharing with the towns and villages. I made that comment, it is here, Darcy has it. I am well aware of that, but I am also aware of the fact that I need a comfort level that what we are doing is representative of both the people of this County, in my view, and also the expectation of the State Comptroller. I have serious concerns about that. If my view is that we are not doing what we need to do here, as well intentioned as it may be, maybe we need to be taken over – maybe that has to happen. I don't know. We have a number of Legislators here who are not comfortable with what they are hearing.

The 2012 budget as adopted is balanced, that is what is supposed to be, and theoretically it is balanced. Theoretically if we do all these things and we pull out of this hole we should zero out the deficit by the end of the year and we should be in great shape.

I have absolutely no confidence whatsoever that is going to happen. This is not going to stop; because we are giving our ability up to ensure what needs to be done gets done. I do not believe we will see the efficiencies. I do not believe we will see improved operations. I do not believe we will see consolidations. I do not believe we will see improvements in Summit Park. I think we are still going to have issues in 2012, 2013 and 2014. I don't want to see this denigrated to personal attacks, because I believe that everybody here has the best of intentions and the best heart to bring to the table. For these reasons I am not comfortable with this and for these reasons I am suspect of what is being said. Now I understand the \$18 million and where it went. Sorry folks.

Chairwoman Cornell

I am really not interested in who talked to whom first in the Comptroller's office, but on August 17th I arranged a conference call with members of Comptroller DiNapoli's staff. I had spoken directly with Comptroller DiNapoli, who is the Comptroller of the State of New York, about the financial situation and speculative revenues. He told me directly instead of doing what they were going to do, which was a risk assessment by sending people down to Rockland County they were going to do a full scale audit. We all do what we do, but some of us just don't talk about it that much.

Mr. Grant

I guess the audience can probably tell by now that there is a great deal of angst in dealing with this issue. Angst first with the budget and the very difficult issues and the differences we had there. Angst with implementing some of the solutions that we may not all agree on, because the budget was a part of a consensus agreement on putting something together in affect to create a balance budget so that County administration could conduct business for the coming year. In the Budget and Finance Committee meeting last week I urged my colleagues to find a high level of confidence in this solution, because this solution is very important to what we want to do. I understand both Legislator Day's and Legislator Schoenberger's high emotional level with this issue, because there is a lot at stake. We have to defend out decisions to the public and we have to craft a solution that actually works.

In January the towns and the County collect taxes and some time down the road the County is going to have to make the towns whole on their uncollected taxes. In June the villages collect taxes and the County will make them whole and some later date for their uncollected taxes and likewise the school districts in September.

There are three things that are most important to the County. One is our credit rating. Two is our access to credit markets. Three is our cash flow here. The County has a \$710 million budget, which relies on about \$260 million plus dollars raised locally. So there is \$450 million that comes from other sources that fund a whole variety of human services, public safety and general government operations and cash flow becomes critical to us. We recognize that this State is likely to be more than ninety days in arrears in paying us the money we know we are due, because we operate these services. Again, those three things; credit rating, access to credit markets and cash flow are absolutely critical.

I think without trying to oversimplify things the flaw in the analysis is that it relies on an analysis of a proposed budget not the analysis of the adopted budget as modified. To speak to some of the issues raised by Mr. Meyers, we did make adjustments to the budget. Was it line by line the \$14 million that Bennett Kielson identified? The answer is no. There are a variety of things that were addressed and they do add up to very close to the \$14 million. In the process of taking the \$18 million that was created by the failure to execute the Public Benefit Corporation and became the reason for either the surcharge or an increase in taxes totaling \$18 million becomes an issue, because it shifted from an expense item to the deficit reduction package. Throughout the Bennett Kielson analysis they very clear that the total deficit, including the deficiency note from the PBC, is \$80 million. So I think we need to become comfortable with that.

The lynchpin to our adopted budget, I believe, is this sales tax issue. The sales tax as it has been crafted, and explained by Legislator Schoenberger, is to pay the deficit bond down and to reserve the other money to pay the debt service of the County. Initially it was suggested to pay new debt service, because it wouldn't create new programs, it wouldn't create new jobs and it wouldn't be used to keep anybody employed, but would allow us to start fix the things that were starting to fall apart around us, which includes this campus, the Pomona campus, highway sewers and drainage. We need to get back to doing that and addressing this deficit is critical to that. I guess a hedge would be an adequate description of it.

We have any adopted budget, but there are a number of pieces in the budget that everybody didn't come to a complete agreement on and that includes \$6.5 million split between the additional mortgage tax and the transfer tax, \$1 million to the hotel/motel tax, \$600,000 to the E-911, and \$1.4 million in passing the election costs back to the towns where it came from and people are not comfortable with that.

If we need to do anything tonight I think the right thing to do is to adopt this sales tax and deficit combination for the County, because it has the most impact, it will do the most to solve the long term problems of the County and it does hold us to a very high standard of reporting to the Comptroller and working in conjunction with them. There are also, not just the decisions to make County government work better, political consequences here and we can't ignore them. I believe we should have a public hearing on any Local Law that is proposed, because I want to hear from the public whether I agree with them or not on what the answer is, but I have no qualms whatsoever in endorsing a public hearing. We need to do this piece tonight, because timing is everything. We need to be able to convince the people that carry this legislation to Albany that we have a high level of confidence in it, we agree in it and we believe it will solve our long term problems, because they have people to answer to also. There are political consequences for them. They are going to pick and choose from the legislation that we offer them whether it is the transfer tax, mortgage tax or sales tax on what they are willing to carry and what they are willing to defend to the public. There are a number of people in the audience that have attended our budget meetings and our public hearings and they have spoke very stridently about some of our solutions. I expect them to speak equally and stridently against them to their public officials. We have to place the State Legislators in a position to say yes, this is the right answer for Rockland County. It is not what we would have liked to see, County government managed over time or the necessity of it, but it is certainly the right solution.

I made it clear before that this is not an item that can be shared with the towns and village. It needs to solve our deficit problems. It needs to do it quickly. I do believe that the Comptroller's office and the State Legislature are very reluctant to impose a Financial Control Board on Rockland County. It is a very dramatic draconian thing to do and I know we really don't want it here. I have full confidence in the sixteen other people that sit on this board to make decisions for the County to ensure our financial wellbeing. I am hopeful that we can work closer with the County Executive in sharing information, sharing decision-making, and improving the timing of all of these things, because I think the failure to do that in the pass has created the problem. The failure to do it in the future will perpetuate the problem and maybe County government will be taken out of our hands.

I urge my colleagues to not consider this amendment as submitted and to move forward with the original Legislation as it was conceived to the extent that we could all get on board and be comfortable with it. I think it is important, because we have another sales job to make to the public and to the Legislators that need to carry it in Albany. Thank you.

Mr. Hood, Jr.

The things that Legislator Day said in the article that came out today, I think I have to say a few things that will probably make him uncomfortable at this point. Congratulations on the article today in the newspaper, it made you look very good, because you are there fighting and trying to borrow less. You looked like you were really fighting for the taxpayer. Congratulations on getting a freshman Legislator to go along with you. Legislator Carey, congratulations on your victory, however, you have been here not even one month and I have been here five years and I am still learning how to deal with budgets. I can't imagine, unless you are a CPA, that you can know this budget inside and out and be able to say that statement that you read today with certainty, and I find that very hard to believe. I am disappointed in that.

I am going to read a line from the article, "If the Legislature insists on overcharging the taxpayers." That right there makes me look like I am doing something wrong when I fully believe I am trying to do the right thing by borrowing enough money to pay off our full deficit. If we borrow less it is only going to hurt the taxpayer more down the line. So that line right there bothers me and that is why I am saying what I am saying tonight. Laura, you are in the back there, I have a problem with this article also. I don't see any depths of research or a quote from Ilan Schoenberger, who has been doing this for so many years, probably longer than I am alive. Who says these numbers are right, but now it is in the newspaper so it is really truth so let's be honest that is what people are going to believe now. The rest of us are going to do the right thing tonight by borrowing \$80 million, because we feel we have to. It looks like we overcharged, and that is a horrible thing, with no argument on the other side. That is just not proper to me and that is just my opinion and I hope that you call Ilan or me next time. This is going to be awhile, because I am a little bit emotional about this. I feel that I was wronged in this article. "Bring in a Control Board." What an abdication of your job to say, "bring in a Control Board" instead of dealing with it. It might very well happen, but you can't abdicate your job like that.

Let's try to make a plan, like we did, which we passed 12-4. Twelve people agreed that the plan might work and four people said no for whatever reasons and I disagree with that, as you know. I believe some plan is better than no plan and our plan is much better than Scott Vanderhoef's plan. I think that is a given at this point, because he had 500 lay offs in the budget that couldn't happen. His budget couldn't work no matter what so we had to make the changes. You are elected to do your job. You do not abdicate to a State Board. I don't understand that statement at all.

I looked back to when we were negotiating the budget. We had a lot of meetings and it was intense. These are very serious issues and that is why I am upset. Legislator Day, with Legislator Pat Moroney's name on it and Pat doesn't even agree with everything that was in the email from what I understand now sent an email with cuts in that I don't understand. For example, cut overtime in the County budget, but don't cut law enforcement overtime. Well that is the best of both worlds. Isn't it? Look I am trying to make cuts, but don't cut my friends in law enforcement. What help is that? Let's be honest and let's call it what it is – no help. The bulk of our overtime is law enforcement and Legislator Day full well knows that. Legislator Day mentioned in his last statement that we already raised property taxes. You know what, you didn't, you vote no. You let the rest of us do the heavy lifting to make sure County government survives and keeps going, because that budget that was placed before you with that no vote, means that the Control Board would have definitely come in. That is my opinion.

Mr. Day, we cannot let our personal political ambitions bring us all down with incorrect facts and figures. I believe that Legislator Schoenberger has much more experience than anybody you have talked to or yourself or Legislator Carey or even myself. He has explained today why you borrow the \$80 million, which could possible be brought down by certification and we could borrow less if that is the case. Why not borrow as much as we can, like he said, to cover what we may need? I don't see your logic and the solution is not to borrow less. I have said this in the past and I have said this to Supervisor Howard Philips, the first thing the Control Board will do is take that \$11 million dollars away, which will hurt your budget. Legislator Carey and Legislator Day are both from Clarkstown. Do you think Supervisor Gromack is going to be happy? He wants more money and he is going to become a city to get more money. That is the first thing that is going to go if that board comes in and that will increase property taxes in Clarkstown in their town bill. Is that something you want to happen, because that is what you are advocating for? I don't understand.

Lastly, I am going to say this, there is no easier job on any board than being the Minority, because you can say that you are against it, I don't want tax increases, that is no good, I don't want this or that. Okay, what is the plan? You just count on us to figure it out. The Majority will vote on it and pass it and that is the same thing that is going to happen tonight as it happened with the budget. You knew we would pass the budget even with your no votes. You also know we will vote for and pass this \$80 million, because it is needed. You will vote no, because you look good saying no to everything and that is just not acceptable to me and that is not the way I would do business.

I am going to support this, because it is the right thing to do. It is the only way to save County government the way it stands right now. We are going to do the best we can with it. It may not work, there a lot of moving parts to it. We are relying a lot on County Executive Scott Vanderhoef and his administration. I personally do not have a lot of faith that some of these things are going to come through. I hope that they do. The County Executive knows that any help he needs I would be there. I have never been called on, unfortunately, but I would be there if there is something that I could do to help. I hope to God this plan works. I support this Legislation the way it is written. We need every penny right now and there may come a day when we are in better fiscal straights and this can be reduced. I don't believe that once the sales tax is increased that it can't be reduced.

One thing we all need to concentrate on right now is something like Medicaid and stopping the County from having to pay that. We all should be fighting together for that. I believe there is some legislation pending that would reduce our costs. We need to fight the Governor who is against it and make the State pick up the tab like 48 other states do. That would help County government immensely. We could reduce taxes and share more with the villages and towns. I believe the State should find a way to fund that and that is what we should be fighting for. Thank you.

Mr. Sparaco

I would like to point out to Legislator Hood that being in the Minority is not all that much fun. Granted we get to vote no sometimes, but I would much rather be in the Majority, that is for sure.

Instead of responding and going back and forth about who did what everyone of my colleagues here has a right to their own opinion. I believe that Legislators Day and Carey came into this with the best intentions. I believe that the discussion and debate tonight was acknowledged by Legislator Day that the deficit is in fact \$80 million and the \$18 million that we are discussing was not taken care of by the 30% property tax hike and there was just a little bit of confusion. The point of coming together is discussing this stuff out, hearing both sides and hearing the discussion. I think everybody's intentions were right. I think that County government has been somewhat mismanaged over the last few years. Sometimes people want to just throw their hands up and call for the Review Board. I have never publicly said it, but privately I have said it quite a few times and even thought it.

I do agree that we need to pull together right now, but for a Point of Order Madam Chair I would just like to know where exactly we are. If, in fact, the deficit has been agreed upon that it is \$80 million are we moving forward with the amendments?

Chairwoman Cornell

There is an amendment on the floor.

Mr. Sparaco

Why would we have to vote on it if the sponsor pulls the amendment? Could he have that opportunity if he agrees?

Chairwoman Cornell

Of course, if the sponsor wished to withdraw it, but we are debating and we will vote on the amendment.

Mr. Soskin

As we sit here I am sure that most of us are not thinking of politics at this point. We are here to solve the problems of the County. There is no reason to point a finger at anybody, because we are in this position and we are here to try to better things. Legislator Schoenberger has come up with a plan. I don't think I have heard too many plans in the Legislature recently to solve our financial problems. I must compliment him. He has worked very hard and he is not a CPA. One of our members mentioned that the numbers we are dealing with must be real numbers. I would like to point out to the new Legislators that a budget is just a projection and it is not made up of real numbers. We hope and pray that our numbers are close, but that doesn't mean they are going to be. When you talk in terms of accounting, and I am an accountant, there are a lot of differences between private accounting and government accounting. After being here nine years and having worked with the budget, both here and on the Solid Waste Authority, I have learned that there are many differences, which most of us don't know.

It is pretty sad when we have to look at the media for information. We always hope that sitting here in the Legislature we will have the information we need, be it from the Finance Department, the Executive branch, or our financial analysis. I don't get all the information I need, because I don't have a computer at home and sometimes things slip by. You have to do research and look at what is going on.

Lastly, in this budget you are dealing with people – 550 families. 528 of them were saved the heartache of being put out in the street, losing their jobs and wondering how they would pay for their kids college or their young infants. It is not an easy task today. Unemployment is very high and when you stop to think about it smaller retailers and small business people's positions are not much better today than it was a few years back. I see numbers when I go around to clients so I can tell you that as a fact. You must be humanistic here.

We have a plan. We are not even sure that the plan is going to be approved, but it is a plan. Sales tax is a terrible regressive tax. Everybody needs a car and it is very difficult to buy a used car, because most were destroyed. You are paying sales tax when you buy a new car where you register it. We must work together. We have a plan. Let's give it a chance. The numbers are not real. They are projections - \$18 million are questionable items. We have to cover the budget, because no matter what we do the State will never approve anything if we carry forward a deficit. I urge my colleagues to give it a shot. This is just a starting point and I believe there is a lot of work to be done before and after the State will approve it. So let us get started on our path and hopefully before very long we will have our problems solved and the County will be on a sound fiscal basis. Thank you.

Mr. Schoenberger

I do object to the language that I heard that somehow this Legislature quietly did a bait and switch on the \$18 million. That is not true. Legislator Grant explained it and I am not going to repeat what he said and I am not going to repeat myself. I can tell you that, and I think the record shows it and everybody who attended the meeting saw it, we had many open meetings with open discussions and there was full disclosure at every meeting. It is possible that some people did not fully understand what the Budget and Finance Committee was doing or recommending. Perhaps if they fully understood it they might have even voted for it, but be that as it may.

Legislator Carey is new here and I respect what he said. I would like to read Section 1 and part of Section 2 of this Home Rule Legislation.

“Section 1. The County of Rockland is hereby authorized to issue bonds on or before December 31, 2012 in an aggregate principal amount not to exceed eighty million dollars (\$80,000,00) for the specific object or purpose of liquidating the projected accumulated deficit in the general fund of such county for the fiscal year ended December 31, 2011...”

Section 2. Notwithstanding any provision of this act to the contrary, the county of Rockland shall not issue any bonds for the purpose of liquidating the projected deficits unless and until the amounts thereof are reviewed and determined by the state comptroller...”

I often said that if someone had a better plan I am willing to hear it. I thought this was the best plan available to us based upon what I project what would happen to this County were the County to be declared in default and a Financial Control Board came in. I think what we are doing is the same kind of things that a Financial Control Board would require with the same kind of budgetary restraints, the same kind of restraints on documentary and proving and quarterly reports. I pointed out to all of those if somebody had a better plan I would love to hear it. I think this is the best possible plan we face at this time. If this doesn't go through, and the State Legislature may not approve it, and if we may have someone come in a takeover our County I think people will look back and say that it was a good plan I am sorry we didn't pass it. Thank you.

Mr. Day

I did not necessarily object to this strategy, I said that from the outset. The reality is I just heard such things, as the numbers may not be real and there are questionable items. I heard a lot of maybes and hedging. My belief, and it may be dated, may not be appropriate, and it may not be right, but my belief is we should look to borrow less not more. And if we believe our own auditing firm, we should abide by those numbers. As far as a Control Board, again I will reiterate, it is not the desired option. If we can handle our own house then we don't need one, but let's stop playing boogiemans. Nassau and Buffalo all survived it, they are functioning and it is working.

I am not advocating this just to be clear. I look back at the \$18 million note that we borrowed last year and there were some of us who insisted that we have expectations and clarity before approving it and it was passed with the minimum nine votes. It set us on a path that just brought us to where we are now, an absolute mess. These are the things that I am speaking about this evening.

To my colleague Legislator Hood, who I have a tremendous amount of respect for, I would just ask that he take a look at some of the things that Legislator Moroney and I suggested, including some of the patronage jobs where they were being protected while people in lower level jobs were being laid off. There were some things in budget that we felt were inappropriate. And yes law enforcement is of a higher degree of overtime, but make no mistake about; voting no on that budget did not put me in anybody's good graces in law enforcement. The Sheriff's Department was not happy with me and it wasn't an easy decision for me either. Understand that I have voted upon budgets and down on budgets. I voted to taking the cap off this year, because I felt it was the right thing to do because to not do so would have playing reckless with the County finances. That is what guided me on that vote. Again, if we are going to say it is politics then I should have never voted to take the cap off, but I did, because I felt it was the right thing to do under the circumstances and the assessment of the State Comptroller.

I try to use my best judgment here and I know my colleagues do also. I would just suggest to this body here that we have been accepting the majorities' financial strategies over the last few years, how successful have we been? Look where we are now. We are trying, but nobody has the right to hold the Holy Grail tonight and say they have all the answers. If they had that here maybe we wouldn't be in the hole for \$62 million or whatever it is. Thank you.

Chairwoman Cornell

I would say that we do have one answer that is available to us and that was based upon what our Bond Counsel told us, which was the importance of being unified both the Executive branch and the Legislative branch as we move forward to get State approval from the State Legislature from the State Comptroller. He also told us that the things that we have done thus far in terms of passing a Multi-Year Financial Plan, which includes with it the requisite that the County Executive come back in the middle of every year with a mid-year financial improvement plan in the event that either expenditures or revenues are not coming in as planned. All of those things are in the draft legislation and Legislator Schoenberger went through that before. The other very tough thing we did, which was to raise the property tax. Mr. Miles, our Bond Counsel, indicated that those are the things that are going to count as they look to assist us at the State level.

There is a two-page resolution in front of you and on the second page of the resolution it has a Resolved Clause, which isn't going to be changed. I just want to explain to you what it is.

"RESOLVED, That the Legislature of Rockland County hereby requests that the New York State Legislature introduce Home Rule legislation substantially in the form attached herein which would permit the County of Rockland to finance its deficit by issuing bonds and increase the current sales and compensating use tax rate by an additional three-eighths of one percent (3/8%)."

What we are voting on now is an amendment, which is actually on the draft law that is attached to the resolution. The first page you will see has Section 1 that says, "The county of Rockland is hereby authorized to issue bonds on or before December 31, 2012 in an aggregate principal amount not to exceed eighty million dollars (\$80,000,000) for the specific object or purpose of liquidating the projected accumulated deficit..." The requested amendment is to change that figure to \$62 million, which was moved and seconded and we have had a lengthy discussion.

Mr. Day made a motion to amend to reduce the authority of the bond from the stated \$80 million to \$62 million, which was not accepted by Mr. Schoenberger, and seconded by Mr. Carey and failed.

The vote resulted as follows:

Ayes:	5	(Legislators Carey, Day, Jobson, Meyers, Sparaco)
Nays:	9	(Legislators Grant, Hood, Jr., Low-Hogan, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Absent:	3	(Legislators Earl, Moroney, Murphy)

Mr. Day made a motion to amend the resolution by reducing the additional sales tax effective January 1, 2013 from 3/8% to ¼%, which was not accepted by Mr. Schoenberger, and seconded by Mr. Carey and failed.

The vote resulted as follows:

Ayes:	4	(Legislators Carey, Day, Jobson, Sparaco)
Nays:	10	(Legislators Grant, Hood, Jr., Low-Hogan, Meyers, Paul, Schoenberger, Soskin, Wieder, Wolfe, Cornell)
Absent:	3	(Legislators Earl, Moroney, Murphy)

Mr. Wieder

I will be supporting this legislation to increase the sales tax and to go for a deficit bond. I feel that I owe it to my constituents, those who voted for me, to explain that. No one wants to raise taxes, no one, not even a politician. I have yet to find a politician who goes on the campaign trail saying I am going to raise taxes. We all know what happened to a famous President who said, "read my lips" in reference to not raising taxes and then he ended up raising taxes. In fact, the United States came into existence, at least part of it, because of the issue of taxation. No politician when he comes into office wants his first piece of legislation he is voting for to be to raise taxes and I will be voting affirmative. I owe it to explain my vote. Before I got into office, I have seen the budget process my esteemed colleagues did and they have done a tremendous amount of work to get the County back on the right track. We are in dire straights; there is no question about it. While for a politician it is much easier to vote no to increase the taxes I will put the welfare of the County ahead of my political wellbeing and I will be supporting this. Hopefully, this will put the County on the right track. Thank you.

Mr. Meyers

I split my vote on those two amendments and the reason why I did so was because the whole thing is very confusing to me. My position is that we don't really know what the deficit is. It is probably something north of the \$80 million. I would like to wait until we know how much cost savings are to be achieved by the County Executive through negotiations with the unions. I would like to wait until we know how the \$1.4 million election law expenses to the towns are going to be handled. I believe Legislator Hood said that he was prepared to not support that and deal with that next year so that creates a deficit of \$1.4 million for next year. So I would like to see how that shakes out. I would also like to see how some of these other things shake out like the \$14 million, which wasn't put in specific line items, but somehow was addressed overall. It is true that I did not go to a few of the Legislative Budget meetings when we were talking to not-for-profit organizations who we ended up restoring across the board anyway, but I did go to most of them and I didn't see where we restored the \$14 million; certainly no one mentioned it to me. I also attended all of the discussions that we had on what to do about the budget, including Democratic Caucus meetings where these things were discussed. Many of the things that we are talking about tonight, such as what Ed Day brought up and the \$14 million, none of it crossed my mind. I don't mean to be arrogant, but I think I am a pretty intelligent person and if I don't understand what is going on or I am not being told or given paperwork telling me what is going on I don't know how other Legislators who are not combing through the budget page by page and really thinking hard about it and talking to people about it I don't know how they could have known what was going on. Apparently I didn't, but I think I really did and these things were not discussed and they were not addressed. So the \$17.7 million has to be addresses. The \$14 million has to be addressed.

We are not ready, but we are doing what we always do, and Legislator Day alluded to this, is when we are in a bad way and going to run out of money in June so we have to get this bond done so that we can have some money so we don't go broke in June. That is what we are really doing here, it is not a plan it is a band-Aid, because we are going to run out of money. We did that \$18 million deficiency note, which we had the right to do under law that I voted against, because again that was a band-aid to get money. There was no other plan and we needed money and now we are doing the same thing now. It doesn't work when you keep doing the same dumb things over and over again and you get the same result. There is an expression, "stupidity is doing the same thing over and over again and expecting a different result." That is what we are really doing here. We need money, which is not a plan. You can always get money by taxing people and by asking people for money. I would hardly call that a plan. A plan would be to wait for the report from the consultant, who I didn't vote for either, to tell us what to do about Summit Park Hospital so we could see how much money we would be able to save and that report is supposed to be coming soon. And to wait to find out how the negotiations are going so we know how much we are going to save with the unions. And to figure out what we are doing with the election law expense, which is \$1.4 million. Thank you.

Mr. Schoenberger

Our State representatives will certainly be out by July 4th, they will be done. They will be out campaigning and finished with their State session. They have rules as to what the window time is to request Home Rule Legislation. I don't know what that window date is, but I suspect it is somewhere around March or April. If you don't get into committee by then you can't get into committee unless you get a Waiver from somebody else who is a Chair; it is a whole process there. The real answer is that we have no choice, but to move and to move as quickly as we possibly can. We have to pass this tonight, get it signed by the County Executive, get it up to our Senators and our Assembly representatives and get it up to the State Comptroller. Our Special Counsel, who presented it to us Todd Miles, must meet with the Chairs of the Senate Finance Committee and the State Assembly Committee, people from Silvers' office and Skelos' office and sit down and open a dialog and start discussing this. If we wait too long the window will close. The sooner we get it up there the sooner it gets into process then the greater likelihood we have of getting something accomplished.

I might surprise Legislator Meyers and say that I would like the answers to those questions too. We have to live within the world that we have to live and these are the perimeters in which we have to operate. The answer is to get it up there as soon as we can. If we are going to have bad news learn the bad news sooner. If they are not going to allow us to have this deficit bond legislation and we learn about it in March then we will be forced to take some sort of corrective action to reduce our costs for the rest of this year. I would rather learn about it in March, if I can, then learn about it in July. Thank you.

Mr. Wolfe

I think that leadership is standing up straight and tall and doing something that we know to be unpopular, but believe to be necessary. I think that supporting this plan is an exercise in leadership. A lot of what I am hearing tonight is really rearguing the budget and that is not what I think is really meaningful. The budget is only one step in a process. We still need to develop solutions for the very serious issues facing the County, including Summit Park and labor contracts and that is our burden for 2012.

What is most attractive to me about the State Legislation is the fact that it seems to solve a problem that we have been having for many years and that is accountability from the Executive branch. The Legislation puts really some unprecedented restrictions and strings. It would really render the County Executive more accountable to the Legislature and to the public than ever before. With our experience I think that is a good thing. I do support this Home Rule request and I encourage my colleagues to do the same.

Mr. Sparaco

It is my understanding that years ago, before I got here, the Legislature were made up of Legislators from each town. It evolved into single member districts. As of right now I am the last Legislator that is fully contained within the Town of Clarkstown. I have caught a lot of heat from a lot of people, some people in this audience, for my admiration of the Town of Clarkstown. It is one of those situations where the grass is always greener. I didn't appreciate the Town of Clarkstown or how they ran until I actually came to the Legislature. I am not trying to insult anybody or bad mouth anybody, but I have used the word dysfunctional many times. This body's relationship with the people across the hall, no disrespect, the fact that Legislator Hood spent twenty minutes chastising the press and his colleagues about what their opinions are and how dare you get your name in the newspaper. This doesn't happen at town board meetings especially not Clarkstown. Granted, they are not faced with the deficit, the problems and lay offs that we are facing. I am sure if this was the 1990's and we had a \$10 million surplus Jay Hood and I would probably be best friends. There is tension put on our relationship and it causes a lot of problems.

I would be disingenuous to say that I didn't look at this particular night as a person from Clarkstown. The last thing I want to do is pass down to Clarkstown the dysfunction of this government and destroy the bipartisan work that they do on that board by charging them for election costs and eliminating the Drug Task Force. So many negative things could and will happen to my town if the Review Board comes in and takes over this government. So my attitude is this is a last ditch effort to do what needs to be done to try to right the fiscal course of Rockland County. I am going to along with the bond tonight. Thank you.

Chairwoman Cornell

I just want to call everyone's attention to Section 2 of the draft law.

"Section 2. Notwithstanding any provision of this act to the contrary, the county of Rockland shall not issue any bonds for the purpose of liquidating the projected deficits unless and until the amounts thereof are reviewed and determined by the state comptroller..."

We have talked about this and people have said different things, but the State Comptroller has to certify the deficit.

Thank you all for a spirited debate.

Introduced by:

Referral No. 8519

- Hon. Ilan S. Schoenberger, Sponsor
- Hon. Jay Hood, Jr., Sponsor
- Hon. Alden H. Wolfe, Sponsor
- Hon. Harriet D. Cornell, Sponsor
- Hon. Michael M. Grant, Sponsor
- Hon. Toney L. Earl, Sponsor
- Hon. Nancy Low-Hogan, Sponsor

**RESOLUTION NO. 29 OF 2012
PROVIDING FOR NEW YORK STATE CIVIL SERVICE
EXAMINATION APPLICATION FEES**

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

WHEREAS, Section 23 of the New York State Civil Service Law authorizes the New York State Department of Civil Service to charge fees for their administration of civil service examinations, including the scheduling and rating of such examinations; and

WHEREAS, Section 50.5(a) of the New York State Civil Service Law provides for examination application fees for positions in the competitive and non-competitive classes, which have thus far been paid annually to New York State from allocated public funds in the County budget; and

WHEREAS, Section 50.5(b) of the New York State Civil Service Law requires that application fees be waived for individuals who certify that they are unemployed and primarily responsible for the support of a household, or who are recipients of public assistance; and

WHEREAS, The Commissioner of Personnel has requested the adoption of civil service examination application fees, in accordance with the fee schedule set forth in Schedule A, annexed hereto and made part hereof, and has recommended fee waivers for eligible applicants in order to comply with the New York State Civil Service Law and to encourage public employment for all of the citizens of the County of Rockland, while also ensuring fiscally responsible policies; and

WHEREAS, The _Budget and Finance Committee of the Legislature has met, considered and by a vote of eight aye(s) and one nay approved this resolution, now, therefore, be it

RESOLVED, That application fees for New York State Civil Service examinations given in the County of Rockland for titles in the competitive class shall be implemented as provided in Schedule A, effective with applications received after January 1, 2012; and be it further

RESOLVED, That application fees for New York State Civil Service examinations given in the County of Rockland for titles in the competitive class shall be waived for each applicant for examination who certifies that he/she is unemployed and primarily responsible for the support of a household or is a recipient of public assistance; and be it further

RESOLVED, That the Rockland County Department of Personnel shall develop and implement such administrative tasks and procedures as are required to carry out the provisions of this resolution, including methods of certification for individuals who are unemployed and primarily responsible for the support of a household or are recipients of public assistance.

SCHEDULE A

Fees for Application for New York State Civil Service Examinations

New York State scheduled & rated examinations (non-law enforcement titles)	\$15.00 per exam
New York State scheduled & rated examinations (law enforcement titles)	\$30.00 per exam
Decentralized examinations	\$15.00 per exam

**ADJOURNMENT IN MEMORY OF
DONALD OLENDER**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Donald Olender.

**ADJOURNMENT IN MEMORY OF
THOMAS NEWMAN**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Thomas Newman.

**ADJOURNMENT IN MEMORY OF
ROBERT DUPEE**

Chairwoman Cornell offered the following memorial, which was seconded by the Entire Legislature and unanimously approved:

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

**ADJOURNMENT IN MEMORY OF
MARY MORGAN**

Mr. Day 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 Morgan.

**ADJOURNMENT IN MEMORY OF
DR. WAGDI IBRAHIM**

Chairwoman Cornell offered the following memorial, which was seconded by the Entire Legislature and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Dr. Wagdi Ibrahim.

**ADJOURNMENT IN MEMORY OF
LAWRENCE WILLOWS, SR**

Mr. Day 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 Lawrence Willows, Sr.

**ADJOURNMENT IN MEMORY OF
THOMAS FORD**

Mr. Murphy and Mr. Moroney 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 Thomas Ford.

**ADJOURNMENT IN MEMORY OF
PAUL MICHAEL BAISLEY**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Paul Michael Baisley.

**ADJOURNMENT IN MEMORY OF
PAULINE BAIGUY**

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

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Pauline Baiguy.

**RESOLUTION NO. 30 OF 2012
ADJOURNMENT**

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Jobson and unanimously adopted (9:25 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, February 7, 2012 at seven o'clock in the evening.

Respectfully Submitted,

DARCY M. GREENBERG
Proceedings Clerk