

# The Legislature of Rockland County



**ILAN S SCHOENBERGER**  
**Legislator – District 4**

Chair, Planning & Public Works Committee  
Budget & Finance Committee

**AGENDA**  
**PLANNING & PUBLIC WORKS COMMITTEE**  
**TUESDAY, MARCH 29, 2016**  
**7:00 P.M.**

**ROLL CALL**

- 1. REFERRAL NO. 5906** AUTHORIZING THE COUNTY EXECUTIVE , THE CHAIR OF THE LEGISLATURE ON BEHALF OF THE LEGISLATURE , AND THE COUNTY ATTORNEY TO ENGAGE OUTSIDE LEGAL COUNSEL TO CONSULT ON , REPRESENT AND PROTECT THE COUNTY'S INTEREST WITH RESPECT TO THE LEGAL REPRESENTATION THAT NIXON PEABODY, LLP PROVIDED THE ROCKLAND COUNTY SEWER DISTRICT #1 CONNECTION WITH PROPERTY ACQUISITIONS/CONDEMNATIONS FOR THE WESTERN RAMAPO SEWER EXTENSION PROJECT **(HON. ALDEN H. WOLF, CHAIR , HON. ILAN S. SCHOENBERGER, LEGISLATURE)**
  
- 2. REFERRAL NO. 1519** APPROVING AN AMENDMENT TO AN EXTENSION OF AN AGREEMENT IN EXCESS OF \$100,000 WITH HARRIS BEACH, PLLC FOR LEGAL SERVICES IN CONNECTION WITH THE MATTER OF WEST GATE LANDSCAPING, INC. V. COUNTY OF ROCKLAND IN THE ADDITIONAL AMOUNT OF \$80,000 FOR A TOTAL SUM NOT TO EXCEED \$239,000 AND EXTENDING THE PERIOD FROM JANUARY 1, 2016 DECEMBER 31, 2016 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE **[DEPARTMENT OF LAW] (\$239,000) (THOMAS E. HUMBACH, COUNTY ATTORNEY, LAW ) DL#2016-00366**

**DEFERRED FROM 2/23/16 PPW MTG.**

- 3. REFERRAL NO. 5906** APPROVING AMENDMENT TO AGREEMENT IN EXCESS OF \$100,000 WITH HAUSER BROS., INC. FOR BOILER INSPECTION, MAINTENANCE AND REPAIR SERVICES FOR ROCKLAND COUNTY SEWER DISTRICT NO. 1 AND THE DEPARTMENT OF GENERAL SERVICES IN THE ADDITIONAL AMOUNT OF \$150,000 FOR THE PERIOD APRIL 20, 2016 THROUGH APRIL 19, 2017 FOR A TOTAL AMOUNT NOT TO EXCEED \$450,000 FROM THE COMMENCEMENT DATE APRIL 20, 2015 THROUGH APRIL 19, 2017 WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL ONE (1) YEAR TERM WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER UNDER RFB-RC-2015-029 **(DEPARTMENT OF GENERAL SERVICES -DIVISION OF PURCHASING) (\$450,000) (PAUL J. BRENNAN, DIRECTOR OF PURCHASING) DL # 2016-00962**
- 4. REFERRAL NO. 5337** APPROVING AN AGREEMENT IN EXCESS OF \$100,000 WITH JAMES W. SEWALL COMPANY UNDER RFP-RC-2016-001 FOR MAINTENANCE OF DIGITAL TAX MAPPING AND ON-LINE HOSTING IN AN AMOUNT NOT TO EXCEED \$129,359 FOR THE PERIOD FROM FEBRUARY 29, 2016 THROUGH FEBRUARY THROUGH FEBRUARY 28, 2017 WITH THE OPTION FOR TWO (2) ADDITIONAL ONE (1) YEAR TERMS AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [DEPARTMENT OF PLANNING] (\$129,359) **(DOUGLAS J. SCHUETZ, ACTING COMMISSIONER , PLANNING) DL# 2016-00870**
- 5. REFERRAL NO. 6036** BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK , AMENDING THE BOND RESOLUTION ADOPTED JUNE 2, 2015 IN RELATION TO FINANCING FOR COSTS OF PARTIAL RECONSTRUCTION OF VARIOUS BUILDINGS AT THE ROBERT L. YEAGER HEALTH CENTER AS REQUIRED IN RELATION TO RELOCATION OF COUNTY DEPARTMENTS -PHASE I (CAPITAL PROJECT NO. 1481) , AT THE ESTIMATED TOTAL MAXIMUM COST OF \$2,000,000 **(ROBERT H. GRUFFI, P.E., LEED AP, DIRECTOR, DGS FACILITIES MANAGEMENT) (DL# 2016-00305)**
- 6. REFERRAL NO. 1403** SETTING A DATE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 1984 (AS AMENDED BY LOCAL LAW NO. 10 OF 1990, LOCAL LAW NO. 4 OF 1993, LOCAL LAW NO. 3 OF 1996, LOCAL LAW NO. 22 OF 1996, LOCAL LAW NO. 5 OF 2005, LOCAL LAW NO. 9 OF 2007, LOCAL LAW NO. 3 OF 2009 AND LOCAL LAW NO. 6 2010 ) [CHAPTER 286 OF THE LAWS OF ROCKLAND COUNTY] RELATING TO THE LICENSING OF HOME IMPROVEMENT CONTRACTORS IN ROCKLAND COUNTY [DEPARTMENT OF WEIGHTS AND MEASURES HOME IMPROVEMENT LICENSING BOARD] **(TERRY D. GROSSEFINGER, DIRECTOR WEIGHTS & MEASURES) DL#2016-00318**

- 7. REFERRAL NO. 6394** AMENDING THE 2016 CAPITAL BUDGET FOR THE REPLACEMENT OF THE ORANGEBURG ROAD BRIDGE OVER THE CSX RAILROAD IN THE TOWN OF ORANGETOWN TO PROVIDE ADDITIONAL FUNDING IN THE \$200,000 FOR A TOTAL AMOUNT OF \$15,900,000 UNDER CAPITAL PROJECT NO. 3280 (DEPARTMENT OF HIGHWAYS) (\$15,900,000) **(CHARLES H. VEZZETTI, SUPERINTENDENT OF HIGHWAYS) DL# 2016-00844**
- 8. REFERRAL NO. 6394** APPROVING A FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT IN EXCESS OF \$100,000 WITH CSX TRANSPORTATION, INC. IN THE ADDITIONAL AMOUNT OF \$444,266 FOR A TOTAL AMOUNT TO EXCEED \$578,113 FOR THE REPLACEMENT OF THE ORANGEBURG ROAD BRIDGE OVER CSX RAILROAD IN THE TOWN OF ORANGETOWN AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE UNDER CAPITAL ACCOUNT NO. 3280 **[DEPARTMENT OF HIGHWAYS] (\$578,113) (CHARLES H. VEZZETTI, SUPERINTENDENT OF HIGHWAYS) DL# 2016-00825**
- 9. REFERRAL NO. 8183** APPROVING ACCEPTANCE OF CONVEYANCES OF REAL PROPERTY WHICH ARE BEING GRATUITOUSLY OFFERED TO THE COUNTY OF ROCKLAND AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ANY DOCUMENTS TO EFFECTUATE THE ACCEPTANCE OF SUCH CONVEYANCES **[DEPARTMENT OF HIGHWAYS] (CHARLES H. VEZZETTI, SUPERINTENDENT OF HIGHWAYS) DL# 2016-00766**
- 10. REFERRAL NO. 2946** APPROVING AN AMENDMENT AND EXTENSION TO AN AGREEMENT IN EXCESS OF \$100,000 WITH BERGMANN ASSOCIATES, ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS & SURVEYORS, D.P.C. TO PROVIDE DESIGN ENGINEERING POST-CONSTRUCTION REPORTS FOR THE PASCACK BROOK BYPASS CULVERT PROJECT, VILLAGE OF SPRING VALLEY, TOWN OF RAMAPO , BY INCREASING THE CONTRACT AMOUNT AN ADDITIONAL \$75,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$174,000 AND BY EXTENDING THE TERM OF THE AGREEMENT FROM SEPTEMBER 6, 2015 THROUGH DECEMBER 31, 2016 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE UNDER CAPITAL PROJECT NO. 7113 **[DRAINAGE AGENCY] (\$174,000) (CHARLES H. VEZZETTI, CHAIRMAN DRAINAGE AGENCY) DL# 2016-00797**

PAGE 4  
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**11. REFERRAL NO. 5974** APPROVING AMENDMENT NO. 2 TO THE LICENSE AGREEMENT IN EXCESS OF \$100,000 WITH T-MOBILE NORTHEAST LLC TO INCREASE THE CONTRACT SUM FOR AN ADDITIONAL AMOUNT OF \$450.00 PER MONTH FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$636,848.56 FOR THE INSTALLATION OF THREE (3) ADDITIONAL ANTENNAS AND THREE (3) REMOTE RADIO HEADS AT THE COMMUNICATIONS SITE LOCATED ON THE ROOF TOP OF BUILDING "A" AT THE DR. ROBERT L. YEAGER HEALTH CENTER , 50 SANATORIUM ROAD, POMONA, NEW YORK WITH A TERM OF TWENTY (20) YEARS FROM JUNE 1, 2000 TO MAY 31, 2020 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [OFFICE OF FIRE AND EMERGENCY SERVICES] (\$636,848.56) (**GORDON W. WREN, JR. DIRECTOR OF OFFICE AND FIRE AND EMERGENCY**) DL# 2016-00921

PPW12815AGNMZ

# DRAFT

Introduced by:

Hon. Alden H. Wolfe, Sponsor  
Hon. Ilan S. Schoenberger, Sponsor

Referral No.

, 2016

## RESOLUTION NO. OF 2016

### **AUTHORIZING THE COUNTY EXECUTIVE, THE CHAIR OF THE LEGISLATURE ON BEHALF OF THE LEGISLATURE, AND THE COUNTY ATTORNEY TO ENGAGE OUTSIDE LEGAL COUNSEL TO CONSULT ON, REPRESENT AND PROTECT THE COUNTY'S INTERESTS WITH RESPECT TO THE LEGAL REPRESENTATION THAT NIXON PEABODY, LLP PROVIDED THE ROCKLAND COUNTY SEWER DISTRICT #1 IN CONNECTION WITH PROPERTY ACQUISITIONS/CONDEMNATIONS FOR THE WESTERN RAMAPO SEWER EXTENSION PROJECT**

WHEREAS, The Rockland County Sewer District #1 [the "Sewer District"] was formed pursuant to County Law Article 5-A (formerly known as Article 5-B), and Chapter 165 of the Rockland County Laws (Sewer Agency; Sewer District); and

WHEREAS, resolutions affecting the Sewer District are and have been approved by the Rockland County Legislature and are subject to the County Executive's approval or disapproval, except for resolutions appointing Sewer Commissioners that are not subject to the County Executive's veto; and

WHEREAS, the Sewer District in 2004 began the Western Ramapo Sewer District Extension Project [the "Project"], budgeted at approximately \$168 million, and all resolutions pertaining to the Project and its construction have been approved by both the County Legislature and the County Executive for more than ten years; and

WHEREAS, all bonding for the Project has been and is backed by the full faith and credit of the County of Rockland and required the approval of a 2/3 majority of the Legislature as well as the approval of the County Executive; and

WHEREAS, on January 13, 2004, the Sewer District entered into an agreement with the firm of Nixon Peabody, LLP ("Nixon Peabody") for legal services for property acquisitions/condemnations in connection with the Project pursuant to the Sewer District's authority to condemn private property for public use, with amendments to said agreement approved by the Legislature and the County Executive in Resolution Nos. 489 of 2004, 322 of 2005, 386 of 2006, 154 of 2008, 241 of 2009, 196 of 2010, 475 of 2011, 188 of 2012 and 247 of 2013, for a total contract sum not to exceed \$1,919,000; and

WHEREAS, one of the real property acquisitions involved the acquisition of approximately 64 acres of vacant land in Hillburn, New York, owned by Split Rock Partnership, upon which to build an Advanced Wastewater Treatment Plant facility which was required for the Western Ramapo Sewer District Extension Project; and

WHEREAS, the amount of "just compensation" to be paid by the Sewer District to Split Rock Partnership for the property could not be resolved at the time of the 2005 condemnation and the matter proceeded to be litigated through trial; and

WHEREAS, the trial court issued a decision in 2012 in which it was determined that the Sewer District must pay \$8.1 million to Split Rock Partnership plus interest from the date of the 2005 taking; and

WHEREAS, after the District lost its final appeal of the trial court decision in 2014, the Sewer District paid Split Rock Partnership the judgment amount of \$8.1 million plus \$4.8 million in interest as well as Split Rock Partnership's attorney and other fees in the sum of \$3.4 million; and

WHEREAS, the County Executive and the Legislature, on behalf of Rockland County, seek further review and assessment of the services Nixon Peabody rendered to the Sewer District with respect to the Split Rock condemnation and to take such actions as may be appropriate under the circumstances, including but not limited to commencing a legal action in the name of the County; and

NOW, THEREFORE, it is hereby

RESOLVED, that the County Executive and the Legislature, on behalf of Rockland County seek further review and assessment of the services Nixon Peabody rendered to the Sewer District with respect to the Split Rock condemnation and to take such actions as may be appropriate under the circumstances, including but not limited to commencing a legal action in the name of the County; and

RESOLVED, that in the manner described in the County Procurement Policy, at Rockland County Code § 140-3.4, the County Executive, the Chair of the Legislature on behalf of the Legislature, and County Attorney are authorized to engage outside legal counsel to consult on, represent and protect the County's interests in this matter, and it is further

RESOLVED, that the County Attorney is authorized to take such actions as he may deem necessary to effectuate the purposes of this resolution, and it is further

RESOLVED that the County Executive, is authorized to execute such agreements as may be necessary to effectuate the purpose of this resolution; and if is further

RESOLVED, that the Commissioner of Finance shall pay, from Sewer District funds, any and all fees and other expenses incurred in connection herewith, including the cost of outside counsel.

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**DRAFT**

Introduced by:

Referral No.

**RESOLUTION NO. OF 2016  
APPROVING AN AMENDMENT TO AN EXTENSION OF  
AN AGREEMENT IN EXCESS OF \$100,000  
WITH HARRIS BEACH, PLLC  
FOR LEGAL SERVICES IN CONNECTION WITH THE MATTER OF  
WEST GATE LANDSCAPING, INC. V. COUNTY OF ROCKLAND  
IN THE ADDITIONAL AMOUNT OF \$80,000 FOR A TOTAL SUM  
NOT TO EXCEED \$239,000 AND EXTENDING  
THE PERIOD FROM JANUARY 1, 2016 THROUGH DECEMBER 31, 2016  
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE  
[DEPARTMENT OF LAW]  
(\$239,000)**

WHEREAS, In 2010 Harris Beach LLC was retained by the County of Rockland at the request of its Department of Highways in connection with the defense of the County in the matter of West Gate Landscaping, Inc. v. County of Rockland under Index No. 8310/07; and

WHEREAS, By that action, West Gate Landscaping Inc. ("West Gate") alleges the wrongful termination of a contract with the County dated December 4, 2001 in the amount of \$908,000, and is seeking approximately \$5 million dollars for wrongful termination and delay damages; and

WHEREAS, Harris Beach's current contract with the County, as amended and extended, is in the amount of \$239,000; and

WHEREAS, To date, Harris Beach has engaged in substantial pre-trial discovery; and

WHEREAS, Harris Beach also has prepared and filed a voluminous motion for summary judgment, seeking the dismissal of this action which was granted by the Supreme Court but reversed fact by the Appellate Division due to the existence of an issue of; and

WHEREAS, Harris Beach has engaged in multiple negotiations to settle this action, but Plaintiff has not sought to engage in reasonable settlement negotiations; and

WHEREAS, This litigation is entering the trial stage; and

WHEREAS, It is necessary to use outside counsel in this matter due to the size and complexity of the litigation and the lack of dedicated litigation staff to properly handle the matter; and

WHEREAS, The additional \$80,000 absent unanticipated circumstances, is intended to cover the expense of this matter through trial; and

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WHEREAS, The County Attorney and the Commissioner of the Department of Highways recommend to the County Executive and the Legislature of Rockland County to approve an amendment and extension of the agreement with Harris Beach, PLLC, 445 Hamilton Avenue, Suite 1206, White Plains New York 10601, for legal services in connection with the matter of West Gate Landscaping, Inc. v. County of Rockland in the additional amount of \$80,000 for a total sum not to exceed \$239,000 and an extension for the period from January 1, 2016 through December 31, 2016; 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 agreement exists in the Rockland County Drainage Agency Capital Project No. 7049; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves an amendment and extension of the agreement in excess of \$100,000 with Harris Beach, PLLC, 445 Hamilton Avenue, Suite 1206, White Plains New York 10601, for legal services in connection with the matter of West Gate Landscaping, Inc. v. County of Rockland under Index No. 8310/07 in the additional amount of \$80,000 for a total sum not to exceed \$239,000 and an extension for the period from January 1, 2016 through December 31, 2016, 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 this to the agreement exists in the Rockland County Drainage Agency Capital Project No. 7049.

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2016-00366  
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REV. 2-2-16



WHEREAS, The Director of Facilities Management and the Director of Purchasing recommend that the County Executive and the Legislature of Rockland County approve additional purchases in the amount of \$150,000 from Hauser Bros., Inc., 17 Old Schoolhouse Lane, Orangeburg, New York 10962, for boiler inspection, maintenance and repair services under RFB-RC-2015-029, for the period April 20, 2016 through April 19, 2017, for a total contract amount not to exceed \$450,000 from the commencement date April 20, 2015 through April 19, 2017, with the option to renew for one (1) additional one (1) year term; and

WHEREAS, All purchases will be made by formal purchase order, subject to the approval of the Director of Purchasing; 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 funding for these purchases exist in the 2016 Capital Budget, Capital Project No. 4466; and the 2016 Operating Budgets of the Rockland County Sewer District No. 1 and Department of General Services-Facilities Management, and are contingent upon 2017 Budget Appropriations; and

WHEREAS, The \_\_\_\_\_ and \_\_\_\_\_ Committees of the Legislature have met, considered and \_\_\_\_\_ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves additional purchases in the amount of \$150,000 from Hauser Bros., Inc., 17 Old Schoolhouse Lane, Orangeburg, New York 10962, for boiler inspection, maintenance and repair services under RFB-RC-2015-029, for the period April 20, 2016 through April 19, 2017, for a total contract amount not to exceed \$450,000 from the commencement date April 20, 2015 through April 19, 2017, with the option to renew for one (1) additional one (1) year term; and be it further

RESOLVED, That all purchases will be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases exist in the 2016 Capital Budget, Capital Project No. 4466; and the 2016 Operating Budgets of the Rockland County Sewer District No. 1 and Department of General Services-Facilities Management, and are contingent upon 2017 Budget Appropriations.

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WHEREAS, The and Committees of the Legislature have met, considered and approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves an agreement in excess of \$100,000 with James W. Sewall Company, 136 Center Street, P.O. Box 433, Old Town, Maine 04468, for maintenance of digital tax mapping and on-line hosting in an amount not to exceed \$129,359, for the period from February 29, 2016 through February 28, 2017 with the option for two (2) additional one (1) year terms under RFP-RC-2016-001, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this agreement is provided for in the 2016 Budget of the Department of Planning, PLN-8020-4380, and is contingent upon funding in the 2017 Budget.

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2016-00870  
3-16-16  
r. 3-23-16

RESOLUTION NO. \_\_\_\_\_ OF 2016

AMENDING BOND RESOLUTION DATED \_\_\_\_\_, 2016

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED JUNE 2, 2015 IN RELATION TO FINANCING FOR COSTS OF PARTIAL RECONSTRUCTION OF VARIOUS BUILDINGS AT THE ROBERT L. YEAGER HEALTH CENTER AS REQUIRED IN RELATION TO RELOCATION OF COUNTY DEPARTMENTS – PHASE I (CAPITAL PROJECT NO. 1481), AT THE ESTIMATED TOTAL MAXIMUM COST OF \$2,000,000.

(Adopted) \_\_\_\_\_, 2016

Recitals

WHEREAS, the County Legislature of the County of Rockland, New York, has heretofore duly authorized the relocation of County Departments affected by the sale of Building “A” at the Robert L. Yeager Health Center (the “Health Center Campus”), at the estimated maximum cost of \$2,000,000, which amount was appropriated therefor pursuant to the bond resolution adopted by said Legislature on June 2, 2015, and it has now been determined that the scope of project must be revised since the sale of Building “A” will not be consummated, the hospital and skilled nursing facilities in such building have been closed, and the County has determined to decommission the building and relocate certain County departments to Building “A” and other County buildings on the Health Care Campus;

Now, therefore, be it

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

Section (A). The bond resolution of said County duly adopted by the County  
Legislature on June 2, 2015, entitled:

“RESOLUTION NO. 255 of 2015

BOND RESOLUTION DATED JUNE 2, 2015

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING  
FINANCING FOR COSTS OF RELOCATION OF COUNTY DEPARTMENTS – PHASE I  
(CAPITAL PROJECT NO. 1481), STATING THE ESTIMATED TOTAL MAXIMUM COST  
THEREOF IS \$2,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY TO PAY THE  
COST THEREOF.”

is hereby amended to read as follows:

RESOLUTION NO. \_\_\_\_\_ of 2016

BOND RESOLUTION DATED JUNE 2, 2015 AND AMENDED \_\_\_\_\_, 2016

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR COSTS OF PARTIAL RECONSTRUCTION OF VARIOUS BUILDINGS AT THE ROBERT L. YEAGER HEALTH CENTER AS REQUIRED IN RELATION TO RELOCATION OF COUNTY DEPARTMENTS – PHASE I (CAPITAL PROJECT NO. 1481), STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$2,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Adopted) \_\_\_\_\_, 2016

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

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 1481 for the Department of General Services, Facilities Management, consisting of the partial reconstruction of Building "A" and other buildings at the Robert L. Yeager Health Center, and potential construction of an addition to Building H, as required in relation to relocation of various County departments to such buildings, including the Departments of Facilities Management, Purchasing, MIS, Medical Examiner, Health, Social Services, Consumer Protection, Personnel, Finance, Insurance, Economic Development, Youth Bureau, and any other departments which may be affected depending on relocation logistics; such relocation requiring space design, building design,

construction, furniture, furnishings, and related operating equipment, as well as potential construction of additional building space and other related relocation expenses, all as more particularly described in the County's 2016 Capital Budget, as amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$2,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

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

Section 3. The existing buildings to be partially reconstructed are of Class "A" construction as defined by Section 11.00 a. 11. (a) of the Law, and the period of probable usefulness applicable to the class of objects or purposes for which said bonds authorized by this resolution are to be issued within the limitations of Section 11.00 a. 12.(a)(1) of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by

the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

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

\* \* \*

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued,

or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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

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

\* \* \*

The adoption of the foregoing resolution was seconded by Legislator \_\_\_\_\_

and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

\* \* \*



**DRAFT**

**LOCAL LAW NO. \_\_\_ OF 2016  
COUNTY OF ROCKLAND  
STATE OF NEW YORK**

A local law amending local law number 8 of 1984 as amended by local law number 10 of 1990, local law number 4 of 1993, local law number 3 of 1996, local law number 22 of 1996, local law number 5 of 2005, local law 9 of 2007, local law 3 of 2009 and local law 6 of 2010 (chapter 286 of the laws of Rockland county) relating to the licensing of home improvement contractors in Rockland county.

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

Section 1. Amending Section 1, as follows:

Local law number 8 of 1984 as amended by local law number 10 of 1990, local law number 4 of 1993, local law number 3 of 1996, local law number 22 of 1996, [and] local law number 5 of 2005, local law 9 of 2007, local law 3 of 2009 and local law 6 of 2010 (chapter 286 of the laws of Rockland county) relating to the licensing of home improvement contractors in Rockland county.

Section 2. Section 286-1. Purpose; limitation. is amended as follows:

- A. It is the purpose of the legislature of Rockland county in enacting this chapter to safeguard and protect employees, the homeowners and the consumer against abuses on the part of swimming pool contractors and itinerant home improvement contractors by regulating the home improvement, remodeling and swimming pool repair business, by licensing of persons engaged in such business and by mandating that contractors are responsible for their employees. The legislature finds that a need ~~[exists]~~ exists for a more complete understanding between customers and contractors engaged in swimming pool construction and home improvement business regarding the content and conditions of transactions for swimming pool construction and home improvement. The legislature also finds that many misunderstandings have arisen because of the lack of a standard body of requirements relating to such transactions and that certain sales and business practices and construction practices have worked financial and safety hardship upon the people of Rockland county.

Section 3. Section 286-2. Definitions; word usage. is amended as follows:

**HOME IMPROVEMENT -**

- (1) The repair, replacement, remodeling, alteration, conversion, modernization, demolition or removal of, or improvement or addition to

any land or building, or that portion thereof which is used or designed to be used as a private residence, dwelling place for not more than six (6) families, a condominium dwelling unit or a cooperative dwelling unit, and shall include, but not be limited to, the installation, construction, replacement or improvement of driveways, swimming pools, roofs, porches, garages, fallout shelters, central vacuum-cleaning systems, storm windows, awnings, [fire or burglar alarms,] installed floor coverings, landscaping, interior and exterior painting, wallpaper and wall covering installations and other improvements to structures or upon land which is adjacent to a dwelling house.

SHELVE – The voluntary placement in inactive status by an applicant of a license issued pursuant to this chapter. No applicant whose license is shelved shall maintain, conduct, operate, advertise, engage in or transact a home improvement business or activity or solicit home improvement contracts for which a license is required by this chapter.

Section 4. Section 286-6. Examinations; exception; bond and insurance. is amended as follows:

- (C) An applicant who has failed in this first examination shall not be eligible for reexamination until one (1) month from the date of such failure. One who fails twice or more shall not be eligible for further reexamination until at least [three (3)] one(1) month[s] from the date of such second or subsequent failure.

Section 5. Section 286-7. License; display; renewals; duplicates. is amended as follows:

- A. All licenses, except temporary licenses, shall be for a period of [two (2)] one (1) year[s] from the date of application and shall expire on the last day of the [24th] 12th month following the application filing date, as set forth in the rules and regulations.
- B. No license shall be assignable or transferable except as hereinafter provided. [A license to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership or corporation if such individual is a member of such partnership or a stockholder of such corporation. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one (1) member of such partnership, provided that he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the board that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the board and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon payment of a fee as set forth in the rules and regulations.]

- (1) A license to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership, corporation or other entity if such individual is a member, manager, officer or general partner of such partnership or a corporation.
- (2) A license to conduct a home improvement business issued to a partnership may be assigned or transferred for the remainder of the license period to any one general partner of such partnership, provided that he or she obtains the consent of all of the other members of such partnership.
- (3) A license to conduct a home improvement business issued to a qualifying applicant of a corporation may be assigned or transferred for the remainder of the license period to another qualifying applicant of the same corporation provided the corporation provides sufficient proof of consent to transfer from the corporation's President, Chief Executive Officer, Chairperson, Sole proprietor (if an "S" corporation), Owner (if a Limited Liability Corporation) or other authorized representative of the corporate entity.
- (4) The application for such transfer or assignment must be accompanied by evidence satisfactory to the Director and the Board that the requirements herein provided have been satisfied and that the proposed applicant meets the necessary qualifications for licensure.
- (5) No assignment or transfer shall become effective unless and until the proper endorsement evidencing said transfer or assignment has been made on the face of the license by the Director and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon payment of a fee as set forth in accordance with the applicable rules and regulations.

C. Each license issued pursuant to this chapter shall be posted and kept posted in some conspicuous place in the home improvement establishment.

D. Any license, except a temporary license, which has not been suspended or revoked may, upon the payment of the renewal fee be renewed for an additional period of [two (2)] ~~one (1)~~ year[s] from its expiration, as set forth in the rules and regulations, upon filing of an application for such renewal on a form to be prescribed by the board. Failure to make application for such renewal within fifteen (15) days prior to the expiration date of the license shall subject the licensee to a penalty as set forth in the rules and regulations, which shall be paid, together with the renewal fee, prior to the issuance of the renewal. After the expiration date of the license, the licensee shall be considered no longer licensed as required by section 286-3 and for purposes of the penalties established by section 286-21. A licensee whose license has expired shall be required to apply for an entirely new license in accordance with this chapter, unless, within ninety (90) days after the expiration date of the license, such licensee makes application for renewal and pays a penalty as set forth in the rules and regulations, together with the renewal fee. A licensee who is able to demonstrate proof of active duty in the armed forces during the period when the license was eligible for renewal will be exempt from the requirement to make application for renewal within ninety (90) days after the expiration date of the license. A licensee who is able to demonstrate good cause for any other reason may be eligible for renewal at the Director's discretion and may be subject to Board review.

Section 6. Section 286-8. Fees. is amended as follows:

- A. Application for a license, renewal of a license, application to shelve a license, renewal of a shelved license, supplementary, duplicate or transfer license shall be accompanied by the required fee set forth in the rules and regulations.

Section 7. Section 286-9. Refusal, suspension or revocation of license. is amended as follows:

A license required to conduct, operate, engage in and transact a home improvement business as a home improvement contractor or a shelved license may be refused, suspended or revoked by the board for any one (1) or more of the following causes:

- H. Engaging, with only a shelved license, in any activity for which a license is

Section 8. Section 286-19. Appeals. is amended as follows:

286-19. Appeals.

- A. Any person aggrieved by the action of the board in refusing to issue a license or renewal thereof or in refusing to permit the shelving of a license or renewal of a shelved licensed or reactivation of a shelved license or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the Rockland county legislature within thirty (30) days after the same has been filed with the clerk of the Rockland county legislature as required herein. Such appeal shall be taken by filing with the board and the Rockland county legislature a notice of appeal, specifying the grounds therefor.

Section 9. Rules and Regulations

Rules and regulations in effect on the effective date of this local law shall continue in full force and effect until they shall have been amended or other rules and regulations shall have been adopted in accordance with this chapter.

Section 10. Effective Date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home law rule.

VWJ:dc

2016-00393

3-4-16

Material in [brackets] shall be deleted.

Material underlined shall be added.



CAPITAL PROJECTS FUND

Increase Approp. Acct.  
H3280

Orangeburg Road Bridge  
Replacement.

200,000

Increase Est. Rev. Acct.  
H4098

Federal Aid

200,000

TS:dc  
2016-00844  
3-7-16



WHEREAS, The Project is eighty percent (80%) federally funded and fifteen percent (15%) state funded; and

WHEREAS, The local (County) share is currently (5%) due to the availability of State funds; 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 funding for this agreement has been authorized under Capital Account No. 3280; and

WHEREAS, The Committees of the Legislature have met, considered and approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves a First Amendment to the Construction Agreement in excess of \$100,000, between the County of Rockland and CSX Transportation, Inc., 500 Water Street, J-301, Jacksonville, Florida 32202, for review and flagging for replacement of the Orangeburg Road Bridge over the CSWX Railroad, in the Town of Orangetown, in the additional amount of \$444,266, for a total amount not to exceed \$578,113, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, The funding for this agreement has been authorized under Capital Account No. 3280.

TS:dc  
2016-00825  
3/21/16vma



Stony Point, further identified as Tax ID # 20.10-2-65, is being gratuitously offered to the County of Rockland by the Estate of Helen Filor, and authorizes the County Executive to execute any documents to effectuate the acceptance of such conveyance, subject to the approval of the County Attorney; and be it further

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a certain conveyance of real property located at 29 Summit Park Road, Hamlet of New Hempstead, Town of Ramapo, further identified as Tax ID # 42.10-1-45, is being gratuitously offered to the County of Rockland by Summit Patio Homes, and authorizes the County Executive to execute any documents to effectuate the acceptance of such conveyance, subject to the approval of the County Attorney; and be it further

RESOLVED, That the title to said real property that is conveyed to the County shall be good and marketable title and be acceptable to the County Attorney; and be it further

RESOLVED, That the Superintendent of the Department of Highways is authorized to record said deed with the metes and bounds description and the size of the parcel when all legal requirements have been satisfied.

TS:dc  
2016-00766  
3-2-16



and by extending the term of the agreement from September 6, 2015 to December 31, 2016 for a total contract term from September 6, 2013 to December 31, 2016; 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, Funding for this amendment is provided in the 2016 Adopted Capital Budget under Capital Project No. 7113; and

WHEREAS, The \_\_\_\_\_ and \_\_\_\_\_ Committees of the Legislature have met, considered and \_\_\_\_\_ approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves an amendment and extension to the agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614 to provide for post-construction engineering services for the Pascack Brook Bypass Culvert Project, in the Village of Spring Valley, Town of Ramapo, under Capital Project No. 7113 by increasing the contract sum in the additional amount of \$75,000 for a total contract sum not to exceed \$174,000 and by extending the term of the agreement from September 6, 2015 to December 31, 2016 for a total contract term from September 6, 2013 to December 31, 2016, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for this Project is provided in the 2016 Adopted Capital Budget under Capital Project No. 7113.

TS:dc  
2016-00797  
3-3-16



WHEREAS, The total additional fees for Amendment No. 2 to the License Agreement is \$22,591.80; and

WHEREAS, The Director of the Office of Fire & Emergency Services recommends to the County Executive and the Legislature of Rockland County that the County enter into Amendment No. 2 to the License Agreement with T-Mobile Northeast LLC, 4 Sylvan Way, Parsippany, New Jersey 07504 to permit the installation of three (3) additional antennas and three (3) new remote radio heads on the roof top of Building "A" at the Dr. Yeager Health Center and to increase the contract amount by an additional \$450.00 per month, for a total contract sum not to exceed \$636,848.56; and

WHEREAS, The adoption of this resolution does not require the expenditure of any County funds; 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 Committee of this Legislature has met, considered and approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County approves Amendment No. 2 to the License Agreement with T-Mobile Northeast LLC, 4 Sylvan Way, Parsippany, New Jersey 07504 to permit the installation of three (3) additional antennas and three (3) new remote radio heads on the roof top of Building "A" at the Dr. Yeager Health Center and to increase the contract amount by an additional \$450.00 per month, for a total contract sum not to exceed \$636,848.56 and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That the adoption of this resolution does not require the expenditure of any County funds.

TS:dc  
2016-00921  
3-16-16  
r. 3-23-16