

The Legislature of Rockland County



ILAN S SCHOENBERGER
Legislator – District 4

Chair, Planning & Public Works Committee
Budget & Finance Committee

MINUTES
PLANNING & PUBLIC WORKS COMMITTEE
TUESDAY, SEPTEMBER 13, 2016
7:00 PM

MEMBERS PRESENT

I. SCHOENBERGER, CHAIR
M. GRANT, 2nd VICE CHAIR
N. LOW-HOGAN
C. CAREY

MEMBERS ABSENT

A. WOLFE, VICE CHAIR
A. PAUL
P. MORONEY

OTHERS PRESENT

LEG. SOSKIN
LEG. HOOD, JR.
E. YEGER, ESQ.
L. FALCO
R. VAN CURA
B. BOTTA
LEG. CORNELL
N. DOLINER
L. INCALCATERRA
M. BARBERA
D. SCHUETZ
A. SILVA-EXIAS

ROLL CALL AT 7:00 P.M.

ADOPTION OF MINUTES: 8/2/16 (JOINT PPW & B&F MTG.) **8/30/16** (JOINT PPW & B&F MTG)

MOTION TO ADOPT
CAREY/LOW-HOGAN

UNAN.

NOTE: MINUTES AMENDED AT BUDGET & FINANCE COMMITTEE MEETING

1. REFERRAL NO. 5906 (A) APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000 FROM NRP GROUP FOR THE INSTALLATION AND OPERATION OF ODOR CONTROL SYSTEMS AT VARIOUS PUMP STATIONS FOR ROCKLAND COUNTY SEWER DISTRICT NO. 1 IN THE ADDITIONAL AMOUNT OF \$122,265 FOR THE PERIOD FROM DECEMBER 1, 2016 THROUGH NOVEMBER 30, 2017 WITH ONE (1) ADDITIONAL ONE (1) YEAR OPTION TERM FOR A TOTAL AMOUNT NOT TO EXCEED \$489,060 FROM THE COMMENCEMENT DATE DECEMBER 1, 2013 THROUGH NOVEMBER 30, 2017 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER UNDER RFB-RC-2012-025 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING] (\$489,060)
(PAUL J. BRENNAN, DIRECTOR, DGS PURCHASING) DL#: 2016-03065

MOTION TO APPROVE
LOW-HOGAN/SCHOENBERGER

UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE

ADDED SPONSORS: SCHOENBERGER, LOW-HOGAN

ACTION:

LEGISLATIVE COUNSEL TO CONTACT DIANNE PHILLIPS, SEWER DISTRICT, TO INFORM HER THAT HER PRESENCE WAS MISSED AT THE MEETING AND REQUESTING HER TO ATTEND ALL FUTURE MEETINGS WHERE SEWER DISTRICT ITEMS ARE ON THE AGENDA.

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- (B)** APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000 FROM FRANK STEVENS & SONS ROOFING, INC. FOR ROOFING SYSTEMS – SERVICE, MAINTENANCE, REPAIR AND INSTALLATION FOR ROCKLAND COUNTY SEWER DISTRICT NO. 1 AND THE DEPARTMENT OF GENERAL SERVICES IN THE ADDITIONAL AMOUNT OF \$100,000 FOR THE PERIOD FROM NOVEMBER 4, 2016 THROUGH NOVEMBER 3, 2017 WITH ONE (1) REMAINING ONE (1) YEAR OPTION FOR A TOTAL AMOUNT NOT TO EXCEED \$474,870.18 FROM THE COMMENCEMENT DATE NOVEMBER 4, 2013 THROUGH NOVEMBER 3, 2017 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER UNDER RFB-RC-2013-082 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING] (\$474,870.18)
(PAUL J. BRENNAN, DIRECTOR, DGS PURCHASING) DL#: 2016-03064

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

**UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE**

ADDED SPONSORS: SCHOENBERGER, LOW-HOGAN

Mr. Grant stated that no department head came before the Committee to answer their questions at the direction of County Executive Ed Day with the exception of the Department of Law.

- (C)** APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000 FROM HAUSER BROTHERS, INC. IN AN ADDITIONAL AMOUNT OF \$250,000 FOR THE PERIOD FROM JUNE 20, 2016 THROUGH JUNE 19, 2017 FOR PLUMBING, MECHANICAL, PIPING WORK & MATERIALS FOR USE BY ROCKLAND COUNTY SEWER DISTRICT #1 AND THE DEPARTMENT OF GENERAL SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED \$1,400,000 FROM THE COMMENCEMENT DATE JUNE 20, 2013 THROUGH JUNE 19, 2017 WITH ONE (1) ADDITIONAL ONE (1) YEAR OPTION TERM WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER UNDER RFB-RC-2013-023 [DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING] (\$1,400,000)
(PAUL J. BRENNAN, DIRECTOR, DGS PURCHASING) DL#: 2016-03063

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

**UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE**

ADDED SPONSORS: SCHOENBERGER, LOW-HOGAN

Mr. Grant stated that June of this year they passed a resolution authorizing this contract for 2016. Now they are increasing it for 2017 – 2018 for \$250,000. The explanation given in the backup states that it is because of changes in the labor contracts, which does not make a lot of sense to me.

- 2. REFERRAL NO. 2946** AUTHORIZING AND DIRECTING THE CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS – FOR A CONSTRUCTION CONTRACT FOR THE LOWLAND HILL EMBANKMENT STABILIZATION PROJECT IN THE TOWN OF STONY POINT UNDER CAPITAL PROJECT NO. 7112 [DRAINAGE AGENCY]
(CHARLES H. VEZZETTI, CHAIRMAN, DRAINAGE AGENCY)
DL#: 2016-02965

**MOTION TO APPROVE
GRANT/CAREY**

**UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE**

ADDED SPONSORS: SCHOENBERGER, GRANT

Mr. Grant stated that the Commissioner is not here to provide them with an overview or answer questions. He doesn't understand how they are just tolerating this. He has no doubt that this project needs to be done.

- 3. REFERRAL NO. 8021** EXTENDING THE TERM OF DOUGLAS J. SCHUETZ AS ACTING COMMISSIONER OF PLANNING
(EDWIN J. DAY, COUNTY EXECUTIVE, COUNTY EXECUTIVE)
DL#: 2016-02738

**MOTION TO APPROVE
CAREY/GRANT, LOW-HOGAN, SCHOENBERGER**

UNAN.

ADDED SPONSORS: SCHOENBERGER, GRANT, LOW-HOGAN, CAREY

Mr. Grant asked Mr. Schuetz how many times his term was extended and if it was his choice.

Mr. Schuetz responded, every six months since June of 2014. He does not want to lose his civil service status. He is doing everything he can along with his staff who he is very fortunate to have.

- 4. REFERRAL NO. 2315 (A)** CONFIRMING THE APPOINTMENT OF CARL WORTENDYKE, UPPER NYACK, NEW YORK TO THE ROCKLAND COUNTY DRAINAGE AGENCY BOARD OF APPEALS
(EDWIN J. DAY, COUNTY EXECUTIVE, COUNTY EXECUTIVE)
DL#: 2016-02672

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

UNAN.

ADDED SPONSORS: SCHOENBERGER, GRANT, CAREY

- (B)** CONFIRMING THE APPOINTMENT OF THOMAS M. MICELLI, P.E., STONY POINT, NEW YORK TO THE ROCKLAND COUNTY DRAINAGE AGENCY BOARD OF APPEALS
(EDWIN J. DAY, COUNTY EXECUTIVE, COUNTY EXECUTIVE)
DL#: 2016-02687

**MOTION TO APPROVE
GRANT/CAREY, LOW-HOGAN, SCHOENBERGER**

UNAN.

ADDED SPONSORS: SCHOENBERGER, GRANT, CAREY

- (C) CONFIRMING THE APPOINTMENT OF BRIAN A. SICHOL, ESQ., MONTEBELLO, NEW YORK TO THE ROCKLAND COUNTY DRAINAGE AGENCY BOARD OF APPEALS
(EDWIN J. DAY, COUNTY EXECUTIVE, COUNTY EXECUTIVE)
DL#: 2016-02686

MOTION TO APPROVE
LOW-HOGAN/CAREY, GRANT, SCHOENBERGER

UNAN.

ADDED SPONSORS: SCHOENBERGER, GRANT, CAREY

- 5. REFERRAL NO. 2806** CONFIRMING THE APPOINTMENT OF JOSEPH T. CARUSO, POMONA, NEW YORK TO THE ROCKLAND COUNTY PLANNING BOARD
(EDWIN J. DAY, COUNTY EXECUTIVE, COUNTY EXECUTIVE)
DL#: 2016-02623

MOTION TO APPROVE
GRANT/CAREY

UNAN.

ADDED SPONSORS: SCHOENBERGER, GRANT, CAREY

- 6. REFERRAL NO. 9252 (A)** REJECTING ALL BIDS FOR THE REDUNDANT BACKUP PUBLIC SAFETY RADIO COMMUNICATIONS FACILITY UNDER CAPITAL PROJECT NO. 1479 [DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]
(ROBERT H. GRUFFI, DIRECTOR, FACILITIES MANAGEMENT)
DL#: 2016-02861

MOTION TO APPROVE
GRANT/LOW-HOGAN

UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE

ADDED SPONSORS: SCHOENBERGER, GRANT

Sheriff Falco explained that he and Mr. Day have been in dialog about this issue. We have a single point of failure and what that means is they have a brand new \$30,000,000 radio system that went into affect June 2015 bringing all the police agencies, EMS and fire agencies onto one radio system so they could all communicate with each other. The responsibility to maintain the system falls upon the Sherriff and the communications center. Part of the E-911 surcharge that comes into the County and part of our responsibility is for us to have a redundant backup radio communications system so they do not have a single point of failure. The radio communications center dispatches a number of police departments, all fire agencies and a number of EMS services. In fact, if that went down there would be a major problem in Rockland County. Additionally, it also acts as the main backup for every police agency. We have had from Sandy until today five or six police agencies who lost their communications center thereby coming up to our communications system in Pomona and we give them the authority to take over from there to control their police agencies from there and do whatever has to be done.

If by some chance our main radio system went down we would not have any backup, which the law requires. There has been ongoing discussion about this since April 2014 between his staff, himself, the County Executive's office, Gordon Wren, undersheriffs and his Chief of Communications. A lot of the issues have been over the funding. I have agreed to extend asset forfeiture money to properly equip this room when and if it is completed. It is over two years in the making and if something happens in Rockland County to our communications system Rockland County would be at risk.

Sheriff Falco advised that he has been aggressively working with Mr. DeGroat, Mr. Gruffi, and Gordon Wren to try to bring together the final plans for the backup radio room. These resolutions will move this project forward.

Mr. Schoenberger stated that they are being asked to reject bids that were opened in April 2015. Who holds bids for 17 months and now says there is a crisis? This is a crisis created by the administration and now it is sent to us and it becomes our problem. They have a very serious issue here. What happens if the system goes down tomorrow, or next week or next month and we don't approve it tonight? Copies of the rejected bids were never received by this Legislature.

Mr. Schoenberger continued, the Commissioner of Finance just went out for borrowing in August. When is the next time the Commissioner of Finance going out for borrowing? I wish someone was here to tell us. I wish someone was here to answer all the questions that I have. This mandate by the County Executive that the department heads do not attend meetings is slowing down government. If something happens or goes wrong with 911-system it should be laid at the feet of the administration/the County Executive, not the Legislature and not the Sheriff, for not expediting this matter properly. There is no reason for the administration to have held this up for 17 months.

Sheriff Falco explained that he does not know why the bid are being rejected. His piece is very simply, he has a responsibility as a law enforcement officer to make sure for public safety reasons that there is a backup redundant radio system and not a single point of failure. The County has met with him every time he asked. They have discussed this numerous times. They finally came to these resolutions before the Legislature today.

Mr. Grant expressed concern that Mr. Day directed Mr. Gruffi not to come to this meeting. No department heads have been at Budget and Finance committee meetings since July 26th because they were directed by Mr. Day not to come. Representatives from the Law Department do attend. All other department heads have been directed not to come to our meetings. If you look at the bids they are all relatively close together in their amounts and there are no glaring discrepancies in the amounts from one bidder to the next. They all appear to be reasonable. This was April from 2015. Mr. Gruffi sent a memo one month ago saying that the bids have all been rejected. The documentation provide with these resolutions is sloppy and the amounts are inconsistent. It is incomprehensible to me that the Law Department, County Executive's office and capital projects go this all wrong.

- (B)** AMENDING THE 2016 ADOPTED CAPITAL BUDGET FOR THE REDUNDANT BACKUP PUBLIC SAFETY RADIO COMMUNICATIONS FACILITY IN THE ADDITIONAL AMOUNT OF \$1,500,000 FOR A TOTAL AMOUNT OF \$7,500,000 UNDER CAPITAL PROJECT NO. 1479 (DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT) (\$7,500,000)
(ROBERT H. GRUFFI, DIRECTOR, FACILITIES MANAGEMENT)
DL#: 2016-03162

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

**UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE**

ADDED SPONSORS: SCHOENBERGER, GRANT

- (C) AUTHORIZING AND DIRECTING THE CLERK TO THE LEGISLATURE TO ADVERTISE TO RE-BID FOR THE REDESIGN AND CONSTRUCTION OF THE REDUNDANT BACKUP PUBLIC SAFETY COMMUNICATIONS FACILITY CAPITAL PROJECT NO. 1479 [DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]
(ROBERT H. GRUFFI, DIRECTOR, FACILITIES MANAGEMENT)
DL#: 2016-02859

**MOTION TO APPROVE AS AMENDED
CAREY/SCHOENBERGER**

**UNAN.
TRANSFER TO BUDGET & FINANCE COMMITTEE**

ADDED SPONSORS: SCHOENBERGER, GRANT

ACTION:

AMENDED TO ADD: RESOLVED, NO FURTHER FUNDS SHALL BE EXPENDED FOR UPDATE PLANS AND SPECIFICATIONS WITHOUT PRIOR LEGISLATIVE APPROVAL.

- (D) BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING FINANCING FOR COSTS OF CONSTRUCTION OF A BUILDING TO HOUSE THE REDUNDANT BACKUP PUBLIC SAFETY RADIO COMMUNICATIONS FACILITY TO BE LOCATED ON THE NEW CITY GOVERNMENT CENTER CAMPUS (CAPITAL PROJECT NO. 1479), STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$1,500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.
(ROBERT H. GRUFFI, P.E. LEED AP, DIRECTOR, GS-FACILITIES MANAGEMENT) DL#: 2016-02862

DEFERRED: NO COMMISSIONER/DEPARTMENT HEAD PRESENT TO ANSWER QUESTIONS

- (E) AUTHORIZING THE ADVANCE OF GENERAL FUND MONIES IN THE AMOUNT OF \$1,500,000 FOR THE REDUNDANT BACKUP PUBLIC SAFETY RADIO COMMUNICATIONS FACILITY UNDER CAPITAL PROJECT NO. 1479 [DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT] (\$1,500,000)
(ROBERT H. GRUFFI, DIRECTOR, FACILITIES MANAGEMENT)
DL#: 2016-02888

DEFERRED: NO COMMISSIONER/DEPARTMENT HEAD PRESENT TO ANSWER QUESTIONS

ACTIONS:

COMMITTEE RESOLUTIONS:

- A. REQUESTING THE CHAIR OF THE LEGISLATURE TO SCHEDULE A COMMITTEE OF THE WHOLE FOR THE NEXT MEETING OF THE FULL LEGISLATURE, SEPTEMBER 20, 2016, TO DISCUSS AND VOTE ON THE REDUNDANT BACKUP PUBLIC SAFETY RADIO COMMUNICATIONS PROJECT RESOLUTIONS.**

**MOTION TO APPROVE: UNAN.
SCHOENBERGER/GRANT**

- B. REQUESTING THAT THE COUNTY EXECUTIVE RELENT FROM HIS POLICY OF PROHIBITING DEPARTMENT HEADS FROM COMING TO MEETINGS SO AS TO ENABLE COUNTY GOVERNMENT TO FUNCTION IN A SMOOTH AND EFFECTIVE MANNER, WHILE AFFIRMING THAT THE COMMITTEE MEMBERS BELIEVE THAT THE COUNTY EXECUTIVE DOES NOT POSSESS THE LEGAL POWER OR AUTHORITY TO PROHIBIT DEPARTMENT HEADS OR ANY COUNTY EMPLOYEE FROM ATTENDING MEETINGS OF THE LEGISLATURE, A CO-EQUAL BRANCH OF GOVERNMENT.**

**MOTION TO APPROVE: FAILED
SCHOENBERGER/GRANT
AYES: 3 SCHOENBERGER, GRANT, LOW-HOGAN
NAY: 1 CAREY
ABSENT: 3 WOLFE, PAUL, MORONEY**

- C. REQUESTING THAT THE APPROPRIATE DEPARTMENT PERSONNEL ATTEND THE COMMITTEE OF THE WHOLE ON SEPTEMBER 20, 2016 TO ANSWER ANY AND ALL QUESTIONS FROM THE LEGISLATURE CONCERNING THE REDUNDANT BACKUP RADIO PROJECT. COMMITTEE SPECIFICALLY REQUESTS ROBERT GRUFFI (DGS), PAUL BRENNAN (PURCHASING), STEPHEN DEGROAT (FINANCE), LOU FALCO (SHERIFF), TOM HUMBACH (COUNTY ATTORNEY), AND GUILLERMO ROSA (DEPUTY COUNTY EXECUTIVE).**

**MOTION TO APPROVE: UNAN.
SCHOENBERGER/GRANT**

**MOTION TO ADJOURN AT 8:15 P.M.
CAREY/LOW-HOGAN**

UNAN.

Respectfully submitted,

Darcy Shapin-Greenberg
Proceedings Clerk