

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 25, 2015
7:00 P.M.**

ROLL CALL

ADOPTION OF MINUTES OF 7/28/15

1. REF. NO. 8293 APPROVING ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$1,971,000 (WITH A \$2,132,000 LOCAL SHARE WHICH DOES NOT INVOLVE THE EXPENDITURE OF COUNTY TAX DOLLARS) FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR TAPPAN ZEE EXPRESS BUS SERVICE FOR THE PERIOD FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCEPT THIS GRANT [DEPARTMENT OF PUBLIC TRANSPORTATION] (\$1,971,000) **(DOUGLAS J. SCHUETZ, ACTING COMMISSIONER, PUBLIC TRANSPORTATION) DL# 2015-03004**

2. REF. NO. 6394 AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS IN THE AMOUNT OF \$297,000 FOR THE RECONSTRUCTION OF RIVER ROAD FROM STEVENSON STREET TO THE TAPPAN ZEE BRIDGE, IN THE VILLAGE OF GRAND VIEW ON THE HUDSON AND TOWN OF ORANGETOWN ROCKLAND COUNTY CAPITAL ACCOUNT NO. 3269 (PIN 8755.22) AND APPROVING EXECUTION OF THE AGREEMENT BY THE COUNTY EXECUTIVE [DEPARTMENT OF HIGHWAYS] (\$297,000) **(CHARLES H. VEZZETTI, SUPERINTENDENT OF HIGHWAYS) DL# 2015-03350**

3. REF. NO. 9326 APPROVING A FOURTH AMENDMENT TO THE AGREEMENT IN EXCESS OF \$100,000 WITH BREGA TRANSPORT CORP. IN THE ADDITIONAL AMOUNT OF \$5,638,796.22 FOR THE TRANSPORTATION OF PRE-SCHOOL AND EARLY INTERVENTION CHILDREN WITH SPECIAL NEEDS FOR THE DEPARTMENT OF HEALTH UNDER RFB-RFC-2012-001 FOR THE PERIOD FROM SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2016 WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL ONE (1) YEAR TERM FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$19,556,232.84 FROM THE COMMENCEMENT DATE SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2016 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [DEPARTMENT OF GENERAL SERVICES, DIVISION OF PURCHASING] (\$19,556,232.84) **(PAUL J. BRENNAN, DIRECTOR DGS-PURCHASING) DL# 2015-03365**
4. REF. NO. 2825 AMENDING RESOLUTION NO. 201 OF 2015 FOR PURCHASE IN EXCESS OF \$100,000 BY FORMAL PURCHASE ORDERS FROM GILLIG LLC FOR THE PURCHASE OF TWO (2) 29' AND TWO (2) 35' 12 YEAR HEAVY DUTY LOW DIESEL BUSES IN THE ADDITIONAL AMOUNT OF \$67,304 FOR A TOTAL AMOUNT NOT TO EXCEED \$1,565,512 FOR THE DEPARTMENT OF PUBLIC OF TRANSPORTATION UNDER AN ORANGE COUNTY CONTRACT UNDER RFB-OC-091-11 (NO COUNTY TAX DOLLARS) [DEPARTMENT OF GENERAL -DIVISION OF PURCHASING] (\$1,565,512) **(PAUL J. BRENNAN , DIRECTOR DGS-PURCHASING) DL# 2015-03427**
5. REF. NO. 6306 BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR COSTS OF IMPROVEMENTS TO BUILDING L-ROOF AND EXTERIOR BUILDING REPAIRS (CAPITAL PROJECT NO. 2097), STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$900,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF **(ROBERT H. GRUFFI, P.E. LEED AP, DIRECTOR OF FACILITIES MANAGEMENT) LM# 2015-02502**
6. REF. NO. 5906 APPROVING AMENDMENT AND EXTENSION OF AGREEMENT IN EXCESS OF \$100,000 WITH VEOLIA WATER NORTH AMERICA-NORTHEAST LLC IN THE AMOUNT OF \$1,039,759 FOR TOTAL CONTRACT SUM NOT TO EXCEED \$5,919,983 (AMOUNTS SUBJECT TO 2016 CPI AND PPI ADJUSTMENTS) AND EXTENDING THE AGREEMENT ON A MONTH TO MONTH BASIS FOR THE PERIOD SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2016 FOR A TOTAL CONTRACT PERIOD FROM SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2016 FOR THE OPERATION AND MAINTENANCE OF WESTERN RAMAPO ADVANCED WASTEWATER TREATMENT PLANT AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1 ("DISTRICT")] (\$5,919,983) (SUBJECT TO 2016 CPI AND PPI ADJUSTMENTS) **(DIANNE PHILIPPS , P.E. EXECUTIVE DIRECTOR, RC SEWER DISTRICT NO. 1) DL# 2015-03074**

7. REF. NO. 5906 APPROVING AGREEMENT IN EXCESS OF \$100,000 WITH METRA INDUSTRIES, INC. IN AN AMOUNT NOT TO EXCEED \$7,465,155 FOR CONTRACT WR03-06, FOR THE WESTERN RAMAPO SANITARY SEWER PROJECT-OVERLOOK DRIVE EAGLE VALLEY ROAD, JOHNSTOWN ROAD, GRINDER PUMPS AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] (\$7,465,155) **(DIANNE T. PHILIPPS, EXECUTIVE DIRECTOR, SEWER DISTRICT NO. 1) DL# 2015-03683**
8. REF. NO. 7442 BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR COSTS OF AQUISITION OF COMPUTER HARDWARE AND SOFTWARE TO UPGRADE THE COUNTY'S INTEGRATED FINANCIAL AND HUMAN RESOURCES SOFTWARE SYSTEM (CAPITAL PROJECT NO. 2096), STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$3,500,000, APPROPRIATING \$1,800,000 THEREFOR, IN ADDITION TO THE \$1,700,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$1,800,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION **(ROBERT H. GRUFFI, P.E. LEED AP, DIRECTOR OF FACILITIES MANAGEMENT) LM# 2015-02495**

RESOLVED, That the grant in the amount of \$1,971,000 which consists of \$1,576,800 (80%) federal share and \$394,200 (20%) state share is included in the 2015 Adopted Budget of the Department of Public Transportation; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all instruments and documents necessary to accept this grant, subject to the approval of the County Attorney; and be it further

RESOLVED, That acceptance of this grant requires a local share of \$2,132,000 which does not involve the expenditure of County tax dollars because the local share will be met with MTA special allocation funds.

TS:lo
2015-03004
7/24/15
rev 8/18/15

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Introduced by:

Referral No.

RESOLUTION NO. OF 2015
AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST
INSTANCE 100% OF THE FEDERAL-AID AND STATE
“MARCHISELLI” PROGRAM –AID ELIGIBLE COSTS, OF A
TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING
FUNDS IN THE AMOUNT OF \$297,000
FOR THE RECONSTRUCTION OF RIVER ROAD FROM
STEVENSON STREET TO THE TAPPAN ZEE BRIDGE, IN
THE VILLAGE OF GRAND VIEW ON THE HUDSON
AND THE TOWN OF ORANGETOWN ROCKLAND COUNTY
CAPITAL ACCOUNT NO. 3269 (PIN 8755.22)
AND APPROVING EXECUTION OF THE AGREEMENT BY
THE COUNTY EXECUTIVE
[DEPARTMENT OF HIGHWAYS]
(\$297,000)

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WHEREAS, A project for the Reconstruction of River Road from Stevenson Street to the Tappan Zee Bridge in the Village of Grand View On the Hudson and the Town of Orangetown, Rockland County, identified as PIN 8755.22 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Rockland County desires to advance the Project by making a commitment of 100% of federal and non-federal share of the costs of right-of-way acquisition; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the above-subject project; and be it hereby further

RESOLVED, That the Legislature of Rockland County hereby authorizes Rockland County to pay in the first instance 100% of the federal and non-federal share of the cost of right-of-way acquisition work for the Project or portions thereof; and be it further

RESOLVED, That the sum of \$297,000 is hereby appropriated from Capital Account No. 3269 and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, That in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Rockland County Legislature shall convene as soon as possible to consider appropriating said excess amount immediately upon the notification by the County Executive thereof; and be it further

RESOLVED, That the Rockland County Executive be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of Rockland County with the New York State Department of Transportation ("NYSDOT") in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That the Rockland County Executive is hereby authorized to execute any necessary Agreements or certifications on behalf of the County of Rockland, with NYSDOT in connection with the advancement or approval of the Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, That this Resolution shall take effect immediately.

TS:lo
2015-03350
8/5/15
rev. 8/18/15

to amend the unit prices for the period from September 1, 2013 through August 31, 2014, with no change to the total contract amount; and

WHEREAS, By Resolution No. 461 of 2014, the Legislature of Rockland County approved a third amendment to the agreement in excess of \$100,000 with Brega Transport Corp., 500 Corporate Court, Valley Cottage, New York 10989, to provide transportation services for pre-school and early intervention children with special needs for the Department of Health under RFB-RC-2012-001 in the additional amount of \$80,000.00, for a total contract amount not to exceed \$13,917,436.62 for the period from September 1, 2012 through August 31, 2015 with the option to renew for two (2) additional one (1) year terms, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing, for a total contract amount not to exceed \$13,917,436.62 from the commencement date September 1, 2012 through August 31, 2015; and

WHEREAS, Brega Transport Corp., 500 Corporate Court, Valley Cottage, New York 10989, has agreed to renew this agreement at current contract prices; and

WHEREAS, The Department of Health has advised that the population of children serviced under this agreement has decreased, however, trip quantities have increased due to increased routes and locations of the children being serviced under this agreement; and

WHEREAS, The Commissioner of Health and the Director of Purchasing recommend that the County Executive and the Legislature of Rockland County approve a fourth amendment to the agreement in excess of \$100,000 with Brega Transport Corp., 500 Corporate Court, Valley Cottage, New York 10989, to provide transportation of pre-school and early intervention children with special needs for the Health Department under RFB-RC-2012-001 in the additional amount of \$5,638,796.22 for the period from September 1, 2015 through August 31, 2016 with the option to renew for one (1) additional one (1) year term, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing, for a total contract amount not to exceed \$19,556,232.84 from commencement date September 1, 2012 through August 31, 2016; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2015 Budget of the Health Department and is contingent upon 2016 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 Committees of this Legislature have met, considered and approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves a fourth amendment to the agreement in excess of \$100,000 with Brega Transport Corp., 500 Corporate Court, Valley Cottage, New York 10989, to provide transportation of pre-school and early intervention children with special needs for the Health Department under RFB-RC-2012-001 in the additional amount of \$5,638,796.22 for the period from September 1, 2015 through August 31, 2016 with the option to renew for one (1) additional one (1) year term, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing, for a

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total contract amount not to exceed \$19,556,232.84 from commencement date September 1, 2012 through August 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 these purchases is provided for in the 2015 Budget of the Health Department and is contingent upon 2016 budget appropriations.

LHG:lo
2015-03365
7/23/15

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Introduced by:

Referral No.

**RESOLUTION NO. OF 2015
AMENDING RESOLUTION NO. 201 OF 2014
FOR PURCHASES IN EXCESS OF \$100,000
BY FORMAL PURCHASE ORDERS FROM
GILLIG LLC FOR THE PURCHASE OF TWO (2) 29' AND
TWO (2) 35' 12 YEAR HEAVY DUTY LOW FLOOR DIESEL BUSES
IN THE ADDITIONAL AMOUNT OF \$67,304
FOR A TOTAL AMOUNT NOT TO EXCEED \$1,565,512
FOR THE DEPARTMENT OF PUBLIC TRANSPORTATION
UNDER AN ORANGE COUNTY CONTRACT UNDER RFB-OC-091-11
(NO COUNTY TAX DOLLARS)
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
(\$1,565,512)**

WHEREAS, By Resolution No. 201 of 2014 the Rockland County Legislature approved purchases in excess of \$100,00 by formal purchase orders with Gillig LLC, of Haywood, California, for the purchase of two (2) 29' and two (2) 35' 12 year heavy duty low floor diesel buses for the Department of Public Transportation under an Orange County contract under RFB-OC-091-11 for a total amount not to exceed \$1,498,208; and

WHEREAS, The Department of Public Transportation has requested several additional subcomponent changes to the base bus in the Orange County bid during the Pre-Build meetings as per the Pricing Summary dated July 14, 2015; and

WHEREAS, Several of the requested changes included additional extensions to the original warranties for the engines and transmissions, changing to an alternate E-Fan System, deleting the digital recording systems; and adding a farebox system with a three (3) year warranty for each of the two (2) 35' buses; and

WHEREAS, All four buses remain materially and substantially the same as the Orange County buses; and

WHEREAS, Resolution 201 of 2014 approved pricing for the two (2) 29' buses at \$370,139 each and the two (2) 35' bus at \$378,965 each, for a total amount not to exceed \$1,498,208; and

WHEREAS, The revised pricing for the two (2) 29' buses is \$376,218 each, and the revised pricing for the two (2) 35' buses is \$406,538 each, for a total amount not to exceed

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\$1,565,512, which represents a total increase in the purchase price of the four (4) buses of \$67,304; and

WHEREAS, The Director of Purchasing and the Commissioner of the Department of Public Transportation recommend that Resolution No. 201 of 2014 be amended to approve an increase of \$67,304 to the total purchase price for the two (2) 29' and two (2) 35' 12 year heavy duty low floor diesel buses from Gillig LLC, of Haywood, California, increasing the total amount for the four (4) buses from \$1,498,208 to a total not to exceed amount of \$1,565,512; and

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

WHEREAS, Sufficient funding for this purchase is provided for in the 2015 Adopted Capital Budget; Capital Account No. 18824.

WHEREAS, The adoption of this resolution does not involve the expenditure of any County tax dollars; 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 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 to Resolution No. 201 of 2014 to approve an increase of \$67,304 to the total purchase price for the two (2) 29' and two (2) 35' 12 year heavy duty low floor diesel buses from Gillig LLC, of Haywood, California, increasing the total amount for the four (4) buses from \$1,498,208 to a total not to exceed amount of \$1,565,512, with all purchases to be initiated 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 2015 Adopted Capital Budget; Capital Account No. 18824.

LHG:lo
2015-03427
7/31/15

RESOLUTION NO. _____ OF 2015

BOND RESOLUTION DATED _____, 2015

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR COSTS OF IMPROVEMENTS TO BUILDING L-ROOF AND EXTERIOR BUILDING REPAIRS (CAPITAL PROJECT NO. 2097), STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$900,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Adopted) _____, 2015

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. 2097 for the Department of General Services, Facilities Management, consisting of roof improvements and exterior building repairs to Building L at 50 Sanatorium Road in Pomona, all as more particularly described in the County's 2015 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$900,000 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 \$900,000 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 building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and 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. 12.(a)(2) of the Law, is fifteen (15) 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 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.

* * *

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.

* * *

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Introduced by:

Referral No.

RESOLUTION NO. OF 2015
APPROVING AMENDMENT AND EXTENSION
OF AGREEMENT IN EXCESS OF \$100,000 WITH
VEOLIA WATER NORTH AMERICA-NORTHEAST LLC
IN THE AMOUNT OF \$1,039,759
FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$5,919,983
(AMOUNTS SUBJECT TO 2016 CPI AND PPI ADJUSTMENTS)
AND EXTENDING THE AGREEMENT ON A MONTH TO MONTH BASIS
FOR THE PERIOD SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2016
FOR A TOTAL CONTRACT PERIOD FROM SEPTEMBER 1, 2010 THROUGH
AUGUST 31, 2016
FOR THE OPERATION AND MAINTENANCE OF
WESTERN RAMAPO ADVANCED WASTEWATER
TREATMENT PLANT
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY SEWER DISTRICT NO. 1 ("District")]
(\$ 5,919,983) (SUBJECT TO 2016 CPI AND PPI ADJUSTMENTS)

WHEREAS, The Advanced Wastewater Treatment Plant ("AWTP") in Western Ramapo was built under special legislation from New York State so it could be constructed and operated under a design build operate formula; and

WHEREAS, After legislative approval, a service agreement for the design construction and operation of the AWTP (the "Service Agreement") was signed on May 6, 2006 with Veolia Water, N.A.-Northeast, LLC ("Veolia"); and

WHEREAS, Veolia designed and constructed the AWTP and is currently operating and maintaining the AWTP for an initial five year term which expires on August 31, 2015; and

WHEREAS, the Service Agreement includes long-term options to renew the agreement at the conclusion of the initial five year term; and

WHEREAS, the District and Veolia have been engaging in good-faith negotiations to extend the Service Agreement and agree upon one of the options to renew, but the terms will not be finalized prior to the expiration of the current service agreement; and

WHEREAS, Veolia has requested, and the District has approved, an interim extension of the Service Agreement for the operation and maintenance of the AWTP on a month-to-month basis, not to exceed twelve months in order to attempt to finalize a longer extension of the

Service Agreement, or if an agreement cannot be reached, the District would have the option to terminate the Service Agreement and issue an RFP for overseeing operations of the AWTP; and

WHEREAS, The Board of Commissioners of the District by its Resolution No. 31 of 2015 has requested that the County Executive and the Rockland County Legislature authorize an amendment and extension of the agreement with Veolia Water North America-Northeast LLC, 53 State Street, 14th Floor, Boston, Massachusetts 02109, in the additional amount of \$1,039,759 (subject to 2016 CPI and PPI) for a total contract sum not to exceed \$5,919,983 (subject to 2016 CPI and PPI), for operation and maintenance of the AWTP and extending the agreement on a month to month basis for the period September 1, 2015 through August 31, 2016; and

WHEREAS, The contract amendment amount as set forth herein was calculated in conformance with the methodology provided in the Service Agreement, including a historical review and analysis involving the first five years of expenses with annual CPI and PPI adjustments, and was approved by the District and by Veolia as reasonable and within the scope contemplated by said agreement; and

WHEREAS, Sufficient funding for the 2015 portion of this agreement is provided for in the Sewer's 2015 Budget (Dept. 8131, line E4090) and the 2016 portion of this agreement is contingent upon sufficient funding being appropriated in the Sewer's 2016 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 _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County approves an amendment and extension of an agreement in excess of \$100,000 with Veolia Water North America-Northeast LLC, 53 State Street, 14th Floor, Boston, Massachusetts 02109, for an additional amount of \$1,039,759 (subject to 2016 CPI and PPI) for a total contract sum not to exceed \$5,919,983 (subject to 2016 CPI and PPI) for operation and maintenance of the Western Ramapo Advanced Wastewater Treatment Plant and extending the agreement on a month to month basis for the period September 1, 2015 through August 31, 2016, and authorizing its execution by the County Executive, subject to the review of the County Attorney; and be it further

RESOLVED, That sufficient funding for the 2015 portion of this agreement is provided for in the Sewer's 2015 Budget (Dept. 8131, line E4090) and the 2016 portion of this agreement is contingent upon sufficient funding being appropriated in the Sewer's 2016 Budget.

DB:vma

2015-03074

7/9/15; 8/3/15; 8/18/15

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 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 Metra Industries, Inc., 50 Muller Place, Little Falls, New Jersey 07424, for a total contract not to exceed \$7,465,155, for the Western Ramapo Sanitary Sewer System Project - Overlook Drive, Eagle Valley Road, Johnstontown Road, and Grinder Pumps, Contract WR03-06, and authorizes its execution by the County Executive, subject to the review of the County Attorney; and be it further

RESOLVED, That sufficient funding for this agreement is provided for in the 2015 Adopted Capital Budget, Capital Project Account No. 6150 - Western Ramapo Sewer Extension.

DB:lo
2015-03683
8/12/15

2015-03683

RESOLUTION NO. _____ OF 2015

BOND RESOLUTION DATED _____, 2015

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR COSTS OF ACQUISITION OF COMPUTER HARDWARE AND SOFTWARE TO UPGRADE THE COUNTY'S INTEGRATED FINANCIAL AND HUMAN RESOURCES SOFTWARE SYSTEM (CAPITAL PROJECT NO. 2096), STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$3,500,000, APPROPRIATING \$1,800,000 THEREFOR, IN ADDITION TO THE \$1,700,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$1,800,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

(Adopted) _____, 2015

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. 2096 for the Department of General Services, Facilities Management, consisting of acquisition of computer hardware and software to upgrade the County's Integrated Financial and Human Resources Software System, all as more particularly described in the County's 2015 Capital Budget, as amended. The estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000, and \$1,800,000 is hereby appropriated therefor, in addition to the \$1,700,000 previously appropriated pursuant to Resolution No. 346 of 2013 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$1,800,000 bonds of the County herein authorized 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 \$1,800,000 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 objects or purposes for which the bonds authorized by this resolution is to be issued, within the limitations of Section 11.00 a. 89 of the Law, is five (5) 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.

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