

# THE LEGISLATURE OF ROCKLAND COUNTY



ILAN S. SCHOENBERGER  
LEGISLATOR – DISTRICT 4

**CHAIR, BUDGET & FINANCE COMMITTEE**

**MINUTES  
BUDGET & FINANCE COMMITTEE  
MONDAY, JULY 9, 2012  
7:00 P.M.**

MEMBERS PRESENT

HON. I. SCHOENBERGER, CHAIR  
HON. H. CORNELL  
HON. M. GRANT  
HON. P. SOSKIN  
HON. T. EARL  
HON. N. LOW-HOGAN  
HON. F. SPARACO  
HON. J. MURPHY

MEMBERS ABSENT

HON. J. HOOD, JR.-VICE CHAIR  
HON. A. WOLFE-2<sup>ND</sup> VICE CHAIR

OTHERS PRESENT

HON. A. WIEDER  
R. MCKAY, ESQ.  
N. DOLINER  
T. SIMETI  
A. ADAM  
G. GRIEVE  
K. SINCERBOX  
D. PHILIPPS  
A. CONNORS  
S. DEGROAT  
A. CURLEY  
T. VANDERBEEK  
S. MATHEWS  
R. LEVINE  
B. DORFMAN  
R. BREGA

**Chair Schoenberger called meeting to order at 7:21 p.m.**

**ADOPTION OF MINUTES FROM JUNE 26, 2012**

**MOTION TO ADOPT  
LOW-HOGAN/GRANT**

**UNAN**

**1. BONDS/PUBLIC WORKS MATTERS:**

**NONE**

**2. GRANTS/DONATIONS:**

2A) REF. #5906

APPROVING ACCEPTANCE OF AN ANAEROBIC DIGESTER GAS ELECTRICITY PROGRAM GRANT FROM THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) IN THE AMOUNT OF \$690,560 (NCTD) TO BE USED TOWARDS THE REPLACEMENT OF THE COGENERATION UNITS AT THE WASTEWATER TREATMENT PLANT IN ORANGEBURG, NY AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] (\$690,560) (**DIANNE PHILIPPS, DIRECTOR OF SEWER DISTRICTS NO. 1**) **DL #2012-01924**

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

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, SOSKIN, EARL**

**3. BUDGET ITEMS:**

**NONE**

**4. AUTHORIZATIONS:**

4A) REF. #8183

APPROVING THE ACCEPTANCE OF CERTAIN CONVEYANCES OF REAL PROPERTY WHICH ARE BEING GRATUITOUSLY OFFERED TO THE COUNTY OF ROCKLAND BY VARIOUS GRANTORS AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ANY DOCUMENTS TO EFFECTUATE THE ACCEPTANCE OF SUCH CONVEYANCES [DEPARTMENT OF HIGHWAYS] (**CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAY-DRAINAGE AGENCY**) **DL #2012-02166**

**MOTION TO APPROVE  
MURPHY/EARL**

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, GRANT, SOSKIN, EARL**

Page 3  
B&F/MIN  
7/09/12

4B) REF. #5614

AUTHORIZING AND APPROVING THE SALE OF COUNTY OWNED REAL PROPERTY LOCATED AT 185 NORTH MAIN STREET, SPRING VALLEY, NEW YORK [DEPARTMENT OF BUDGET & FINANCE] (**STEPHEN DEGROAT, ACTING COMMISSIONER OF BUDGET & FINANCE**) DL #2012-02469

ACTING COMMISSIONER OF FINANCE STEPHEN DEGROAT SAID THAT THE BIDDER SUCCESSFUL BY THE COUNTY EXECUTIVE WAS \$4,200,000. THIS IS HIGHER THAN THE ESTIMATE OF \$2,500,000 FOR THE BUILDING. THE COUNTY HAD 3 BIDDERS. THE LOWEST BID WAS FROM THE VILLAGE OF SPRING VALLEY FOR \$1,700,000.

**MOTION TO APPROVE  
MURPHY/GRANT**

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, GRANT, SOSKIN, EARL**

4C) REF. #9075

AUTHORIZING AND APPROVING THE SALE OF COUNTY OWNED REAL PROPERTY LOCATED AT 2 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK [DEPARTMENT OF BUDGET & FINANCE] (**STEPHEN DEGROAT, ACTING COMMISSIONER OF BUDGET & FINANCE**) DL #2012-02470

ACTING COMMISSIONER OF FINANCE STEPHEN DEGROAT SAID THAT THE APPRAISAL VALUE AS VACANT FOR THE PROPERTY IS \$3,000,000. THE COUNTY RECEIVED 2 BIDS FOR THE PROPERTY, THE HIGHEST BID WAS \$4,000,000 FROM CHASE BANK.

**MOTION TO APPROVE  
GRANT/EARL**

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, GRANT, SOSKIN, EARL**

**5. CONTRACTS/AGREEMENTS:**

5A) REF. #5327

APPROVING AMENDMENT AND EXTENSION TO AGREEMENT IN EXCESS OF \$100,000 WITH EAGLE PROFESSIONAL SERVICES CORP. IN THE ADDITIONAL AMOUNT OF \$38,804 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$172,853 FOR CONSULTANT SERVICES AS DIRECTOR OF THE POLICE ACADEMY AT THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY UNDER RFP-RC-2010-23 FOR THE PERIOD FROM JUNE 16, 2012 THROUGH NOVEMBER 16, 2012 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$172,853)  
**(LOUIS FALCO, III, SHERIFF) DL #2012-02271**

**MOTION TO APPROVE  
SOSKIN/MURPHY**

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, SOSKIN, EARL**

5B) REF. #5327

APPROVING AMENDMENT AND EXTENSION TO AGREEMENT IN EXCESS OF \$100,000 WITH PTD SYSTEMS, INC. IN THE ADDITIONAL AMOUNT OF \$32,458, FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$144,584 FOR USE OF FORCE COORDINATOR SERVICES AT THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY UNDER RFP-RC-2010-23 FOR THE PERIOD FROM JUNE 16, 2012 THROUGH NOVEMBER 16, 2012 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$144,584)  
**(LOUIS FALCO, III, SHERIFF) DL #2012-02274**

**MOTION TO APPROVE  
MURPHY/LOW-HOGAN**

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, SOSKIN, EARL**

5C) REF. #5327

APPROVING AMENDMENT AND EXTENSION TO AGREEMENT IN EXCESS OF \$100,000 WITH STEVEN HEUBECK IN THE ADDITIONAL AMOUNT OF \$32,111, FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$143,041 FOR IN-SERVICE AND SPECIALIZED TRAINING COORDINATOR AT THE ROCKLAND COUNTY POLICE & PUBLIC SAFETY ACADEMY UNDER RFP-RC-2010-23 FOR THE PERIOD FROM JUNE 16, 2012 THROUGH NOVEMBER 16, 2012 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$143,041) **(LOUIS FALCO, III, SHERIFF) DL #2012-02278**

**MOTION TO APPROVE  
EARL/SOSKIN**

**UNAN**

**ADDED SPONSORS SCHOENBERGER, CORNELL, SOSKIN, EARL**

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

**NONE**

**7. BIDS:**

7A) REF. #2994

DETERMINING THAT THE VARIANCES IDENTIFIED IN THE BIDS OF BREGA TRANSPORT CORP., MV TRANSPORTATION AND ROCKLAND TRANSIT CORP. ARE MATERIAL AND REJECTING SAID BIDS AS NON-RESPONSIVE TO THE REQUIREMENTS OF RFB-RC-2012-002 FOR TRANSIT OPERATIONS AND MAINTENANCE [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] **(GERALD WALSH, COMMISSIONER OF DGS-PURCHASING) DL #2012-02234**

THOMAS VANDERBEEK, COMMISSIONER OF PUBLIC TRANSPORTATION SAID THERE WAS AN ISSUE ABOUT A YEAR AGO WITH 4 PROPOSALS FOR SERVICES. PROPOSALS WERE REJECTED AND REISSUED; THEY SHOULD HAVE BEEN A REQUEST FOR BIDS (RFB) NOT REQUEST FOR PROPOSALS (RFP). IN REVIEWING THE BIDS, THE FIRST STEP WAS TO REVIEW FOR "RESPONSIVENESS" ONCE THE BIDDER HAS PASSED THAT STAGE THEN "RESPONSIBILITY" WOULD BE LOOKED AT SECOND.

LEGISLATOR LOW-HOGAN ASKED FOR A DEFINITION OF "RESPONSIVENESS" AS OPPOSED TO "RESPONSIBILITY". THOMAS SIMETI, DEPUTY COUNTY ATTORNEY READ A LETTER PREPARED BY PAUL BRENNAN, DIRECTOR OF PURCHASING (MR. BRENNAN WAS ABSENT DUE TO AN AUTOMOBILE ACCIDENT). IN THE LETTER AN EXPLANATION WAS GIVEN FOR RESPONSIVENESS AND RESPONSIBILITY AND OTHER INFORMATION WAS ALSO GIVEN. CHAIRWOMAN CORNELL, REQUESTED A COPY OF THE LETTER THAT PAUL BRENNAN PREPARED. CHAIR SCHOENBERGER, ASKED THOMAS SIMETI WHO DETERMINES WHETHER THE RESOLUTION WILL BE ACCEPTED OR NOT. MR. SIMETI REPLIED THAT IT'S A RECOMMENDATION. IT IS UP TO THE LEGISLATURE TO ACCEPT OR REJECT THE RESOLUTION. CHAIR SCHOENBERGER STATED THAT THE PROCESS IS NOT BEING FOLLOWED. CHAIR SCHOENBERGER OPINED THAT THE ADMINISTRATION SHOULD START WITH THE LOWEST BIDDER AND MAKE A DETERMINATION IF THEY ARE A RESPONSIBLE BIDDER.

LEGISLATOR SPARACO AGREED WITH CHAIR SCHOENBERGER AND SAID THIS WILL BE THE FOURTH TIME IF THE BID GETS THROWN OUT. LEGISLATOR SPARACO SAID THAT THE CURRENT PURCHASING DIRECTOR IS NOT CAPABLE AND WE SHOULD HIRE SOMEONE CAPABLE TO DO THE JOB.

CHAIRWOMAN CORNELL FELT THAT IT WAS NOT UP TO THE LEGISLATURE TO MAKE DECISIONS FOR THE BID PROCESS THERE ARE DEPARTMENTS THAT MAKE THOSE DECISIONS. CHAIR SCHOENBERGER EXPRESSED CONCERN WITH SOME OF THE VARIANCES IN THE BID BACKUP TO THE RESOLUTION DEALING WITH RESPONSIVENESS; CHAIR SCHOENBERGER CHALLENGED THE REQUIREMENT FOR SPECIFIC YEARS OF EXPERIENCE. HE WENT ON TO SAY THAT YEARS ALONE IS NOT VALID. YOU CAN HAVE SOMEONE RESPONSIBLE WITH EXPERIENCE OF 2 YEARS AND SOMEONE ELSE WHO IS WORST THAT HAS 10 YEARS OF EXPERIENCE. CHAIR SCHOENBERGER SAID THAT IF THE LOWEST BIDDER IS RESPONSIBLE THEY SHOULD GET THE CONTRACT.

LEGISLATOR MURPHY SUGGESTED THAT WE PUT THE RESOLUTION ON HOLD UNTIL PAUL BRENNAN IS ABLE TO ATTEND THE MEETING. LEGISLATOR MURPHY SAID THE EVENINGS PROCEEDINGS HAVE BEEN COMPROMISED AND HE FEELS THAT SOMEONE SHOULD NOT BE SPOKEN ABOUT NEGATIVELY IF THEY ARE NOT THERE TO DEFEND THEMSELVES.

LEGISLATOR GRANT WANTED TO KNOW WHO WERE THE MEMBERS OF THE TEAM THAT WAS RESPONSIBLE FOR THE BID REVIEW PROCESS. REPLY GIVEN BY THOMAS SIMETI, DEPUTY COUNTY ATTORNEY THE TEAM IS MADE UP OF; PEOPLE FROM THE LAW DEPT., PURCHASING DEPT., COUNTY EXECUTIVE AND OUTSIDE COUNSEL.

RICHARD BREGA, FROM BREGA TRANSPORT CORP. SAID THAT HE WAS NEVER SENT ANY CORRESPONDENCE AND THAT HE WAS NOT MADE AWARE OF THE VARIANCES.

CHAIR SCHOENBERGER ASKED MR. SIMETI IF THE 3 BIDDERS CAN GET A COPY OF THE LETTERS THAT WERE PART OF THE BACK UP IN THE RESOLUTION. THERE WERE 2 LETTERS ONE FROM TO PAUL BRENNAN TO COUNTY EXECUTIVE AND THE OTHER WAS FROM THOMAS SIMETI TO PAUL BRENNAN. MR. SIMETI REPLIED NO, BUT WE CAN DO AN EXCERPT TO THE LETTER. MR. SIMETI SAID THAT AFTER THE LEGISLATURE MAKES A DECISION THEN LETTERS WILL BE SENT OUT TO EACH BIDDER WITH THE REASONS WHY THEY WERE DENIED. CHAIRWOMAN CORNELL ASKED MR. SIMETI ARE YOU SAYING THAT AFTER THE LEGISLATURE MAKES A DECISION ON THIS RESOLUTION THEN LETTERS WILL BE SENT OUT TO THE 3 BIDDERS AND THEN YOU WILL GIVE THEM A CHANCE TO RESPOND TO THE ALLEGED DEFICIENCIES. THOMAS SIMETI REPLIED, "YES", CHAIRWOMAN CORNELL REPEATING HERSELF AGAIN TO MAKE SURE SHE WAS UNDERSTANDING MR. SIMETI CORRECTLY AND AGAIN MR. SIMETI REPLIED YES.

RICHARD BREGA SAID THAT IN THE PPW COMMITTEE MEETING ON MAY 31, 2011 PAUL BRENNAN DEEMED HIS COMPANY AS QUALIFIED. MR. BREGA ALSO STATED THAT HE HAS SUBMITTED 10 REFERENCES NOT 2 AS STATED IN BACKUP REGARDING VARIANCES. MR. BREGA ASKED THAT THE BID PROCESS NOT START OVER BECAUSE NOW EVERYONE KNOWS HIS LOW BID.

LEGISLATOR SPARACO SAID THAT MR. BREGA WAS TRYING TO PROVIDE INFORMATION TO THE LEGISLATURE BY HANDING OUT BINDERS REGARDING THE BID. LEGISLATOR SPARACO WENT ON TO SAY THAT LEGISLATIVE COUNSEL DIRECTED THE LEGISLATURE TO GIVE THE BINDERS BACK. LEGISLATOR SPARACO SAID THAT HE DIDN'T UNDERSTAND WHY THE COMMITTEE WAS NOT ALLOWED TO REVIEW THE INFORMATION. LEGISLATOR SPARACO THEN SAID ALL THE TIME IN MEETINGS PEOPLE SUBMIT INFORMATION, PASS IT OUT TO THE LEGISLATURE AND THE LEGISLATURE READS ALONG WITH THEM- WHY IS THIS TIME ANY DIFFERENT.

RICHARD SARAJIAN, FROM FIRM OF MONTALBANO, CONDON & FRANK P.C. THE ATTORNEY FOR MV TRANSPORTATION SAID THAT HE DIDN'T KNOW ABOUT ANY VARIANCES THE COMPANY WAS NEVER TOLD. GEORGE GRIEVE FROM ROCKLAND TRANSIT CORPORATION SAID THAT THE COMPANY THAT HE REPRESENTS HAD NO COPIES OF THE VARIANCES. MR. GRIEVE REQUESTED A LIST OF THE VARIANCES SO THAT THE COMPANY COULD RESPOND.

**NO MOTION/NO ACTION TAKEN**

**ACTION:**

**CHAIRWOMAN CORNELL REQUESTED THAT A COPY OF THE STATEMENT READ BY MR. THOMAS SIMETI, REPRESENTED TO BE MR. PAUL BRENNAN'S COMMENTS, BE SUBMITTED TO THE LEGISLATURE.**

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

**MOTION TO ADJOURN 10:00 P.M.  
MURPHY/EARL**

**UNAN**

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating 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."