

# The Legislature of Rockland County



ILAN S. SCHOENBERGER  
LEGISLATOR, DISTRICT 4  
PLANNING AND PUBLIC WORKS, CHAIR

**AGENDA**  
**PLANNING & PUBLIC WORKS COMMITTEE**  
**TUESDAY, November 26, 2013**  
**7:00 P.M.**

**ROLL CALL**

**ADOPTION OF MINUTES OF 10/29/13 and 11/12/13.**

1. **REFERRAL NO. 3270** APPOINTING HON. DEMEZA DELHOMME TO THE VACANCY ON THE ROCKLAND COUNTY BOARD OF SEWER COMMISSIONERS CREATED BY THE EXPIRATION OF THE TERM OF OFFICE OF NORAMIE F. JASMIN AS MAYOR OF THE VILLAGE OF SPRING VALLEY (**HON. ILAN S. SCHOENBERGER, LEGISLATOR**)
2. **REFERRAL NO. 3270** APPOINTING HON. CRAIG M. FLANAGAN TO THE VACANCY ON THE ROCKLAND COUNTY BOARD OF SEWER COMMISSIONERS CREATED BY THE DEPARTURE OF OUTGOING MAYOR BERNARD JACKSON (**HON. HARRIET D. CORNELL, LEGISLATOR**)
3. **REFERRAL NO. 5906** APPROVING AMENDMENT TO OUTSIDE COUNSEL AGREEMENT IN EXCESS OF \$100,000 WITH PANNONE LOPES DEVEREAUX & WEST LLC IN THE ADDITIONAL AMOUNT OF \$550,000 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$1,535,000 FOR SPECIAL COUNSEL SERVICES AND EXTENDING TERM THROUGH DECEMBER 31, 2014 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] (\$1,535,000) (**DIANNE T. PHILIPPS, P.E. , EXECUTIVE DIRECTOR SEWER DISTRICT NO. 1**)  
**DL# 2013-04431**
4. **REFERRAL NO. 5906** APPROVING AN AGREEMENT IN EXCESS OF \$100,000 BETWEEN THE COUNTY OF ROCKLAND ON BEHALF OF THE ROCKLAND COUNTY SEWER DISTRICT NO. 1 AND MONTANA CONSTRUCTION CORP., INC. IN THE AMOUNT OF \$9,284,035.00 FOR A CONTRACT WR03-04A WESTERN RAMAPO SANITARY SEWER SYSTEMS, PINE GROVE AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] (\$9,284,035.00) (**DIANNE T. PHILIPPS, P.E. , EXECUTIVE DIRECTOR SEWER DISTRICT NO. 1**)  
**DL# 2013-04239**

5. **REFERRAL NO. 5906** APPROVING AN AMENDMENT TO AN EXTENSION OF AGREEMENT WITH DVIRKA AND BARTILUCCI CONSULTING ENGINEERS IN THE ADDITIONAL AMOUNT OF \$64,000 FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$598,000 FOR ENGINEERING SERVICES FOR DESIGN PHASE AND CONSTRUCTION PHASE FOR ROCKLAND COUNTY SEWER DISTRICT NO. 1 WASTEWATER TREATMENT PLANT MASONRY, ROOFING, STEEL DIGESTER COVER AND BUILDING REHABILITATION PROJECT, EXTENDING THE TERM OF THE AGREEMENT FROM DECEMBER 31, 2013 THROUGH JUNE 1, 2014 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [ROCKLAND COUNTY SEWER DISTRICT NO. 1] (\$598,000) **(DIANNE T. PHILIPPS, P.E. , EXECUTIVE DIRECTOR SEWER DISTRICT NO. 1)**  
**DL# 2013-04239**

"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."

# DRAFT

Introduced by:

Hon. Ilan S. Schoenberger, Sponsor

Referral No.

**RESOLUTION NO.                      OF 2013**  
**APPOINTING HON. DEMEZA DELHOMME TO THE VACANCY**  
**ON THE ROCKLAND COUNTY BOARD OF SEWER COMMISSIONERS**  
**CREATED BY THE EXPIRATION OF THE TERM OF**  
**OFFICE OF NORAMIE F. JASMIN AS**  
**MAYOR OF THE VILLAGE OF SPRING VALLEY**

WHEREAS, Noramie F. Jasmin is no longer the Mayor of the Village of Spring Valley and has resigned her position as a commissioner on the Rockland County Board of Sewer Commissioners; and

WHEREAS, Noramine F. Jasmin's expiration of term was effective on December 2, 2013, thereby creating a vacancy on the Rockland County Board of Sewer Commissioners; and

WHEREAS, Noramie F. Jasmin was appointed as a Commissioner representing the Village of Spring Valley as the Mayor of said Village; and

WHEREAS, the succeeding appointee must be the Mayor or his designee and

WHEREAS, it has been recommended that Hon. Demeza Delhomme, resident of that portion of the Village of Spring Valley located within the Town of Ramapo and Mayor of Spring Valley, New York, be appointed to replace Noramie F. Jasmin; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby appoints Hon. Demeza Delhomme, as a member of the Rockland County Board of Sewer Commissioners as the Major of the Village of Spring Valley and a resident of the portion of the Village of Spring Valley located within the Town of Ramapo; and be it further

RESOLVED, that the Clerk to the Legislature shall notify the Rockland County Board of Sewer Commissioners and the appointee of this resolution.

LG3271  
RM/cs  
11/22/13

# DRAFT

Introduced by:

Hon. Harriet D. Cornell, Sponsor

Referral No.

**RESOLUTION NO                      OF 2013**  
**APPOINTING HON. CRAIG M. FLANAGAN, JR. TO THE VACANCY ON THE**  
**ROCKLAND COUNTY BOARD OF SEWER COMMISSIONERS CREATED**  
**BY THE DEPARTURE OF OUTGOING MAYOR BERNARD JACKSON**

WHEREAS, Bernard Jackson is no longer the Mayor of the Village of Hillburn and has resigned his position as a commissioner on the Rockland County Board of Sewer Commissioners; and

WHEREAS, Bernard Jackson's departure was effective following the March 2013, village elections, thereby creating a vacancy on the Rockland County Board of Sewer Commissioners; and

WHEREAS, by Resolution 257 of 2009, Bernard Jackson was appointed as a Commissioner from the geographic extension to the boundaries of the Rockland County Sewer District Number 1, as a Trustee or Mayor of an incorporated Village within said geographic extension; and

WHEREAS, the succeeding appointee must be a Mayor or Trustee of an incorporated village within said geographic extension of the Sewer District; and

WHEREAS, Hillburn is an incorporated village within said geographic extension; and

WHEREAS, it has been recommended that Hon. Craig Flanagan, Jr., the present Mayor of the Village of Hillburn, be appointed to replace the outgoing Mayor Bernard Jackson; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby appoints Hon. Craig M. Flanagan, Jr. as a member of the Rockland County Board of Sewer Commissioners as the Mayor from an incorporated Village within the geographic extension of the Sewer District, commencing with the passage of this resolution; and be it further

RESOLVED, that the Clerk to the Legislature shall notify the Rockland County Board of Sewer Commissioners and the appointee of this resolution.

LG3270  
11/20/13  
RM/cs



permit enforcement, environmental, litigation, construction, real estate, procurement, and other matters for the period from December 31, 2012 through December 31, 2014; and

WHEREAS, By Resolution 405 of 2012, the Legislature of Rockland County approved a an additional amount of \$450,000 for a total contract sum not to exceed \$985,000 extending term through December 31, 2014; and

WHEREAS, The Sewer District now wishes to further amend the outside counsel agreement with Pannone, Lopes, Devereaux & West, LLC, relating to legal matters, including prosecuting/defending construction claims, continuing assistance with request for proposals, bid documents, intermunicipal agreements, and service agreements in connection with the Advanced Wastewater Treatment Plant post-term operating arrangement, administration of consent orders, procurement and contract advice and other matters; and

WHEREAS, The Sewer District has received a proposal for on-going legal services from Pannone, Lopes, Devereaux & West, LLC dated August 6, 2013 which requests an amendment to the existing agreement in the amount of \$550,000, for a total contract in the amount of \$1,535,000; and

WHEREAS, By Resolution No. 35 of 2013 the Board of Commissioners of the Rockland County Sewer District No. 1 authorized the amendment of the outside counsel agreement between the County on behalf of the Sewer District with Pannone, Lopes, Devereaux & West, LLC, 100 Church Street, 8<sup>th</sup> Floor, New York, New York 10007, in the additional amount of \$550,000, for a total contract sum not to exceed \$1,535,000, and subject to the approval of the Rockland County Legislature; 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, Sufficient funds for the amendment to this agreement exists in the 2013 Operating Budget of the Rockland County Sewer District No. 1, and is contingent upon 2014 Budget Appropriations of the Rockland County Sewer District No. 1; 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 to the outside counsel agreement between the County on behalf of the Rockland County Sewer District No. 1, with Pannone, Lopes, Devereaux & West, LLC, 100 Church Street, 8<sup>th</sup> Floor, New York, New York 10007, in the additional amount of \$550,000, for a total contract sum not to exceed \$1,535,000, relating to legal matters, including Wick’s Law compliance, permit enforcement, environmental, litigation, construction, real estate, procurement and other matters, and extending the term through December 31, 2014, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, Sufficient funds for the amendment to this agreement exists in the 2013 Operating Budget of the Rockland County Sewer District No. 1, and is contingent upon 2014 Budget Appropriations of the Rockland County Sewer District No. 1.

AFR:mf

2013-04431

10-24-13 r. 11-20-13



**DRAFT**

RESOLVED, That the Legislature of Rockland County approves the Contract No. WR03-04A with Montana Construction Corp., Inc., 80 Contant Ave, Lodi, New Jersey 07644, in the amount of \$9,284,035.00, for the Western Ramapo Sanitary Sewer System, Pine Grove, in 365 calendar days from Notice To Proceed, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funds for this amendment are authorized for Capital Project No. 6150 of the Rockland County Sewer District No. 1.

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2013-04239  
11/8/13



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WHEREAS, On June 11, 2009 the agreement was amended in the additional amount of \$263,500, for a total contract amount not to exceed \$444,000, further extending the agreement to December 31, 2010; and

WHEREAS, On January 14, 2011 the agreement was further amended by extending the term of the agreement to September 30, 2011 and on November 10, 2011 extending the terms to June 1, 2012; and

WHEREAS, On July 9, 2012 the agreement was amended in the additional amount of \$90,000 for a total contract amount not to exceed \$534,000, further extending the agreement to December 31, 2013; and

WHEREAS, On September 18, 2013, Dvirka and Bartilucci submitted a proposal for professional engineering services to provide engineering services during construction for the digester cover replacement and rehabilitation in the amount of \$64,000 for a total agreement amount not to exceed \$598,000; and

WHEREAS, This increase is related to the installation of the secondary digester cover and other improvements and is for multiple reviews of submittals requiring more time and oversight of the project, additional M/WBE requirements, and close out of the contract; and

WHEREAS, By Resolution No. 38 of 2013, the Board of Sewer Commissioners approved an amendment of and extension to the agreement with Dvirka and Bartilucci Consulting Engineering Services for engineering services during the construction phase for, and periodic observation of construction of Rockland County Sewer District No. 1 Wastewater Treatment Plant Masonry, Roofing, Steel Digester Cover and Building Rehabilitation Project, in the additional amount of \$64,000, for a total contract sum not to exceed \$598,000, and extending the term of the agreement through June 1, 2014; 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, Sufficient funding for this agreement exists in the 2013 Adopted Capital Budget, Capital Project Account No. 6240; and

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

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RESOLVED, That the Legislature of Rockland County approves an amendment to the agreement with Dvirka and Bartilucci Consulting Engineers, 330 Crossways Drive, Woodbury, New York 11797, for engineering services during the design phase, construction phase, and periodic observation of construction for Rockland County Sewer District No. 1 Wastewater Treatment Plant Masonry, Roofing, Steel Digester Cover and Building Rehabilitation Project, in the additional amount of \$64,000, for a total contract sum not to exceed \$598,000, and extending the term of the agreement through June 1, 2014, and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, Sufficient funding for this agreement exists in the 2013 Adopted Capital Budget, Capital Project Account No. 6240.

TM:lo

2013-04241

10/28/13

rev 11.19.13