

The Legislature of Rockland County



ILAN S SCHOENBERGER
Legislator – District 4

Chair, Planning & Public Works Committee
Second Vice-Chair, Budget & Finance Committee
Economic Development Committee

AGENDA
PLANNING & PUBLIC WORKS COMMITTEE
TUESDAY, AUGUST 26, 2014
7:00 PM

ROLL CALL

ADOPTION OF MINUTES, MEETING OF JULY 29, 2014

1. REF. #6394 - **AUTHORIZING THE ADVANCE OF GENERAL FUND MONIES IN AN AMOUNT NOT TO EXCEED \$250,000 FOR THE REPLACEMENT OF ORANGEBURG ROAD BRIDGE, CAPITAL PROJECT 3280 (DEPARTMENT OF HIGHWAYS) (\$250,000) (CHARLES VEZZETTI, SUPERINTENDENT HIGHWAY) DL#2014-02932**

2. REF. #6394 - **BOND RESOLUTION DATED _____, 2014
BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK REAUTHORIZING FINANCING FOR THE COST OF REPLACEMENT OF THE ORANGEBURG ROAD BRIDGE IN THE TOWN OF ORANGETOWN (CAPITAL PROJECT NO. 3280), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,497,000; STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING \$2,797,600 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND \$174,850 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARD THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS (CHARLES VEZZETTI, SUPERINTENDENT HIGHWAY) DL#2014-02933**

3. REF. #6803 - ACCEPTING THE BID OF THE LOWEST RESPONSIBLE BIDDER AND APPROVING CONTRACT IN EXCESS OF \$100,000 WITH TILCON, INC. IN AN AMOUNT NOT TO EXCEED \$2,500,000 FOR RESURFACING OF COUNTY ROADS AND APPROVING EXECUTION OF THE CONTRACT BY THE COUNTY EXECUTIVE (DEPARTMENT OF HIGHWAYS) (\$2,500,000)
(CHARLES VEZZETTI, SUPERINTENDENT HIGHWAY)
DL#2014-03218

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

WHEREAS, The Legislature is authorized to approve the advance of such general fund monies for this capital project in accordance with Local Finance Law §165.10; 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 the advance of general fund monies in an amount not to exceed \$250,000 to continue the Orangeburg Road Bridge Replacement, Capital Project 3280, without delay, and that such advance shall be reimbursed with interest when bond financing is undertaken by the County.

LHG:lo
2014-02932
7/18/14

Ref. #6394

RESOLUTION NO. _____ OF 2014

BOND RESOLUTION DATED _____, 2014

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, REAUTHORIZING FINANCING FOR THE COST OF REPLACEMENT OF THE ORANGEBURG ROAD BRIDGE IN THE TOWN OF ORANGETOWN (CAPITAL PROJECT NO. 3280), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,497,000; STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING \$2,797,600 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND \$174,850 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted) _____, 2014

WHEREAS, this Legislature has heretofore duly authorized the issuance of bonds to finance the cost of replacement of the Orangeburg Road Bridge in the Town of Orangetown, pursuant to the 1998 Capital Budget, and pursuant to the Local Finance Law Bond Resolution No. 235 of 1998 related to such project is deemed to be repealed ten years after the May 5, 1998 date of adoption of such resolution, except to the extent any indebtedness shall already have been contracted or encumbrances made thereunder; and

WHEREAS, in order to proceed with the financing of such cost it is necessary to reauthorize the unissued amount of such bond resolution which is deemed to be repealed; now therefore be it

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. 3280 for the Department of Highway, consisting of replacement of the Orangeburg Road Bridge in the Town of Orangetown, all as more particularly described in the County's 2014 Capital Budget, as amended. The estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,497,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$750,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and authorizing \$2,797,600 expected to be received from the United States of America and \$174,850 expected to be received from the State of New York to be expended towards the cost of said specific object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

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

Section 3. The period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the

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

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

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County.

The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The Clerk to the Rockland County Legislature is hereby directed to publish the foregoing 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 8. 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.

* * *

CERTIFICATE

I, Laurence O. Toole, Clerk to the Rockland County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Rockland County Legislature duly called and held on _____, 2014, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of _____, 2014.

(SEAL)

Clerk to the County Legislature

NOTICE

This bond resolution, a summary of which is published herewith, has been adopted by the County Legislature on the ___ day of _____, 2014, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Rockland, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Laurence O. Toole
Clerk to the Legislature

RESOLUTION NO. ____ OF 2014

BOND RESOLUTION DATED _____, 2014

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, REAUTHORIZING FINANCING FOR THE COST OF REPLACEMENT OF THE ORANGEBURG ROAD BRIDGE IN THE TOWN OF ORANGETOWN (CAPITAL PROJECT NO. 3280), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,497,000; STATING THAT THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$750,000 BONDS HEREIN AUTHORIZED; AND AUTHORIZING \$2,797,600 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND \$174,850 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

object or purpose: to finance the cost of replacement of the Orangeburg Road Bridge in the Town of Orangetown, all as more particularly described in the County's 2014 Capital Budget, as amended.

period of probable usefulness: twenty (20) years

amount of obligations to be issued: \$750,000

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Clerk to the Rockland County Legislature, in New City, New York.

Dated: _____, 2014
New City, New York

EXTRACT OF MINUTES

Meeting of the County Legislature of
the County of Rockland, New York

_____, 2014

* * *

A regular/special meeting of the County Legislature of the County of Rockland,
New York, was held at the Legislative Chambers, in New City, New York, in said County, on
_____, 2014, at _____ o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Laurence O. Toole, Clerk to the Legislature

* * *

Legislator _____ offered the following resolution and
moved its adoption:

Introduced by:

DRAFT

Referral No. 6803

**RESOLUTION NO. OF 2014
ACCEPTING THE BID OF THE LOWEST RESPONSIBLE BIDDER
AND APPROVING CONTRACT IN EXCESS OF \$100,000 WITH
TILCON NEW YORK, INC.
IN AN AMOUNT NOT TO EXCEED \$2,500,000
FOR RESURFACING OF COUNTY ROADS AND
APPROVING EXECUTION OF THE CONTRACT
BY THE COUNTY EXECUTIVE
[DEPARTMENT OF HIGHWAYS]
(\$2,500,000)**

WHEREAS, By Resolution No. 261 of 2014, the Legislature of Rockland County authorized its Clerk to advertise for bids for the resurfacing of County roads, pursuant to plans and specifications being prepared by the Rockland County Department of Highways; and

WHEREAS, General Municipal Law Section 103 requires that contracts for public work involving an expenditure of more than \$20,000 be awarded to the lowest responsible bidder, 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, Tilcon New York, Inc., 162 Old Mill Road, West Nyack, New York 10994, was the lowest responsible bidder, who submitted the lowest bid for a contract for the resurfacing of County roads, in the amount of \$2,866,456.76; and

WHEREAS, The maximum amount budgeted for this project in 2014 was \$2,600,000, therefore, the County of Rockland Department of Highways reduced the quantity for asphalt concrete in this unit price contract in an amount sufficient to result in a total contract amount not to exceed \$2,500,000; and

WHEREAS, Sufficient funding for this project exists in Capital Account 3401 (three year resurfacing program) and the operating budget of the County Road Fund, D-CFR-5110-4460, CHIPS account; and

WHEREAS, Funds expended from the D-CFR-5110-4460 account will be reimbursed 100% by the New York State Department of Transportation through its CHIPS Program; 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 accepts the bid from the lowest responsible bidder, who submitted the lowest bid, and approves execution of a contract with Tilcon New York, Inc., 162 Old Mill Road, West Nyack, New York 10994, in an amount not to exceed \$2,500,000, for a contract for the resurfacing of County roads, pursuant to plans and specifications prepared by the Rockland County Highway Department, subject to the approval of the County Attorney, and be it further

RESOLVED, Sufficient funding for this project exists in Capital Accounts 3401 (Three year resurfacing program) and in the Department of Highway's budget account line 5110-4460 (CHIPS Capital)

LHG:lo
2014-03218
8/6/14