

The Legislature of Rockland County



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

AGENDA PLANNING AND PUBLIC WORKS COMMITTEE TUESDAY, JANUARY 29, 2013 7:00 P.M.

- ROLL CALL
 - ADOPTION OF MINUTES OF 1/8/13
1. **REFERRAL NO. 6015** VOIDING THE APPOINTMENT OF DR. ANDREW SMITH FROM THE ROCKLAND COUNTY PLANNING BOARD FOR FAILING A NO CONFLICTING INTEREST OR ACTIVITY AFFIDAVIT FOR YEAR END 2011 (**SCOTT VANDERHOEF, COUNTY EXECUTIVE**) DL# 2012-03937
 2. **REFERRAL NO. 9285**/TRANSFER OF FUNDS FROM THE COUNTY'S 2013 CONTINGENCY ACCOUNT **9481** TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES BUDGET TO COVER VARIOUS HAVERSTRAW BAY PARK REPAIRS RELATED TO HURRICANE SANDY [DEPARTMENT OF ENVIRONMENTAL RESOURCES] (\$53,000) (**ALAN R. BEERS, ENVIRONMENTAL RESOURCES**) [DEPARTMENT OF ENVIRONMENTAL RESOURCES] DL# 2012-04852
 3. **REFERRAL NO. 6394** APPROVING THE PURCHASE IN EXCESS OF \$100,000 OF A 930K CATERPILLAR WHEEL LOADER INCLUDING A 3.0YD BUCKET AND A 5 YEAR /5000 HOUR EXTENDED WARRANTY FROM H.O. PENN. MACHINERY COMPANY, INC IN AN AMOUNT NOT TO EXCEED \$142,120 UNDER NYS OGS CONTRACT NO. PC65309 WHICH PURCHASE IS TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] (\$142,120) (**GERRY WALSH, COMMISSIONER OF DGS-PURCHASING**) DL# 2012-04427
 4. **REFERRAL NO. 6394** APPROVING AMENDMENT TO AGREEMENT IN EXCESS OF \$100,000 WITH TRANSYSTEMS ARCHITECT & ENGINEER, P.C. FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES FOR AN ADDITIONAL AMOUNT OF \$34,852 FOR A TOTAL AMOUNT OF \$321,131 FOR THE PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2014 OAK TREE ROAD BRIDGE REPLACEMENT UNDER CAPITAL PROJECT NO. 3300 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE [DEPARTMENT OF HIGHWAYS] (\$321,131) (**CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS**) DL# 2013-00124

5. **REFERRAL NO. 6394** AUTHORIZING THE CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS FOR THE REPLACEMENT OF WALDRON TERRACE BRIDGE LOCATED IN THE VILLAGE OF SLOATSBURG CAPITAL PROJECT 3397 [HIGHWAY DEPARTMENT] **(\$750,000)(CHARLES VEZZETTI, SUPERINTENDENT OF HIGHWAYS) DL# 2012-04851**

6. **REFERRAL NO. 6394** AUTHORIZING THE CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS FOR THE EXPANSION OF THE EXIT 14 PARK AND RIDE LOT [DEPARTMENT OF PUBLIC TRANSPORTATION] (\$400,000) **(THOMAS VANDERBEEK, COMMISSIONER OF PUBLIC TRANSPORTATION) DL# 2013-00055**

7. **REFERRAL NO. 6394**/APPROVING PURCHASES IN EXCESS OF \$100,000 FROM BEYER BROS. CORP. **9325** THREE (3) ADDITIONAL SNOW PLOW TRUCKS FOR THE HIGHWAY DEPARTMENT UNDER RFB-RC-2012-017 IN THE ADDITIONAL AMOUNT OF \$985,395 FOR A TOTAL AMOUNT NOT TO EXCEED \$1,970,790 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DGS-DIVISION OF PURCHASING] (\$1,970,790) **(GERRY WALSH, COMMISSIONER DGS-PURCHASING) DL# 2012-04838**

8. **REFERRAL NO. 6803** APPROVING PURCHASES IN EXCESS OF \$100,000 FROM TILCON NEW YORK, INC. FOR SUBBASE MATERIAL FOR USE BY THE HIGHWAY DEPARTMENT UNDER RFB-RC-2012-065 IN AN AMOUNT NOT TO EXCEED \$400,000 FOR THE PERIOD SEPTEMBER 20, 2012 THROUGH SEPTEMBER 19, 2013 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES -DIVISION OF PURCHASING] (\$400,000) **(GERRY WALSH, COMMISSIONER OF DGS-PURCHASING) DL# 2012-04481**

ADDITIONAL BACKUP ON FILE WITH CLERK

9. **REFERRAL NO. 5906** APPROVING ADDITIONAL PURCHASES IN EXCESS OF \$100,000 FROM GEA MECHANICAL EQUIPMENT US, INC. TO PROVIDE PREVENTATIVE MAINTENANCE AND REPAIR TO THE THREE (3) WESTFALIA SEPARATOR CENTRIFUGES IN OPERATION AT THE ROCKLAND COUNTY SEWER DISTRICT NO. 1 UNDER RFB-RC-2011-038 IN THE ADDITIONAL AMOUNT OF \$90,000 AND IN A TOTAL AMOUNT NOT TO EXCEED \$290,000 FOR THE TWO (2) YEAR PERIOD FROM JULY 28, 2011 THROUGH JULY 27, 2013 WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR TERMS WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER [DEPARTMENT OF GENERAL SERVICES-DIVISION OF PURCHASING] (\$290,000) **(GERRY WALSH, COMMISSIONER, DGS-PURCHASING) DL# 2012-04854**

10. **REFERRAL NO. 5906** RESCINDING RESOLUTION NO. 572 OF 2012 A RESOLUTION APPROVING A \$43,000,000 INCREASE IN COST OF THE WESTERN RAMAPO SEWER EXTENSION OF ROCKLAND COUNTY SEWER DISTRICT NO. 1, BRINGING THE TOTAL COST OF \$168,000,000 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH **(DIANNE PHILIPPS, DIRECTOR SEWER DISTRICT NO.1) DL# 2013-00113**

11. **REFERRAL NO. 5906** A RESOLUTION APPROVING \$43,000,000 INCREASE IN COST OF WESTERN RAMAPO SEWER EXTENSION OF ROCKLAND COUNTY SEWER DISTRICT NO. 1, BRINGING THE TOTAL COST TO \$168,000,000 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH (**DIANNE PHILIPPS, DIRECTOR SEWER DISTRICT NO. 1**) **DL# 2013-00116**

12. **REFERRAL NO. 5039** DISCUSSION ITEM: UPDATE FROM ROCKLAND COUNTY DRAINAGE DEPARTMENT ON FLOOD REMEDIATION OF THE MAHWAH RIVER IN THE SQUIRES GATE SECTION, VILLAGE OF SUFFERN (**HON. ILAN S. SCHOENBERGER, LEGISLATURE**)

"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."

RESOLVED, That the Legislature of Rockland County hereby voids the appointment of Dr. Andrew Smith of Stony Point, New York to the Rockland County Planning Board in accordance with § 66-10(A)(3)(b) of the Rockland County Code of Ethics; and be it further

RESOLVED, That the Clerk to the Legislature hereby is directed to send copies of this resolution to the Rockland County Planning Board and Dr. Andrew Smith.

BB
2012-03937

DRAFT

Introduced by:

Referral No.

**RESOLUTION NO. OF 2013
TRANSFER OF FUNDS
FROM THE COUNTY'S 2013 CONTINGENCY ACCOUNT
TO THE DEPARTMENT OF ENVIRONMENTAL RESOURCES BUDGET
TO COVER VARIOUS HAVERSTRAW BAY PARK REPAIRS
RELATED TO HURRICANE SANDY
[DEPARTMENT OF ENVIRONMENTAL RESOURCES]
(\$53,000)**

WHEREAS, The Department of Environmental Resources has advised the County Executive and the Legislature of Rockland County that \$53,000 of various Haverstraw Bay Park repairs related to Hurricane Sandy requires the County's immediate attention; and

WHEREAS, The Department of Environmental Resources does not have sufficient funds in its budget to cover these costs and continue its operations through the end of the year; and

WHEREAS, Haverstraw Bay Park has sustained substantial physical damage due to the storm surge from the Hudson River, requiring emergency repairs and dangerous tree removal in the park; and

WHEREAS, It is necessary to transfer funds from the County's 2013 Contingency account to the Department of Environmental Resources budget to cover these costs; and

WHEREAS, These costs shall be submitted to the Federal Emergency Management Agency ("FEMA") for reimbursement due to the Declaration of Emergency that had been declared as a result of this hurricane but it is unknown at this time how much of these costs will be reimbursed; and

WHEREAS, An insurance claim for the damage to Haverstraw Bay Park has been filed by the Insurance Department with the County's Insurance Carrier; and

WHEREAS, Whatever reimbursement amount is received from FEMA as it relates to these costs shall be applied towards replenishing the County's 2013 Contingency account via a County legislative resolution; and

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OF
LEGISLATION

WHEREAS, Whatever reimbursement amount is received from the County's Insurance Carrier as it relates to these costs shall be applied towards replenishing the County's 2013 Contingency account via a County legislative resolution; 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 a transfer of funds in the amount of \$53,000 from the County's Contingency account to the Department of Environmental Resources budget to cover various Haverstraw Bay Park repairs related to Hurricane Sandy; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase and decrease the following accounts in the amounts indicated:

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):

A-ENV-8060-E5110	Emergency Funds	53,000
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Decrease Approp. Acct. (Debit):

A-UNC-1990-E5050	Contingency	53,000
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LG:mf
2012-04852
1-7-13

RESOLVED, That the Legislature of Rockland County hereby approves the purchase in excess of \$100,000 of a 930K Caterpillar wheel loader including a 3.0YD bucket as well as a 5 year/5,000 hour extended warranty for the Highway Department from H.O. Penn Machinery Company, Inc., 699 Brush Avenue, Bronx, New York 10465, in an amount not to exceed \$142,120 under NYS OGS Contract No. PC62176, 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 this purchase is provided for in Capital Project #3402, Highway Department, Three (3) Year Equipment Replacement Program.

BB:lo
2012-04427
1/4/13

Introduced by

Referral No.

**RESOLUTION NO. OF 2013
APPROVING AMENDMENT TO AGREEMENT
IN EXCESS OF \$100,000
WITH TRANSYSTEMS ARCHITECT & ENGINEER, P.C.
FOR DESIGN AND CONSTRUCTION SUPPORT SERVICES
FOR AN ADDITIONAL AMOUNT OF \$34,852
FOR A TOTAL AMOUNT OF \$321,131 FOR THE
PERIOD JANUARY 1, 2012 THROUGH DECEMBER 31, 2014
OAK TREE ROAD BRIDGE REPLACEMENT
UNDER CAPITAL PROJECT NO. 3300
AND AUTHORIZING ITS EXECUTION BY THE
COUNTY EXECUTIVE
[DEPARTMENT OF HIGHWAYS]
(\$321,131)**

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WHEREAS, By Resolution No. 70 of 2000, the Legislature of Rockland County approved Contract in excess of \$100,000 with Lichtenstein Engineering Associates, P.C., for engineering and design of the Oak Tree Road Bridge, Sparkill Creek, Town of Orangetown, under Capital Project No. 3300, in the total contract sum of \$194,237; and

WHEREAS, The County entered into a contract dated March 14, 2000, with Lichtenstein Engineering Associates, P.C., Empire State Building, Suite 2920, 350 Fifth Avenue, New York, NY 10118, for engineering and design of the Oak Tree Road Bridge, Sparkill Creek, Town of Orangetown, under Capital Project No. 3300, in the total contract sum of \$194,237, for a term through December 31, 2002; and

WHEREAS, On June 7, 2001, the County entered into an amendment and extension to said agreement with Lichtenstein Engineering Associates, P.C., extending the agreement through December 31, 2004 and increasing the total contract sum to \$202,802; and

WHEREAS, On March 11, 2005, the County entered into a second amendment to said agreement with Lichtenstein Engineering Associates, P.C., which extended the agreement through December 31, 2008 and required delivery of final plans, specification and estimates on June 30, 2007 with the total contract sum remaining the same; and

WHEREAS, By Resolution No. 14 of 2008, the Legislature of Rockland County approved a third amendment to the agreement with Lichtenstein Engineering Associates, P.C., in the additional amount of \$83,477 for a total contract sum not to exceed \$286,279, for the period from March 15, 2000 through December 31, 2009, for design and construction support services for the replacement of the Oak Tree Road Bridge, Sparkill Creek, Town of Orangetown; and

WHEREAS, On February 7, 2008, the County entered into a third amendment to said agreement with Lichtenstein Engineering Associates, P.C., which extended the agreement through December 31, 2009 and required delivery of final plans, specification and estimates on December 31, 2008 and increased the total contract sum to \$286,279; and

WHEREAS, Lichtenstein Consulting Engineers, PC entered into a certain Stock Purchase Agreement effective on June 2, 2007 with TranSystems Engineer & Architect, P.C.; and

WHEREAS, By Resolution No. 235 of 2009, the Legislature of Rockland County approved a written consent to assignment and assumption of the agreement with TransSystems Engineers & Architect, P.C for design and construction support services for the replacement of the Oak Tree Road Bridge, Sparkill Creek, Town of Orangetown; and

WHEREAS, The completed construction contract documents require some updating of standards and specifications for bidding in 2013; and

WHEREAS, The Superintendent of Highways recommends that the Legislature approve the amendment to the contract in the amount of \$34,852 for a total contract sum not to exceed of \$321,131 by TranSystems Architect & Engineer, P.C., for design and construction support services for the replacement of the Oak Tree Road Bridge, Sparkill Creek, Town of Orangetown for the period January 1, 2012 through December 31, 2014 under Capital Project No. 3300; 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 within Capital Project No. 3300 in the 2013 Budget of the Department of Highways; and

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

DRAFT

RESOLVED, That the Legislature of Rockland County hereby approves the amendment to the contract in excess of \$100,000, between the County of Rockland and TranSystems Architect & Engineer, P.C., 45 Eisenhower Drive, Suite 250, Paramus, New Jersey 07652 for design and construction support services for the replacement of the Oak Tree Road Bridge, Sparkill Creek, Town of Orangetown, in the amount of \$34,852 for a total contract amount not to exceed \$321,131 under Capital Project No. 3300, 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 this agreement exists within Capital Project No. 3300 in the 2013 Budget of the Department of Highways.

LG:lo
2013-00124
1/9/13

DRAFT

Referral No.

RESOLVED, That sufficient funding for this project exists within Capital Account 3397; and be it further

RESOLVED, The new bridge will be approximately fifty-eight (58) feet long (the original bridge was 47 feet long) and will be constructed with precast concrete beams and concrete abutments supported on driven steel piles. The precast beams will minimize maintenance and the steel piles will prevent abutment failure during future flood events. The final engineers estimate for construction is approximately \$750,000. Seventy five (75%) of the construction and construction inspection costs will be reimbursed to the County by FEMA.

LG:mf
2012-04851
12-27-12

D R A F T

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of \$100,000 from Beyer Bros. Corp., 109 Broad Avenue, Routes 1 & 9, Fairview, New Jersey 07022, of three (3) additional snow plow trucks for the Highway Department under RFB-RC-2012-017 in the additional amount of \$985,395 and for a total amount not to exceed \$1,970,790, and authorizes the 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 Capital Project #3402, Highway Department, Three (3) Year Equipment Replacement Program.

BB:lo
2012-04838
1/16/13

J E W R O

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 purchases in excess of \$100,000 from Tilcon New York Inc., 162 Old Mill Road, West Nyack, NY 10994, for subbase material for use by the Highway Department and the Rockland County Drainage Agency under RFB-RC-2012-065 in an amount not to exceed \$400,000 for the period from September 20, 2012 through September 19, 2013, and 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 and 2013 Budgets of the Highway Department.

BB:lo
2012-04481
12/20/12
Rev. BB 1/8/13

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 GEA Mechanical Equipment US, Inc., 100 Fairway Court, Northvale, New Jersey 07647, to provide preventive maintenance and repair to the three (3) Westfalia Seperator centrifuges in operation at the Rockland County Sewer District No. 1 (RCSD) under RFB-RC-2011-038 in the additional amount of \$90,000 and for a total amount not to exceed \$290,000 for the two (2) year period from July 28, 2011 through July 27, 2013 with the option to renew for three (3) additional one (1) year terms, and 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 and 2013 Budgets of the RCSD.

BB:lo
2012-04854
12/24/12

Introduced by:

Referral No.

RESOLUTION NO. _____ OF 2013

RESCINDING RESOLUTION NO. 572 OF 2012 A RESOLUTION APPROVING A \$43,000,000 INCREASE IN COST OF THE WESTERN RAMAPO SEWER EXTENSION OF ROCKLAND COUNTY SEWER DISTRICT NO. 1, BRINGING THE TOTAL COST TO \$168,000,000 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

WHEREAS, By Resolution No. 572 of 2012 the Legislature of Rockland County on December 18, 2012 approved a \$43,000,000 increase in cost of the Western Ramapo Sewer Extension of Rockland County Sewer District No. 1 bring the Total cost to \$168,000,000 and making other determinations in connection therewith; and

WHEREAS, Said Resolution was certified by the Clerk to the Legislature on December 19, 2012; and

WHEREAS, A certified copy said Resolution was to be published in the "Rockland Journal News" and "Rockland County Times" within ten (10) calendar days; and

WHEREAS, Inasmuch as the Resolution was not published, the Legislature of Rockland County hereby rescinds set Resolution No. 572 of 2012; 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 rescinds said Resolution No. 572 of 2012.

TM:mf
2013-00113
1-7-13

Introduced by:

Referral No.

RESOLUTION NO. _____ OF 2013

A RESOLUTION APPROVING A \$43,000,000 INCREASE IN COST OF THE WESTERN RAMAPO SEWER EXTENSION OF ROCKLAND COUNTY SEWER DISTRICT NO. 1, BRINGING THE TOTAL COST TO \$168,000,000 AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH.

DRAFT

WHEREAS, By proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Rockland, New York, has established a County sewer district designated and known as the Rockland County Sewer District No. 1 ("RCSD"); and

WHEREAS, By proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, and approving orders of the New York State Comptroller, the County Legislature approved the Western Ramapo Sewer Extension of RCSD for sewer projects in unsewered areas and improvements to sewers in connection with extending service to the Villages of Hillburn and Sloatsburg and a portion of the unincorporated area of the Town of Ramapo, including an advanced wastewater treatment plant, pump stations, a sewer collection system and interconnection line, all at a maximum estimated cost of \$125,000,000; and

WHEREAS, A revised engineer's report and estimate of cost relating to the Western Ramapo Sewer Extension dated June, 2010 and approved by the Board of the RCSD has been filed with the County Legislature indicating that in order to complete the improvements for the Extension, it will be necessary to expend the sum of \$168,000,000, an increase of \$43,000,000 over that previously authorized; and

WHEREAS, On July 2, 2012, the State Comptroller consented to the proposed increase in cost; and

WHEREAS, Said County Legislature duly adopted a resolution on August 7, 2012, calling a public hearing on the aforesaid increased cost of the Extension in accordance with the provisions of Section 269 of the County Law, said public hearing to be held at the Legislative Chambers, Allison-Parris County Office Building, in New City, New York, in said County, on the 19th day of September, 2012, at 7:10 o'clock P.M., Prevailing Time; and

WHEREAS, Notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, Said public hearing was duly held at the time and place aforesaid; and

WHEREAS, Said County Legislature has duly considered the evidence at said public hearing;

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

BE IT RESOLVED, by the County Legislature of the County of Rockland, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase the cost of the establishment of the Western Ramapo Sewer Extension of Rockland County Sewer District No. 1 in the County of Rockland, New York as hereinbefore set forth and as more fully described in the aforesaid map and report including an estimate of cost, and the same is hereby authorized at a maximum estimated cost of \$168,000,000, all as more fully described in the preambles hereto.

Section 2. The Clerk of the County Legislature shall, within ten (10) days, cause a certified copy of this resolution to be published in the "ROCKLAND JOURNAL NEWS," published in West Nyack, New York and the "ROCKLAND COUNTY TIMES," published by Citizen Publishing Corp., Nanuet, New York.

Section 3. This resolution is adopted subject to permissive referendum and shall take effect forty-five (45) days after its adoption unless a petition is presented with the required number of signatures requesting a referendum thereon.

2013-00116
1-7-13

APPROVED:

DATED:

AYES:

NOES:

ABSENT:

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