

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, SEPTEMBER 27, 2016
7:00 PM

ROLL CALL:
ADOPTION OF MINUTES: 09/13/16

REFERRAL# 9252 (A) 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 9/13/16 PPW

(B) 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 9/13/16 PPW

REFERRAL# 9472 APPROVING AGREEMENT IN EXCESS OF \$100,000 WITH KS ENGINEERS, P.C. IN THE AMOUNT OF \$242,300 FOR ENGINEERING INSPECTION SERVICES FOR HURRICANE IRENE CONSTRUCTION PROJECTS FROM SEPTEMBER 15, 2016 THROUGH DECEMBER 31, 2017 AND AUTHORIZING ITS EXECUTION BY THE COUNT EXECUTIVE [COUNTY OF ROCKLAND DRAINAGE AGENCY] (\$242,300)
(CHARLES H. VEZZETTI, SUPERINTENDENT, HIGHWAYS)
DL# 2016-03188

REFERRAL# 9075

REJECTING THE BID FOR THE PURCHASE OF COUNTY OWNED REAL PROPERTY LOCATED AT 18 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK AND AUTHORIZING THE ROCKLAND COUNTY DEPARTMENT OF PLANNING TO APPLY TO THE TOWN OF CLARKSTOWN FOR A SPECIAL PERMIT

(HON. ILAN S. SCHOENBERGER, LEGISLATURE)

LG# 2016-87

9252

RESOLUTION NO. ____ OF 2016

BOND RESOLUTION DATED _____, 2016

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.

(Adopted) _____, 2016

Recitals

WHEREAS, the County Legislature of the County of Rockland, New York, has heretofore duly authorized the financing of costs for communications equipment and initial design services for a Redundant Backup Public Safety Radio Communications Facility to be located on the New City Government Center Campus, at the estimated maximum cost of \$6,000,000, which amount was appropriated and bonds authorized to finance such appropriation therefor pursuant to Bond Resolution No. 262 of 2014 duly adopted on June 2, 2014; and

WHEREAS, it is now appropriate to authorize construction of a building on the New City Government Center Campus to house such equipment, and it is necessary to increase the appropriation for such capital project by \$1,500,000 for estimated construction costs;

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. 1479 for the Department of General Services, Facilities Management, consisting 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, all as more particularly described in the County's 2016 Capital Budget, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,500,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,500,000 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 \$1,500,000 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 building to be constructed will be 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 said \$1,500,000 bonds authorized by this resolution are to be issued 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.

* * *

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 _____, 2016, 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 _____, 2016.

(SEAL)

Clerk to the County Legislature

NOTICE

The bond resolution, a summary of which is published herewith, has been adopted by the County Legislature on the ___ day of _____, 2016, 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 2016

BOND RESOLUTION DATED _____, 2016

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.

object or purpose: to finance the cost 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; all as more particularly described in the County's 2016 Capital Budget, as amended.

period of probable usefulness: twenty-five (25) years

amount of obligations to be issued: \$1,500,000

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: _____, 2016
New City, New York

EXTRACT OF MINUTES

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

_____, 2016

* * *

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
_____, 2016, 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.

9252

**RESOLUTION OF 2016
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 1479
[DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]
(\$1,500,000)**

WHEREAS, The Department of Finance is in the process of planning a borrowing for several capital projects with immediate needs; and

WHEREAS, By Resolution No. 262 of 2014, the Legislature of Rockland County authorized Capital Project 1479 for the Redundant Backup Public Safety Radio Communications Facility, in the amount of \$6,000,000; and

WHEREAS, Those funds have been used for the purchase of all communications equipment for the redundant backup radio room and initial design services; and

WHEREAS, The Adopted 2016 Capital Budget estimates the total cost of this Project to be \$12,000,000; and

WHEREAS, At this time an additional \$1,500,000 of the remaining \$6,000,000 is needed to provide sufficient funds for the final design and construction of the building structure; and

WHEREAS, The Redundant Backup Public Safety Radio Communications Facility is required to ensure continuous uninterrupted operation of the Public Safety Radio Communications System in the event the main Radio Communications Facilities becomes inoperative; and

WHEREAS, The Public Radio Communications Facility provides interoperable radio communications between Police, Fire, EMS and other law enforcement agencies; and

WHEREAS, The Director of Facilities Management has advised the County Executive and the Legislature of Rockland County that in order to solicit bids for this Project, sufficient funding must be available; and

WHEREAS, The Commissioner of Finance has requested an advance of funds in the amount of \$1,500,000 for the final design and construction of the building structure for this Project; and

WHEREAS, Pending the financing of this capital project by the issuance of a bond, the Commissioner of Finance advises that general fund monies will be required to continue this capital project without delay; and

WHEREAS, Any advance of general fund monies by the Department of Finance for this reason shall be made with the understanding that such advance shall be reimbursed with interest in the future when the bond financing is undertaken by the County; and

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 Committee of the Legislature has 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 the amount of \$1,500,000 by the Department of Finance to continue this capital project without delay, and that such advance shall be reimbursed with interest when bond financing is undertaken by the County.

LG/dc
2016-02888
8-29-16

RESOLVED, That sufficient funding for this agreement is available in the 2016 Capital Budget, Capital Project No. 7112.

TS/bb
2016-03188
9/13/16
9/14/16bb

9075

Introduced by:
Hon. Ilan S. Schoenberger, Sponsor

Referral No. 2016

**RESOLUTION NO. OF 2016
REJECTING THE BID FOR THE PURCHASE OF COUNTY OWNED REAL
PROPERTY LOCATED AT 18 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK
AND AUTHORIZING THE ROCKLAND COUNTY DEPARTMENT OF PLANNING
TO APPLY TO THE TOWN OF CLARKSTOWN FOR A SPECIAL USE PERMIT**

WHEREAS, By Resolution No. 341 of 2016, the Legislature of Rockland County authorized and directed the Clerk to the Legislature to advertise for bids for the sale of County owned real property located at 18 New Hempstead Road, New City, New York, by public advertisement in accordance with County Law §215; and

WHEREAS, The Clerk to the Legislature advertised for public sale the County owned real property located at 18 New Hempstead Road, New City, New York in accordance with County Law §215 and solicited sealed bids under RFB-RCLEG-2016-001 (the "RFB"); and

WHEREAS, On September 15, 2016, one (1) bid was received for the purchase of the county owned property from ND Acquisitions, LLC, 2310 Washington Street, Newton Lower Falls, MA 02462, and was publicly opened; and

WHEREAS, The County Attorney found the bid to be "no-responsive and invalid because: 1) the bidder, in violation of the bid terms, failed to include a check for certified funds equal to 10% of its bid; and 2) The bidder rejected the terms of sale included in the RFB and offered different terms of purchase, which materially and substantially varied from the term set forth in the RFB" and opined that the Legislature cannot accept the bid as a matter of law; and

WHEREAS, The Legislature believes that if the County applied to the Town of Clarkstown for a special use permit that would allow the property to be developed into senior citizen housing - as already supported by elected officials both in Town and County government - the County could then issue a new RFB for property with enhanced value, thereby facilitating additional and higher bids; and

WHEREAS, The _____ Committee of the Legislature has met, considered and _____ approved this resolution; now, therefore be it

RESOLVED, That the Rockland County Legislature hereby rejects the bid received from ND Acquisitions, LLC and publicly opened on September 15, 2016 for the purchase of the parcel located at 18 New Hempstead Road, New City, New York under RFB-RCLEG-2016-001; and be it further

RESOLVED, That the Rockland County Department of Planning shall apply to the Town of Clarkstown for a special use permit that would allow the property to be developed into senior citizen housing as already supported by elected officials both in Town and county government.

ELY
LG-2016-87
9-19-16
9/22/16