

The Legislature of Rockland County



MICHAEL M. GRANT
LEGISLATOR, DISTRICT 2
PLANNING AND PUBLIC WORKS, CHAIR

AGENDA PLANNING AND PUBLIC WORKS COMMITTEE TUESDAY, APRIL 10, 2012 7:00 P.M.

- ROLL CALL

1. **REFERRAL NO. 9075** DETERMINING THAT CERTAIN COUNTY OWNED REAL PROPERTY LOCATED AT 2 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK IS NO LONGER NECESSARY FOR PUBLIC USE AND AUTHORIZING THE SALE OF SAID REAL PROPERTY BY PUBLIC ADVERTISEMENT [DEPARTMENT OF BUDGET AND FINANCE] **(STEPHEN DEGROAT , ACTING COMMISSIONER OF BUDGET & FINANCE) DL# 2012-00900**
2. **REFERRAL NO. 6394** BOND RESOLUTION OF THE COUNTY OF ROCKLAND NEW YORK, 2012 AUTHORIZING FINANCING OF IMPROVEMENTS TO THE DEMAREST KILL COUNTY PARK DAM, STATING THE CURRENT ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000, APPROPRIATING \$1,000,000 FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION **(CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS,) LM# 2012-00652**
3. **REFERRAL NO. 5906** APPROVING AMENDMENT AND EXTENSION TO CONTRACT OVER \$100,000 WITH NIXON PEABODY, LLP IN AN AMOUNT NOT TO EXCEED \$60,000 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$1,739,000 FOR ADDITIONAL LEGAL SERVICES IN CONNECTION WITH PROPERTY ACQUISITIONS/CONDEMNATIONS FOR THE WESTERN RAMAPO SEWER EXTENSION PROJECT AND THE VILLAGE/TOWN SEWER EXTENSION PROJECT EXTENDING THE CONTRACT THROUGH DECEMBER 31, 2012 AND AUTHORIZING EXECUTION OF THE CONTRACT BY THE COUNTY EXECUTIVE (ROCKLAND COUNTY SEWER DISTRICT NO. 1) **(\$1,739,000) (DIANNE PHILIPPS, EXECUTIVE DIRECTOR, SEWER) DL# 2012-01075**
4. **REFERRAL NO. 8293** APPROVING AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR THE METROPOLITAN PLANNING ORGANIZATION ("MPO") MEMBER AGENCY FEDERAL-AID MASTER PROJECT COMPTROLLER'S CONTRACT NO. C033469 IN AN AMOUNT UP TO \$8,310,970 FOR THE PERIOD APRIL 1, 2012 THROUGH MARCH 31, 2022 AND AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTS BY THE COUNTY EXECUTIVE [DEPARTMENT OF PLANNING] **(\$8,310,970) (THOMAS B. VANDERBEEK, COMMISSIONER PLANNING) DL# 2012-00584**

5. **REFERRAL NO. 2994** APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000 FROM BREGA D.O.T. MAINTENANCE CORP. FOR PARATRANSIT BUS FLEET INSPECTION, PREVENTATIVE MAINTENANCE AND REPAIRS FOR THE ROCKLAND COUNTY DEPARTMENT OF TRANSPORTATION UNDER RFB-RC-07-140 IN AN AMOUNT NOT TO EXCEED \$400,000 FOR THE PERIOD MARCH 1, 2012 THROUGH FEBRUARY 28, 2013 AND IN A TOTAL AMOUNT NOT TO EXCEED \$1,984,856 FOR THE FULL PERIOD FROM MARCH 1, 2008 THROUGH FEBRUARY 28, 2013 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] (\$1,984,856) **(GERRY WALSH, COMMISSIONER, DGS-PURCHASING)**
DL# 2012-00990

6. **REFERRAL NO. 6955** AMENDING THE CAPITAL PROJECTS BUDGET TO ADD A \$650,000 CAPITAL PROJECT TO FACILITATE THE REPAIR AND UPGRADE OF THE HI-TOR ANIMAL FACILITY **(HONS. ALDEN H. WOLFE, EDWIN J. DAY, JAY HOOD JR., TONEY E. EARL, LEGISLATURE) LG#3097**

7. **REFERRAL NO. 6955** DESIGNATING HON. EDWIN J. DAY, AS THE LEGISLATIVE REPRESENTATIVE TO REVIEW , ANALYZE AND RECOMMEND TO THE APPROPRIATE LEGISLATIVE COMMITTEE, RECOMMENDATIONS REGARDING THE FUTURE OF HI-TOR ANIMAL CARE SHELTER **(HON. ILAN S. SCHOENBERGER, LEGISLATURE)**
LG#3100

"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."

Introduced by:

Referral No.

DRAFT

**RESOLUTION NO. ___ OF 2012
DETERMINING THAT CERTAIN COUNTY OWNED REAL PROPERTY
LOCATED AT 2 NEW HEMPSTEAD ROAD, NEW CITY, NEW YORK, IS NO
LONGER NECESSARY FOR PUBLIC USE AND AUTHORIZING THE SALE
OF SAID REAL PROPERTY BY PUBLIC ADVERTISEMENT
[DEPARTMENT OF BUDGET AND FINANCE]**

WHEREAS, The County of Rockland is the owner of certain real property located at 2 New Hempstead Road, New City, New York, more particularly identified by the metes and bounds description as follows:

Beginning at point on the Northerly side of County Highway Route 80 (a/k/a New Hempstead Road) where the same is intersected by the division line between premises described herein and lands now or formerly of the County of Rockland also known as Section 43.15-1-45, and running thence;

1. Along the division line between lands described herein and lands now or formerly of the County of Rockland also known as Section 43.15-1-45, North 07 41'20" East a distance of 168.12 feet to a point, thence
2. Along the same North 06 36' 10" West a distance of 76.76 feet to a point, thence
3. Along the division line between lands described herein and lands now or formerly of the County of Rockland, also know as Section 43.15-1-47, North 06 55' 00" East a distance of 74.22 feet to a point, thence
4. Along the division line between lands describe ed herein and lands know or formerly of Abesrc Corp. also known as Section 43.15-1-42, South 82 52' 40" East a distance of 104.38 feet to a point, thence
5. Along the same South 23 31' 20" East a distance of 56.05 feet to a point, thence

DRAFT

Referral No.

6. Along the same South 06 13' 20" West a distance of 35.26 feet to a point, thence
7. Continuing along the same South 83 46' 40" East a distance 74.62 feet to a point, thence
8. Still along the same South 87 15' 00" East a distance of 178.89 feet to the Westerly side of County Highway Route 29 (a/k/a Main Street), thence
9. Along the Westerly side of County Highway Route 29 (a/k/a Main Street) South 08 11' 40" West 221.09 feet to a point of curve, thence
10. On a curve to the right having a radius of 28.71 feet an arc length of 45.23 feet to a point, thence
11. Along the Northerly side of County Highway Route 80 (a/k/a New Hempstead Road) South 09 06' 01" West a distance of 2.46 feet to a point, thence
12. Along the same North 80 54' 53" West a distance of 89.62 feet to a point, thence
13. Along the same South 09 05' 01" West a distance of 6.23 feet to a point, thence
14. Along the same North 81 20' 00" West 79.83 feet to a point, thence
15. Continuing along the same North 08 40' 00" East a distance of 4.00 feet to a point, thence
16. Along the same North 81 20' 00" West 46.00 feet to a point, thence
17. Along the same South 08 40' 00" West a distance of 4.00 feet to a point, and
18. Still along the same North 81 20' 00" West a distance of 120.57 to the point and place of BEGINNING.

Referral No.

DRAFT

BEING AND INTENDED TO BE part of the same premises conveyed to Rockland National Bank by deed from Robank Corporation recorded November 1, 1967 in Liber 834 page 489.

The Bank of New York is successor in interest to Rockland National Bank; and

WHEREAS, The County Executive had determined that said parcel is no longer necessary for public use by the County of Rockland; and

WHEREAS, County Law §215 authorizes the sale of real property which is no longer necessary for public use; and

WHEREAS, The Real Property Tax Officer and the County Executive recommend that the Legislature of Rockland County determine that the County-owned real property located at 2 New Hempstead Road, New City, New York, is no longer necessary for public use and authorize the sale of said real property by public advertisement in accordance with County Law §215; and

WHEREAS, A review by the Department of Planning indicates that it is a Type II Action as defined in Section 617.5(c)(25) of 6 NYCRR Part 617, which are the regulations under the State Environmental Quality Review Act, and is therefore not subject to the provisions of those regulations; 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 determines that the County-owned real property located at 2 New Hempstead Road, New City, New York, more particularly identified by the metes and bounds description as follows to be no longer necessary for public use:

Beginning at point on the Northerly side of County Highway Route 80 (a/k/a New Hempstead Road) where the same is intersected by the division line between premises described herein and lands now or formerly of the County of Rockland also known as Section 43.15-1-45, and running thence;

1. Along the division line between lands described herein and lands now or formerly of the County of Rockland also

Referral No.

DRAFT

known as Section 43.15-1-45, North 07 41'20" East a distance of 168.12 feet to a point, thence

2. Along the same North 06 36' 10" West a distance of 76.76 feet to a point, thence

3. Along the division line between lands described herein and lands now or formerly of the County of Rockland, also know as Section 43.15-1-47, North 06 55' 00" East a distance of 74.22 feet to a point, thence

4. Along the division line between lands described herein and lands know or formerly of Abesrc Corp. also known as Section 43.15-1-42, South 82 52' 40" East a distance of 104.38 feet to a point, thence

5. Along the same South 23 31' 20" East a distance of 56.05 feet to a point, thence

6. Along the same South 06 13' 20" West a distance of 35.26 feet to a point, thence

7. Continuing along the same South 83 46' 40" East a distance 74.62 feet to a point, thence

8. Still along the same South 87 15' 00" East a distance of 178.89 feet to the Westerly side of County Highway Route 29 (a/k/a Main Street), thence

9. Along the Westerly side of County Highway Route 29 (a/k/a/ Main Street) South 08 11' 40" West 221.09 feet to a point of curve, thence

10. On a curve to the right having a radius of 28.71 feet an arc length of 45.23 feet to a point, thence

11. Along the Northerly side of County Highway Route 80 (a/k/a New Hempstead Road) South 09 06' 01" West a distance of 2.46 feet to a point, thence

12. Along the same North 80 54' 53: West a distance of 89.62 feet to a point, thence

Referral No.

13. Along the same South 09 05' 01" West a distance of 6.23 feet to a point, thence
14. Along the same North 81 20' 00" West 79.83 feet to a point, thence
15. Continuing along the same North 08 40' 00" East a distance of 4.00 feet to a point, thence
16. Along the same North 81 20' 00" West 46.00 feet to a point, thence
17. Along the same South 08 40' 00" West a distance of 4.00 feet to a point, and
18. Still along the same North 81 20' 00" West a distance of 120.57 to the point and place of BEGINNING.

BEING AND INTENDED TO BE part of the same premises conveyed to Rockland National Bank by deed from Robank Corporation recorded November 1, 1967 in Liber 834 page 489.

The Bank of New York is successor in interest to Rockland National Bank; now, therefore, be it

RESOLVED, That the Legislature of Rockland County accepts the determination by the Department of Planning that the project is a Type II Action as defined in Section 617.5(c)(25) of 6 NYCRR Part 617, which are the regulations under the State Environmental Quality Review Act, and is therefore not subject to the provisions of those regulations; and be it further

RESOLVED, That the Legislature of Rockland County authorizes the sale of County-real property located at 2 New Hempstead Road, New City, New York, by public advertisement in accordance with County Law §215; and be it further

RESOLVED, That the Director of Purchasing is authorized to advertise the real property for public sale in accordance with County Law §215.

BOND RESOLUTION NO. _____ OF 2012

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, ADOPTED _____, 2012, AUTHORIZING FINANCING OF IMPROVEMENTS TO THE DEMAREST KILL COUNTY PARK DAM, STATING THE CURRENT ESTIMATED MAXIMUM COST THEREOF IS \$1,000,000, APPROPRIATING \$1,000,000 FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OF SAID COUNTY TO FINANCE SAID APPROPRIATION.

THE LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Legislature) AS FOLLOWS:

Section 1. Based upon the review of this action by the County of Rockland (herein called the "County"), the Legislature of the County hereby determined that the object or purpose authorized pursuant to this resolution constitutes an Unlisted Action pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) for which a negative declaration has been made.

Section 2. The County is hereby authorized to finance Capital Project No. 7115 for the Department of Highways, consisting of improvements to the Demarest Kill County Park Dam, in the Town of Clarkstown, including engineering, permits, construction, inspections, and incidental expenses in connection therewith. The current estimated maximum cost thereof, including costs incidental thereto and the financing thereof, is \$1,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and if not paid from other sources, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Bonds of the County in the principal amount of \$1,000,000 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 the "Law") to finance said appropriation.

Section 4. The following additional matters are hereby determined and declared:

- a) The period of probable usefulness to the purpose for which said \$1,000,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 22 of the Law is thirty (30) years; and
- b) The proposed maturity of the bonds authorized by this Resolution will exceed five (5) years.

Section 5. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the County for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the County, payable as to both principal and interest by general tax from all sources including all the taxable real property within the County without limitation as to rate or amount. 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, and provision shall be made annually in the budget of the

County by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 thereof relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 thereof relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and Sections 50.00, 56.00 to 60.00 and 168.00 thereof, the powers and duties of the County Legislature relative to authorizing bond anticipation notes, or the renewals thereof, and relative to providing for substantially level or declining annual debt service, and prescribing the terms, form and contents, and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, as well as to executing agreements for credit enhancements, are hereby delegated to the Commissioner of Finance, the chief fiscal officer of the County.

Section 8. 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 such resolution, or a summary thereof, 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 9. This bond resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter, and the Clerk to the Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "ROCKLAND JOURNAL NEWS," published in 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 said County for such publication, and such other newspapers designated by the Clerk to the Legislature, each of said newspapers having a general circulation in the County for such publication.

* * * * *

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment to agreement with Nixon Peabody, LLP on or about October 26, 2004 for additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$475,000 for a total contract sum not to exceed amount of \$570,000, for the period January 1, 2004 through December 31, 2004; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an extension to the agreement with Nixon Peabody, LLP on or about January 31, 2005 which extended the term of agreement to June 30, 2005; and

WHEREAS, By Resolution No. 322 of 2005, the Legislature of Rockland County approved an amendment and extension to the agreement with Nixon Peabody, LLP for additional legal services (property acquisitions/condemnations for the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$193,000 for a total contract sum not to exceed \$763,000, for the period from January 1, 2004 through December 31, 2005; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment to agreement with Nixon Peabody, LLP on or about July 27, 2005, for additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$193,000 for a total contract sum not to exceed amount of \$763,000 for the period from July 1, 2005 through December 31, 2005; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an extension to the agreement with Nixon Peabody, LLP on or about January 18, 2006 which extended the term of the agreement to June 30, 2006; and

WHEREAS, By Resolution No. 386 of 2006, the Legislature of Rockland County approved an amendment and extension to the agreement with Nixon Peabody, LLP which increased the amount of legal services by \$195,000 for a total contract sum not to exceed \$958,000 for the period from July 1, 2006 through June 1, 2007; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment to agreement with Nixon Peabody, LLP on or about August 28, 2006, for additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$195,000 for a total contract sum not to exceed amount of \$958,000 for the period from July 1, 2006 through June 1, 2007; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an extension to the agreement with Nixon Peabody, LLP on or about July 24, 2007 which extended the term of the agreement to June 1, 2008; and

DRAFT

WHEREAS, By Resolution No. 154 of 2008, the Legislature of Rockland County approved an amendment and extension to the agreement with Nixon Peabody, LLP for legal services (property acquisitions/condemnations for the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$154,000 for a total contract sum not to exceed \$1,112,000, and extending the term through June 1, 2009; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment and extension to the agreement with Nixon Peabody, LLP on or about August 25, 2008 which increased the amount of legal services by \$154,000, for a total contract sum not to exceed \$1,112,000 and extended the term of the agreement to June 1, 2009; and

WHEREAS, By Resolution No. 241 of 2009, the Legislature of Rockland County approved an amendment and extension to the agreement with Nixon Peabody, LLP which increased the amount of legal services by \$286,000 for a total contract sum not to exceed \$1,398,000 for the period from June 2, 2009 through June 1, 2010; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment to agreement with Nixon Peabody, LLP on or about May 12, 2009, for additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$286,000 for a total not to exceed amount of \$1,398,000 for the period from June 2, 2009 through June 1, 2010; and

WHEREAS, By Resolution No. 196 of 2010, the Legislature of Rockland County approved an amendment and extension to the agreement with Nixon Peabody, LLP which increased the amount of legal services by \$186,000 for a total contract sum not to exceed \$1,584,000 for the period from June 2, 2010 through June 1, 2011; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment to agreement with Nixon Peabody, LLP on or about May 7, 2010, for additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$186,000 for a total not to exceed amount of \$1,584,000 for the period from June 2, 2010 through June 1, 2011; and

WHEREAS, By Resolution No. 475 of 2011, the Legislature of Rockland County approved an amendment and extension to the agreement with Nixon Peabody, LLP which increased the amount of legal services by \$95,000 for a total contract sum not to exceed \$1,679,000 for the period from June 1, 2011 through December 31, 2011; and

WHEREAS, The Rockland County Sewer District No. 1 entered into an amendment to agreement with Nixon Peabody, LLP on or about November 9th, 2011, for additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension Project and the Village/Town Sewer Extension Project), which increased the amount of legal services by \$95,000 for a total not to exceed amount of \$1,679,000 for the period from June 1, 2011 through December 31, 2011; and

DRAFT

WHEREAS, Based upon the 2012 budget proposal of Nixon Peabody, LLP and the legal work which is anticipated for this project, additional funds for legal services in the amount of \$60,000 are necessary; and

WHEREAS, By Resolution 10 of 2012, the Board of Sewer Commissioner's approved the amendment of the contract for legal services with Nixon Peabody, LLP in the amount of \$60,000, for a total contract sum not to exceed \$1,739,000, extending the contract through December 31, 2012 and authorized its execution by the Executive Director of the Rockland County Sewer District No. 1, and requests the approval of the Rockland County Legislature for this contract; and

WHEREAS, The Executive Director of Rockland County Sewer District No. 1 and the Department of Law recommend the amendment and extension to the agreement with Nixon Peabody, LLP, 1100 Clinton Square, Post Office Box 31051, Rochester, New York 14604, be approved for the additional legal services (property acquisitions/condemnations in connection with the Western Ramapo Sewer Extension and Village/Town Sewer Extension Project), increasing the amount of legal services by \$60,000, for a total contract sum not to exceed \$1,739,000, and extending the contract through December 31, 2012; 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, Funding for this contract amendment is provided for in the 2012 Sewer District Operating Budget, SWR-8110-E4090; and

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

RESOLVED, That the Legislature of Rockland County hereby approves the amendment of and extension to an agreement in excess of \$100,000 with Nixon Peabody, LLP, 1100 Clinton Square, Post Office Box 31051, Rochester, New York 14604 for additional legal services (property acquisitions/condemnations for the Western Ramapo Sewer Extension Project and Village/Town Sewer Extension Project), increasing the amount of legal services by \$60,000, for a total contract sum not to exceed \$1,739,000, extending the contract through December 31, 2012, and authorizes its execution by the County Executive subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for this contract amendment is provided for in the 2012 Sewer District Operating Budget, SWR-8110-E4090.

AR:mf
2012-01075
3-15-12

Introduced by:

Referral No.

RESOLUTION NO. OF 2012
APPROVING AN AGREEMENT WITH THE NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
FOR THE METROPOLITAN PLANNING ORGANIZATION (“MPO”)
MEMBER AGENCY FEDERAL-AID MASTER PROJECT
COMPTROLLER’S CONTRACT NO. C033469
IN AN AMOUNT UP TO \$8,310,970
FOR THE PERIOD APRIL 1, 2012 THROUGH MARCH 31, 2022
AND AUTHORIZING EXECUTION OF ALL NECESSARY
DOCUMENTS BY THE COUNTY EXECUTIVE
[DEPARTMENT OF PLANNING]
(\$8,310,970)

DRAFT

WHEREAS, The County Executive and the Legislature of Rockland County have been advised that the Department of Planning desires to enter into an agreement in an amount up to \$8,310,970 with New York State Department of Transportation (“NYSDOT”) for the Metropolitan Planning Organization (“MPO”) Member Agency Federal-Aid Master Project Agreement, Comptroller’s Contract No. C033469, for the period April 1, 2012 through March 31, 2022; and

WHEREAS, The MPO determines the distribution and appropriate use of Federal Highway Administration (“FHWA”) and Federal Transit Administration (“FTA”) Federal-Aid funds for the metropolitan area as provided by 23 USC § 105 and § 134, and applicable Federal and State regulations, as described in the annual Unified Planning Work Program; and

WHEREAS, The MPO Member Agency Federal-Aid Master Project Agreement with NYSDOT is a ten (10) year agreement that will allow the County to be reimbursed for staff work related to eligible costs to meet the federal MPO requirements. The work program and funding estimates will be established each year with the MPO and included in the County Revenue Budget; and

WHEREAS, Projects under the MPO Member Agency Federal-Aid Master Project Agreement eligible for funding under Title 23 U.S. Code, as amended, call for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds; and

WHEREAS, The agreement is federally funded but administered by the State of New York, on a reimbursement basis; and

WHEREAS, The 20% non-federal funds will be provided by “in kind” services of County staff time working on the Project; and

DRAFT

Referral No.

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 the agreement in the amount up to \$8,310,970 with the New York State Department of Transportation for the MPO Member Agency Federal-Aid Master Project Agreement, Comptroller’s Contract No. C033469, for the period April 1, 2012 through March 31, 2022, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That the MPO Member Agency Federal-Aid Master Project with NYSDOT will allow the County to be reimbursed for staff work related to eligible costs to meet the federal MPO requirements. Work program and funding estimates will be established each year with the MPO and included in the County Revenue Budget, with non-federal funds being met by “in kind” services of County staff time working on the Project.

LG:lo
2012-00584
3/14/12
r.4/3/12

WHEREAS, By Resolution No. 165 of 2011, the Legislature approved the execution of the third year option term of the contract from March 1, 2011 through February 28, 2012 as well as additional purchases in the amount of \$450,000 for a total amount not to exceed \$1,584,856; and

WHEREAS, The Director of Purchasing seeks to renew the RFB for the fourth and final option term from March 1, 2012 through February 28, 2013; and

WHEREAS, The Department of Public Transportation estimates that an additional \$400,000 will be spent from March 1, 2012 through February 28, 2013, for a total amount not to exceed \$1,984,856 for the full period from March 1, 2008 through February 28, 2013; and

WHEREAS, The Consumer Price Index (CPI) for the period January 2011 through January 2012 was 2.9%, but Brega agreed to hold its 2007 pricing, resulting in a savings to the County of \$11,600 for the period March 2012 through February 2013; and

WHEREAS, Several bid lines (i.e., 33, 35, 37, 7 and 12) also were negotiated to lower unit cost pricing, resulting in an additional savings to the County; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the additional purchases in excess of \$100,000 from Brega for paratransit bus fleet inspection, preventive maintenance and repairs under the RFB in the additional amount of \$400,000 for the fourth and final option term from March 1, 2012 through February 28, 2013 and in a total amount not to exceed \$1,984,856 for the full period from March 1, 2008 through February 28, 2013; and

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

WHEREAS, Sufficient funding for these purchases is provided for in the 2012 Budget of the Department of Public Transportation and is contingent upon 2013 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 the Legislature have met, considered and _____ approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases in excess of \$100,000 from Brega D.O.T. Maintenance Corp., 500 Corporate Court, Valley Cottage, New York 10989, for paratransit bus fleet inspection, preventive maintenance and repairs for the Rockland County Department of Transportation under RFB-RC-07-140 in the additional amount of \$400,000 for the fourth and final option term from March 1, 2012 through February 28, 2013 and in a total amount not to exceed \$1,984,856 for the full period from March 1, 2008 through February 28, 2013, and hereby authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2012 Budget of the Department of Public Transportation and is contingent upon 2013 budget appropriations.

BNB:lo
2012-00990
3/13/12
Rev. 4/4/12

DRAFT

Introduced by:

Hon. Alden H. Wolfe, Sponsor
Hon. Edwin J. Day, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor

Referral No.

RESOLUTION NO. OF 2012
AMENDING THE CAPITAL PROJECTS BUDGET TO ADD A \$650,000
CAPITAL PROJECT TO FACILITATE THE REPAIR AND UPGRADE OF THE
HI-TOR ANIMAL FACILITY

WHEREAS, the County of Rockland provides a structure for an animal shelter known as the Hi-Tor Animal Care Center, under a lease agreement with Hi-Tor Animal Care Center Inc.; and

WHEREAS, the buildings which comprise this shelter are in need of repair and renovation; and

WHEREAS, it is the desire of the Legislature of Rockland County to renovate these facilities, thereby providing a newer facility to Hi-Tor Animal Care Center Inc. whose function it is to provide animal control shelter to Rockland County's towns and villages and to keep the community safe from the potential threats of feral and rabid animals; and

WHEREAS, the Rockland County Department of General Services advises that an engineering report has been prepared showing a cost for improvements and miscellaneous expenses of approximately \$650,000 to repair and upgrade the current facility; and

WHEREAS, it is the intention of the Legislature to have the County repair and upgrade the facility; and

WHEREAS, the _____ Committees have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, that the Capital Projects Budget shall be amended to add a \$650,000 capital project to conduct a repair and renovation of the Hi-Tor Animal Facility.

RM/cs

3/26/12 LG3097; 3/27/12; 3/28/12 AHW

DRAFT

Introduced by:
Hon. Ilan S. Schoenberger, Sponsor

Referral No.

RESOLUTION NO. OF 2012
DESIGNATING HON. EDWIN J. DAY, AS THE LEGISLATIVE REPRESENTATIVE
TO REVIEW, ANALYZE AND RECOMMEND TO THE APPROPRIATE
LEGISLATIVE COMMITTEE, RECOMMENDATIONS REGARDING THE FUTURE
OF THE HI-TOR ANIMAL CARE SHELTER

WHEREAS, the County of Rockland provides a structure for an animal shelter known as the Hi-Tor Animal Care Center, under a lease agreement with Hi-Tor Animal Care Center Inc.; and

WHEREAS, the building which comprise this shelter is in need of repair and renovation; and

WHEREAS, issues have been raised concerning whether there is sufficient funding from the towns and villages who are authorized to license dogs and who are required by State law to provide for the care and control of animals at large; and

WHEREAS, issues have also been raised as to whether or not Rockland County provides adequate funding to the Hi-Tor Animal Care Shelter; and

WHEREAS, there have been numerous appearances before the Legislature by the public and the operators of the Shelter seeking assistance from the County to improve the condition of the structure to make it more functional safe and to question the adequacy of funding and better day-to-day operations; and

WHEREAS, there has been a prolonged dialogue between those in favor and those against the operation of the shelter and the expenditure of county funds to improve the shelter; and

WHEREAS, it is in the interest of the public to finally investigate fully and resolve this on-going dialogue over how in what manner and when the shelter may or may not be repaired; and who should fund or share in the cost of said construction; and

WHEREAS, there is a the need for the appointment of a legislator to be designated as legislative representative to the Hi-Tor Animal Care Center to review, analyze and recommend

to the appropriate legislative committee recommendations regarding the future of the Hi-Tor Care Center; and

WHEREAS, Legislator Edwin J. Day has taken a leadership role in resolving these issues and is the appropriate person to work toward a compromise resolution with all parties involved subject to the Legislature's and County Executive's final approval; and

WHEREAS, the _____ Committee has met, considered and by a _____ vote approved this resolution, now therefore be it

RESOLVED, that the Legislature of Rockland County hereby designates and appoints Legislator Edwin J. Day, as the legislative representative to review, analyze and recommend to the appropriate legislative committee, recommendations regarding the future of the Hi-Tor Animal Care Shelter.

RM/cs
LG3100
4/4/12