

# ORANGE COUNTY LEGISLATURE

**Committee: Rules, Enactments and Intergovernmental Relations**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 1**

## RESOLUTION NO.                      OF 2015

### **RESOLUTION FIXING DATE, TIME AND PLACE OF MEETING TO ORGANIZE THE COUNTY LEGISLATURE IN 2016, PURSUANT TO SECTION 151 OF THE COUNTY LAW.**

**WHEREAS**, Section 151 of the County Law provides that the members of the Board of Supervisors shall organize the board and select a chairman on or before the eighth day of January in each year, and Section 2.05 of the Administrative Code for the County of Orange provides that the County Legislature, by resolution adopted at its regular meeting in December of each year, shall designate the date, time and place of its organizational meeting to be conducted not later than the eighth day of January next following.

**RESOLVED**, that a meeting to organize the County Legislature of the County of Orange for 2015 shall be held on the 5th day of January, 2016, at 3:30 p.m., (snow date January 6, 2016 at 3:30 p.m.) at the Emergency Services Center Auditorium, 22 Wells Farm Road, in the Town of Goshen, New York.

**FURTHER RESOLVED**, that the Clerk of this Legislature shall serve upon each member of said County Legislature a notice stating the date, time and place of such meeting, and that a chairman will then be selected. Said notice shall be in writing, and shall be served by mail addressed to each member of the County Legislature at his/her last known post office address at least forty-eight hours before the date of said meeting.

# ORANGE COUNTY LEGISLATURE

**Committee: Rules, Enactments and Intergovernmental Relations**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 2**

## RESOLUTION NO.                      OF 2015

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ESTABLISHING AND REPORTING THE STANDARD WORK DAY FOR ELECTED AND APPOINTED OFFICIALS TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM.**

**BE IT RESOLVED**, that the County of Orange, hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

<b>Elected Officials</b>									
Title	Standard Work Day	Name	Social Security Number (Last 4 digits) <b>REDACTED</b>	Registration Number <b>REDACTED</b>	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates	Participates in Employer's Time Keeping System	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Legislator	6	Thomas J. Faggione				04/23/15-12/31/2017	N	25.66	

<b>Appointed Officials</b>									
Title	Standard Work Day	Name	Social Security Number (Last 4 digits) <b>REDACTED</b>	Registration Number <b>REDACTED</b>	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates	Participates in Employer's Time Keeping System	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Deputy Commissioner Emergency Services, Div. of Fire Services	8	Vinayak Tankasali				** 01/01/14-12/31/17	Y		

**\*\*Appointed by County Executive-term 01/01/14-12/31/17**

And be it further

**RESOLVED**, that the Clerk of the Orange County Legislature along with the Orange County Department of Finance will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system for the appointed official and the record of activities maintained and submitted by the above official to the Clerk of this body.

## ORANGE COUNTY LEGISLATURE

**Committee: Rules, Enactments and Intergovernmental Relations**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 3**

**RESOLUTION NO.      OF 2015**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE OF ORANGE COUNTY, NEW YORK OPPOSING EXTENSION OF DISASTROUS TRADE POLICIES (TRANS-PACIFIC PARTNERSHIP FREE TRADE AGREEMENT).**

**WHEREAS**, the growing trade deficits, driven by the North American Free Trade Agreement, China's accession to the World Trade Organization, and the U.S.-Korea Free Trade Agreement, have displaced 700,000 jobs and 3.2 million jobs, and 75,000 jobs respectively; and

**WHEREAS**, U.S. employment in manufacturing dropped by 5 million from 2000 to 2015; and

**WHEREAS**, jobs lost due to trade devastate families and entire communities and can permanently reduce lifetime earnings for hundreds of thousands of workers; and

**WHEREAS**, the long decline of the American manufacturing base—exacerbated by bad trade policies that reward outsourcing—has undermined our economic security and poses a direct threat to our national security; and

**WHEREAS**, the offshoring of manufacturing and service jobs deprives local and state governments of sorely needed revenues, jeopardizing the livelihoods of millions of public servants as well as construction workers whose jobs depend upon infrastructure building, repair and maintenance; and

**WHEREAS**, under NAFTA-style trade rules, the U.S. annual trade deficit has increased dramatically from 70 billion in 1993, the year before NAFTA went into effect, to more than \$508 billion in 2014; and

**WHEREAS**, the Trans-Pacific Partnership (TPP) Free Trade Agreement is likely to include provisions locking in monopoly protections for expensive specialty drugs called biologics<sup>1</sup> and constrict the government's ability to limit spending on drugs, potentially increasing drug costs for the government and all Americans; and

**WHEREAS**, the Trans Pacific Partnership Free Trade Agreement could have tremendous impacts on where and how dairy products are produced and processed. Such free trade agreements fly in the face of state and local agricultural campaigns to "BUY LOCAL." U.S. Dairy farmers have raised concerns that if restrictions on dairy imports are phased out under TPP, they will be hard pressed to compete with Frontera, a giant co-operative owned by 13,000 New Zealand farmers. Fontera purportedly controls 90 percent of New Zealand's domestic milk production and holds over a 40 percent market share in key internationally traded dairy commodities.<sup>2</sup> New market access for New Zealand's monopolistic dairy sector would be most damaging to U.S. Dairy farmers and those who produce and process nonfat dry milk, butterfat or cheese; and

**WHEREAS**, NAFTA and all but two of the U.S. trade deals that followed it include special legal rights for foreign investors, known as "investor-to-state dispute settlement" or ISDS, that allow foreign firms to bypass state and federal courts to challenge state and local laws, regulations, and administrative and judicial decisions in international tribunals; and

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<sup>1</sup> Biological products include a wide range of products such as vaccines, blood and blood components, allergenics, somatic cells, gene therapy, tissues, and recombinant therapeutic proteins. Biologics can be composed of sugars, proteins, or nucleic acids or complex combinations of these substances, or may be living entities such as cells and tissues. Biologics are isolated from a variety of natural sources - human, animal, or microorganism - and may be produced by biotechnology methods and other cutting-edge technologies. Gene-based and cellular biologics, for example, often are at the forefront of biomedical research, and may be used to treat a variety of medical conditions for which no other treatments are available. Biological products often represent the cutting-edge of biomedical research and, in time, may offer the most effective means to treat a variety of medical illnesses and conditions that presently have no other treatments available. (See, USDA website, "What are Biologics")

<sup>2</sup> See, *economyincrisis*, "TPP could Cost U.S. Dairy Farmers Billions"

**WHEREAS**, foreign investors already have used NAFTA's ISDS provisions to challenge decisions regarding local building permits, environmental regulations, state bans on toxic chemicals and decisions of state courts; and

**WHEREAS**, climate change and environmental degradation threaten communities across the globe, and ISDS provisions in the Trans-Pacific Partnership (TPP) Free Trade Agreement may expose nations enacting policies to fight climate change to ISDS cases that undermine these efforts; and

**WHEREAS**, promoting economic growth with equity in Orange County, New York requires an approach that reforms the entire trade negotiation process to ensure that voices of workers, farmers, small businesses, families and communities are heard and their interests addressed; and

**WHEREAS**, the TPP has been negotiated in secret, effectively shutting state and local governments out of the process, limiting our ability to influence its rules to ensure that the people of Orange County, New York can participate in the benefits of trade; and

**WHEREAS**, given U.S. Congress' enactment of fast track trade negotiating authority, states, localities and their citizens will have no opportunity to correct shortcomings in the TPP since its text will not be made public until it is final and no longer can be improved; and

**WHEREAS**, repeating old mistakes in negotiating new trade agreements such as the TPP represents a missed opportunity to strengthen our economy, reduce income inequality and promote sustainable growth.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that We, the Orange County Legislature, of Orange County, New York call upon our elected officials in the U.S. Senate and U.S. House of Representatives to oppose the Trans-Pacific Partnership Free Trade Agreement and any similar trade deals if they fail to represent the needs and requirements of local and state municipalities, American public health interests, and U.S. agricultural industries; and be it further

**RESOLVED**, that the Orange County Legislature calls upon our elected officials in the U.S. Senate and U.S. House of Representatives to support new trade deals only if they will:

- Protect and promote traditional state and local prerogatives and authority under our federal system, including by ensuring that states and localities will not be required to comply with certain commitments, including any restrictions on preferences for local, state, or U.S. goods or services, without prior informed consent of the legislature or local law making body;
- Ensure balanced trade and address the excessive, job-killing U.S. trade deficit;
- Include enforceable rules against currency manipulation, which countries such as China and Japan have used to tilt the playing field in their favor;
- Exclude investor-to-state dispute settlement (ISDS) and other provisions that favor foreign companies over domestic ones and undermine public choices;
- Protect the U.S. agricultural industry;

- Ensure that countries cannot undercut U.S. based producers with weaker labor and environmental laws and enforcement;
- Ensure that the U.S. will engage in robust enforcement of trade rules, including labor and environmental rules;
- Include strong rule of origin to promote economic growth and job creation in the U.S.;
- Promote high standards of protection for workplaces, products, and natural resources rather than promoting a race to the bottom; and
- Put the interests of people and the planet in the forefront of other issues.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Rules, Enactments and Intergovernmental Relations**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 4**

### **LOCAL LAW INTRODUCTORY NO. 7 OF 2015**

#### **A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 2014 AND FIXING THE COMPENSATION FOR THE SHERIFF OF ORANGE COUNTY, PURSUANT TO SECTION 201 OF THE N.Y.S. COUNTY LAW.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the Sheriff of Orange County, without reference to other provisions of law, is hereby established for the years indicated as follows:

2016	\$ 133,988
2017	\$ 140,988
2018	\$ 140,988

Section 2. The rate of annual compensation for the Sheriff of Orange County, as increased pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. This Local Law is subject to permissive referendum and shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**DATED: DECEMBER 3, 2015**

\*This includes an increase of \$7,000 upon the effective date of this local law and an additional \$7,000 for 2016.\*

# ORANGE COUNTY LEGISLATURE

**Committees:** Rules, Enactments, Intergovernmental Relations; Public Safety and  
Emergency Services

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 5**

## RESOLUTION NO.      OF 2015

### **RESOLUTION OF THE ORANGE COUNTY LEGISLATURE CALLING UPON THE NEW YORK STATE LEGISLATURE TO RECONSIDER "SPARKLING DEVICE" LEGISLATION AND AMEND PENAL LAW SECTIONS 270 AND 405 TO ALLOW NEW YORK STATE SMALL CITIES THE ABILITY TO OPT BY LOCAL LAW TO EXEMPT SPARKLING DEVICES FROM THE DEFINITION OF "FIREWORKS."**

**WHEREAS**, New York State Session Laws of 2014, Chapter 477 (S7888) entitled "Crimes and Offenses – Fireworks" amended the State Penal Law, the Executive Law, and the General Business Law with the intent to modernize the statute dealing with illegal fireworks, provide additional definitions of what constitutes fireworks and dangerous fireworks and remove certain novelty devices, which are not recognized as fireworks by the federal government, out of the definition of fireworks; and

**WHEREAS**, Orange County adopted Local Law No. 1 of 2015, entitled "**A LOCAL LAW TO AUTHORIZE THE SALE AND USE OF SPARKLING DEVICES**", thereby allowing the sale and use of sparkling devices in Orange County for the 4<sup>th</sup> of July in 2015. The intent of the legislation is to allow the sale of novelty devices within the county as another means of stirring the economy and increasing sales tax; and

**WHEREAS**, although the legislation appeared on its fact to have good intentions, it had untended consequences for the small cities of Orange County. Orange County borders Pennsylvania, where the sale of and purchase of all kinds of fireworks merchandise is legal. Some municipalities, like the City of Middletown, endured a dramatic increase in not only the use of authorized "sparkling devices" but illegal fireworks as well; and

**WHEREAS**, local small cities experienced dramatic increases in "fireworks" complaints and the local police agencies, whose primary responsibility is crime prevention, fighting the war on drugs and community relations were daunted with an unnecessary "quality of life" issues as authorized by the State of New York and imposed upon them by Orange County of Orange.

**WHEREAS**, although the sale of sparkling devices may be good for some municipalities it may not be beneficial to all and each of Orange Counties three small cities should have the authorization to use their home rule powers to decide whether sparkling devices should be sold and used in their local communities.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that We, the Orange County Legislature urge the New York State Legislature and the Governor of the State of New York to reconsider the "Sparkling Device Legislation" by amending Penal Law Sections 270 and 405 by authorizing each of Orange County's three cities; Newburgh, Middletown and Port Jervis, to use their home rule public safety powers in the State of New York to opt by local law to remove "sparkling devices" from the definition of "fireworks" and dangerous fireworks; as a local small city option, and

**RESOLVED**, that the Clerk of the Legislature is hereby directed to send a certified copy of this resolution to the Honorable Andrew M. Cuomo, Governor of the State of New York, the NYS Association of Counties, Sheriff DuBois, to each small city mayor and police chief in Orange County, and to each New York State Senator and Assemblyperson whose district includes portions of the three cities of Orange County.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 6**

**RESOLUTION NO.            OF 2015**

### **RESOLUTION AMENDING AND REAFFIRMING THE ORANGE COUNTY DEPARTMENT OF GENERAL SERVICES PROCUREMENT POLICY.**

**WHEREAS**, the Legislature of the County of Orange did, on September 1, 2011 approve Resolution No. 189 of 2011 authorizing the adoption of the new Procurement Policies and Procedures which would be the guiding principles of the Orange County Commissioner of General Services with regard to Orange County's purchasing of all goods and services not required by law to be made pursuant to competitive bidding requirements. Said Policy was amended by Resolution No. 79 of 2012 on April 5, 2012, Resolution No. 168 of 2013 on August 1, 2013, Resolution No. 193 of 2013 on September 5, 2013, and further amend by Resolution No. 91 of 2014 on April 4, 2014; and

**WHEREAS**, the Orange County Commissioner of General Services recommends the reaffirmation of the Orange County Department of General Services Procurement Policy with certain amendments, including but not limited to:

1. Modifies requirement for a contract from \$1,500.00 to \$5,000.00 with certain exceptions.
2. Clarifies language throughout, requires written justification of vendor selection for discretionary procurements of less than \$10,000.00.
3. Requires approval of Commissioner of General Services for procurements over \$10,000.00.

4. Changes single/sole Source approval from County Attorney to Commissioner of General Services.
5. Modifies Bond requirement approval from County Attorney to Commissioner of General Services in consultation with County Attorney.
6. Adds Part XVII to address Contract Modifications.
7. Clarifies in Parts (as numbered in this revision) IV, V, VI, XIV, XXI, XXIII that procurement authorization sits with the Commissioner of General Services, unless otherwise specified in the Procurement Policy.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** that the Orange Department of General Services Procurement Policy is hereby adopted as amended and as annexed hereto as Schedule "A".

**COUNTY OF ORANGE  
PROCUREMENT POLICY**

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## PART I. PURPOSE

Pursuant to New York State General Municipal Law ("General Municipal Law") §104-b, "so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption" the following Procurement Policy is applicable to the procurement of Commodities (including Technology) and Services not subject to competitive bidding under General Municipal Law §103.

## PART II. DEFINITIONS

### A. Best Value.

Means the basis for awarding Purchase Contracts to the Offeror that optimizes quality, cost and efficiency, among responsive and responsible Offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for Offerors that are small businesses or certified Minority- or Women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15) and (20), to be used in evaluation of offers for awarding of Purchase Contracts for Services. See *New York State State Finance Law ("State Finance Law") §163(1)(j)*.

### B. Commodities.

As used in this Policy, unless stated otherwise, means material goods, supplies, products, construction items or other standard articles of commerce, other than Technology, which are the subject of any purchase or other exchange. See *State Finance Law §160(3)*.

### C. Contract Administrator.

Refers to the staff or individual in a Procuring Agency that assists with procurement (i.e. typically buyers in the Department of General Services ("DGS") and clerical or fiscal personnel in other departments).

### D. Department Head.

Means the Commissioner, Director or head of a Unit of County Government as defined in section 1.05(x) of the Orange County Charter.

### E. Procuring Agency.

Means the Unit of County Government procuring a Commodity, Technology or Service.

### F. Professional Services.

Are a subset of the general category Services, further defined in Part VI of this Policy.

### G. Public Work.

As defined in §103(1) of the General Municipal Law, includes only construction and highway project contracts subject to Article 8 of the New York State Labor Law ("Labor Law") Procuring Agencies should confer with DGS on any questions or concerns regarding categorization of Public Work/Article 8 procurements.

## **H. Public Improvement.**

Means projects involving the erection, construction, reconstruction or alteration of County facilities, including but not limited to buildings, grounds and roads. Public Improvements, unlike Public Works, include contracts subject to either Article 8 or Article 9 of the Labor Law. See New York State County Law ("County Law") §850 and New York State Lien Law ("Lien Law") §2. Procuring Agencies should confer with DGS on any questions or concerns regarding categorization of Article 8 Public Work/Article 9 Building Services procurements.

## **I. Purchase Contract.**

Contracts for Services (excluding Professional Services contracts and Public Works contracts as defined herein), Commodities or Technology as defined in General Municipal Law §103. General Municipal Law may sometimes reference Commodities and Technology as separate items, but they are both subject to the competitive bidding threshold for Purchase Contracts.

## **J. Service or Services.**

Means the performance of a task or tasks, which may also include supply of Commodities or Technology as part of the purchase. Unless otherwise specified, Services include Professional Services, Public Works and all other types of Services.

## **K. Technology.**

Means either a good or a service or a combination thereof, resulting in a technical method of achieving a practical purpose or in improvements in productivity. Goods may be either new or used. See *State Finance Law §160(10)*.

## **L. Unit of County Government or Unit of Government.**

Means any part of the County Government, including officers thereof, and any quasi-independent agency, board, commission or committee receiving County funds or on a budgeted basis by appropriation, unless such unit is required to enact their own Procurement Policy pursuant to New York State law. See *Orange County Charter § 1.05(x)*.

# **PART III. GENERAL PROVISIONS**

## **A. Applicability of Policy**

### 1. Applicability and Funding Source Requirements

Unless the funding source (i.e. a state or federal grant, including but not limited to block and entitlement funds) for a procurement requires otherwise, procurements not subject to competitive bidding under General Municipal Law §103 must be made in accordance with this Policy. **If funding source guidelines conflict with or are more stringent than this Policy, Contract Administrators should confer with the Law Department prior to soliciting or acquiring the Commodity, Technology or Service.**

### 2. Applicability by Procurement Methods

Parts IV and V of this policy are not applicable if a procurement is made:

- a. through Preferred Sources pursuant to State Finance Law §162 (However, an explanation of Preferred Source requirements as applied to Purchase Contracts and Public Works can be found in Parts IV and V, respectively.);
- b. through the New York State Office of General Services pursuant to General Municipal Law §104;
- c. through another New York county's contract pursuant to General Municipal Law §103(3);
- d. in an emergency pursuant to General Municipal Law §103(4) and Part VIII of this Policy;
- e. as a Professional Service pursuant to Part VI of this Policy;
- f. as a Sole or Single Source pursuant to Part VII of this Policy;
- g. through a group purchasing organization, as long as the Procuring Agency qualifies as a municipal hospital or nutrition program pursuant to General Municipal Law §103(8);
- h. through federal, New York State, or New York political subdivisions, districts or public benefit corporations when the purchase is surplus or second-hand supplies, material or equipment pursuant to General Municipal Law 103(6);
- i. through certain federal General Services Administration schedules pursuant to General Municipal Law §103(1-b) or §104(2);
- j. through "piggybacking" on other federal, state or local government contracts for certain Commodities, Technology and Services pursuant to General Municipal Law §103(16) (*See Part XIX of this Policy*); or
- k. through other exemptions as may be authorized by the laws of the State of New York.

## **B. Determining Whether a Procurement is Subject to Competitive Bidding**

Before any solicitation occurs, Contract Administrators need to first determine whether the intended procurement is subject to competitive bidding under General Municipal Law §103. Competitive bidding is required if the reasonably expected countywide aggregate will exceed the threshold amounts of \$20,000 for Purchase Contracts (*See Part II(I) of this Policy*) or \$35,000 for Public Works (*See Part II(G) of this Policy*) within 12 months of the date of the planned purchase.

Under General Municipal Law §103(1), aggregates must be examined in two ways:

### **1. By Commodity or Service**

Contract Administrators must determine the reasonably expected aggregate amount of all purchases of the same Commodities, Technology or Services that will be made within 12 months of the date of the planned purchase. This means that if your department is purchasing

janitorial services (a Purchase Contract subject to Labor Law Article 9) for \$1,000 on October 13, you need to evaluate whether it is reasonably expected that the entire County will purchase over \$20,000 in janitorial services within 12 months of October 13. If it is reasonable to expect this, the \$1,000 in janitorial services for your department must be competitively bid pursuant to General Municipal Law §103. Artificial division of purchases of Commodities, Technology or Services to avoid the thresholds is prohibited by General Municipal Law §103(1); and

## 2. By Vendor

Contract Administrators must also determine whether the reasonably expected aggregate amount of all purchases of the same Commodities, Technology or Services within 12 months of the date of the planned purchase will be made from the same vendor. Therefore, if your department is purchasing \$500 in software from Microsoft on February 7, you need to evaluate whether it is reasonably expected that the entire County will purchase over \$20,000 in similar goods from that same vendor within 12 months of February 7. If it is reasonable to expect this, the \$500 in software must be competitively bid pursuant to General Municipal Law §103. General Municipal Law §103(1) does not permit change orders to or renewals of contracts that were not competitively bid initially because they did not meet the \$20,000 threshold if the change order or renewal would bring the reasonably expected 12-month aggregate amount of purchases from the same vendor over the \$20,000 threshold. Therefore, if you need additional software in November from the same vendor i.e., Microsoft, you must first determine whether the vendor already has over \$20,000 in contracts with the County before you prepare and submit a change order or renewal of the initial contract on February 7. If the aggregate amount exceeds \$20,000, a change order to or renewal of the initial contract would not be legal and the additional software purchase must be bid.

While it is not easy to examine or guarantee the accuracy of aggregates, the following methods may be useful:

1. Reviewing past use of that Commodity, Technology, Service or vendor, both from general knowledge and by querying the NIGP code and/or the Vendor in Oracle;
2. Conferring with DGS and/or departments that you know use similar Commodities, Technology, Services or vendors to determine their reasonably expected procurements for the 12 months after your purchase; or
3. Noting grant awards or significant projects (e.g. when they are announced in Department Head, legislative or other meetings) that may involve major purchases that could be similar to yours.

## **PART IV. PURCHASE CONTRACT PROCUREMENT**

### **A. General Provisions for Purchase Contracts**

Except in emergency situations, if Commodities, Technology and Services (except Professional Services or Public Works) required for a Purchase Contract are available from a Preferred Source in the form, function and utility required by the Procuring Agency, the items must be purchased through a Preferred Source Provider. *See Section B of this Part IV for more information on Preferred Source procurement for Purchase Contracts.* The following guidelines apply to all Purchase Contracts where

the purchase of Commodities, Technology or Services (except Professional Services and Public Works) is not an emergency and procurement cannot be made through a Preferred Source or other expedited procurement method (See Section C below).

**For Purchase Contracts estimated to cost: They may be purchased:**

\$0 – 10,000.00 At the discretion of the Commissioner of DGS, or designee, with a written justification for the vendor or consultant documented in the Procurement Record.

\$10,000.01 – \$19,999.99 After approval of the procurement by the Commissioner of DGS, or designee, by soliciting written quotes from at least three separate potential vendors, if available. DGS may approve alternative procurement methods, including but not limited to, Preferred Source, Piggybacking, Sole/Single Source or Emergency Procurement in accordance with applicable provisions of this Policy.

**For Purchase Contracts estimated to cost: They MUST be purchased:**

\$20,000.00 and up By sealed competitive bids or Best Value procurement issued by DGS in conformance with General Municipal Law §103 and Part XX of this Policy, as applicable at the time of purchase.

Awards for Purchase Contracts estimated to cost less than \$20,000.00 may be made to the responsive and responsible potential vendor submitting the lowest price. Regardless of contract cost, if quotes/bids/proposals, etc. were not obtained or the award is given to someone other than the lowest bidder, and the basis of award was not Best Value in accordance with Part XX of this Policy, then General Municipal Law §104-b requires that the Procuring Agency justify and document in writing the basis for awarding the contract to an individual or entity other than the lowest bidder. The written justification must state how such an award:

1. furthers the public good;
2. assures the prudent use of taxpayers' money;
3. ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and
4. guards against favoritism, extravagance, fraud and/or corruption.

Unless authorized under this Policy or delegated in writing by the County Executive, or designee, or the Commissioner of DGS, or designee, with the approval of the County Executive, or designee, all Commodities, Technology and Services shall be procured through DGS. Compliance with this Policy and any related procedures for such purchases will be the responsibility of the Procuring Agency and DGS, each with respect to their roles in the process.

## **B. Preferred Source Exception for Purchase Contracts**

Except in emergency situations, when Commodities or Technology are available from a Preferred Source in the form, function and utility required by the Procuring Agency, they must be purchased from one of the Preferred Source providers identified on the list below in descending order **prior to** any solicitation from any other vendor.

1. For Commodities (including Technology) in the following order of priority:
  - a. The New York State Department of Corrections, Correctional Industries Program (CORCRAFT);
  - b. Approved charitable non-profit-making agencies for the blind; then
  - c. Equal priority to qualified non-profit-making agencies for other severely disabled persons, a qualified special employment program for mentally ill persons or a qualified veterans' workshop.
2. For Services according equal priority to\*:
  - a. Approved, charitable, non-profit-making agencies for the blind;
  - b. Approved, charitable, non-profit-making agencies for other severely disabled persons;
  - c. Qualified special employment programs for mentally ill persons; and
  - d. Qualified veterans' workshops.

\* If multiple sources meet the specifications, cost shall be the determining factor in selection.

*See NYS Finance Law §162 for updates and any changes to the foregoing lists.*

Consult the Preferred Source Guidelines on the Office of General Services website, currently available at <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf> for details on the process for Preferred Source acquisitions, including the 10-day notice requirement to Preferred Sources if your agency determines that the Commodity, Technology or Service offered on the List of Preferred Source Offerings does not meet the form, function and utility you require (e.g. a Preferred Source offers transcription services but not the kind of services that meet your form, function and utility requirements).

New York State laws and regulations governing Preferred Source procurement shall control over any conflicting provisions in this Policy.

## **C. Other Expedited Procurement Methods for Purchase Contracts**

If a procurement is not an emergency or if the items cannot be purchased through a Preferred Source, you may consider other expedited procurement methods, including purchasing through the following entities:

1. New York State contracts, per General Municipal Law §104;
2. Other counties' contracts (except those for Services subject to Labor Law Article 9), per General Municipal Law §103(3);
3. A group purchasing organization, if your Unit of Government is eligible, per General Municipal Law §103(8);
4. Surplus or second-hand supplies, materials or equipment from the federal government, the state of New York, or from any other New York political subdivision, district or public benefit corporation, per General Municipal Law §103(6);
5. Federal GSA Schedules, if the procurement involves the applicable type of Commodities, Technology or Services, per General Municipal Law §103(1-b) or §104(2);
6. "Piggybacking" on other federal, state or local government contracts for purchase of certain Commodities, Technology and Services, per General Municipal Law §103(16) (See *Part XIX of this Policy*); or
7. Other applicable entities pursuant to any New York State law enacted as an exemption to the requirements of General Municipal Law §103.

If you aren't using any of the expedited methods then the general policy described in this Part applies to the Purchase Contract.

## **PART V. PUBLIC WORKS PROCUREMENT**

### **A. General Provisions for Public Works Contracts**

Except in emergency situations or when procuring Professional Services, if Services required for a Public Works contract (Services subject to Labor Law Article 8) are available in the form, function and utility required by the Procuring Agency from a Preferred Source, the Services must be purchased through a Preferred Source Provider. See *Section B of this Part V for more information on Preferred Source procurement of Services*. The following guidelines apply to the procurement of all Public Works, absent an emergency, purchase through a Preferred Source or other expedited procurement method.

**For Public Works estimated to cost:**

**They may be purchased:**

\$0 – \$10,000.00

At the discretion of the Department Head of the Procuring Agency, or designee, with a written justification for the selected vendor or consultant documented in the Procurement Record.

\$10,000.01– \$34,999.99

After approval of the procurement by the Commissioner of DGS, or designee, by soliciting written quotes from at least three separate potential vendors, if available. DGS may approve alternative procurement methods, including but not limited to, Preferred Source, Piggybacking, Sole/Single Source or Emergency

Procurement in accordance with applicable provisions of this Policy.

**For Public Works estimated to cost:**

**They MUST be purchased:**

\$35,000.00 and up

By sealed competitive bids or Best Value procurement issued by DGS in conformance with General Municipal Law §103 and Part XX of this Policy, as applicable at the time of purchase.

Awards for Public Works contracts estimated to cost less than \$35,000.00 may be made to the responsive and responsible potential vendor submitting the lowest price. Regardless of contract cost, if quotes/bids/proposals, etc. are not obtained or the award is given to someone other than the lowest Offeror/Bidder and the basis of award was not Best Value in accordance with Part XX of this Policy, then General Municipal Law §104-b requires that the Department justify and document in writing the basis for awarding the contract to an individual or entity other than the lowest bidder. The written justification must state how such an award:

1. furthers the public good;
2. assures the prudent use of taxpayers' money;
3. ensures that the purchased Services are of the best quality at the lowest possible cost in light of the circumstances existing; and
4. guards against favoritism, extravagance, fraud and/or corruption.

Unless authorized under this Policy or delegated in writing by the County Executive, or designee, or the Commissioner of DGS, or designee, with the approval of the County Executive, or designee, all Public Works shall be procured through DGS. Compliance with this Policy and any related procedures for such purchases will be the responsibility of the Procuring Agency and DGS, each with respect to their roles in the process.

#### **B. Preferred Source Exception for Public Works Contracts**

Pursuant to State Finance Law §162 and except in emergency situations, when Public Works are available in the form, function and utility required by a Procuring Agency, those Public Works MUST be purchased from the following Preferred Source Providers, according equal priority to:

1. Approved, charitable, non-profit-making agencies for the blind;
2. Approved, charitable, non-profit-making agencies for other severely disabled persons;
3. Qualified special employment programs for mentally ill persons; and
4. Qualified veterans' workshops.

*See NYS Finance Law §162 for updates and any changes to the order of this list.*

If multiple sources meet the specifications, cost shall be the determining factor in selection.

Consult the Preferred Source Guidelines on the NYS Office of General Services website, currently available at <http://www.ogs.state.ny.us/procurecounc/pdfdoc/psguide.pdf>, for details on the process for Preferred Source acquisitions, including the 10-day notice requirement to Preferred Sources of your Department's need for Services that appear on the List of Preferred Source Offerings (i.e. if you need janitorial services and janitorial services is on the List of Preferred Source Offering, those Preferred Sources must be notified of your form, function and utility requirements.)

State laws and regulations governing Preferred Source procurement shall control over any conflicting provisions in this Policy.

### **C. Other Expedited Procurement Methods for Public Works**

If a procurement is not a Professional Service, an emergency or if the Services cannot be purchased through a Preferred Source, you may consider other expedited procurement methods, including purchasing through the following entities:

1. New York State contracts per General Municipal Law §104;
2. Other counties' contracts, per General Municipal Law §103(3);
3. A group purchasing organization, if your Unit of Government is eligible, per General Municipal Law §103(8);
4. Federal GSA Schedules if the procurement involves the applicable type of Public Works per General Municipal Law §103(1-b) or §104(2);
5. "Piggybacking" on other federal, state or local government contracts for certain Commodities, Technology and Services, per General Municipal Law §103(16) (*See Part XIX of this Policy*); or
6. Other applicable entities pursuant to any New York State law enacted as an exemption to the requirements of General Municipal Law §103.

If you aren't using any of the expedited methods then the general policy described in this Part applies to all Purchase Contracts.

## **PART VI. PROFESSIONAL SERVICES PROCUREMENT**

### **A. Determination of Professional Services**

Professional Services are defined in New York case law and Comptroller opinions. As a general guideline, Professional Services require specialized or technical skills or expertise, training, licensing or certifications, exercise of judgment or discretion, a high degree of creativity and/or a relationship of personal trust and confidence. Some examples of Professional Services include, but are not limited to, Services provided by: physicians, nurses, therapists, engineers, surveyors, attorneys, artists, designers, photographers, publicity agents, laboratories, and insurance or financial service firms. Consult the Law Department prior to any solicitation with questions regarding the Professional Services exemption.

Procurements that involve both the acquisition of Professional Services and other Services, Technology and/or Commodities (e.g. equipment or computer software that needs to be customized for the County) may not be subject to competitive bidding if there is an "inextricable integration of scientific and technical skills" required for the procurement. (e.g. design work with printing or installation and maintenance of a security system) *Burroughs Corp. v. New York State Higher Education Services Corp.*, 458 N.Y.S.2d 702 (3 Dept. 1983); *Doyle Alarm Co., Inc. v. Reville*, 410 N.Y.S.2d 466 (4 Dept. 1978). To determine whether the procurement is subject to competitive bidding, one factor to consider is whether the other, so-called, "non-professional" Services, Commodities or Technology are predominant or merely incidental. If you have questions or are uncertain whether the procurement is exempt from competitive bidding, consult the Law Department prior to soliciting any such procurements.

## **B. Solicitation of Professional Services <sup>3</sup>**

Unless exempted under Part VI.C:

### **For Professional Services estimated to cost:**

### **They may be purchased:**

\$0 - \$10,000.00

At the discretion of the Department Head of the Procuring Agency, or designee, with a written justification for the selected vendor or consultant documented in the Procurement Record.

\$10,000.01- \$74,999.99

After approval of the procurement by the Commissioner of DGS, or designee, by using best efforts to solicit written quotes from at least three separate potential vendors or consultants, if available. DGS may approve alternative procurement methods, including but not limited to, Preferred Source, Piggybacking, Sole/Single Source or Emergency Procurement in accordance with applicable provisions of this Policy.

### **For Professional Services estimated to cost:**

### **They MUST be purchased:**

\$75,000.00 and up

The Procuring Agency must work through DGS to issue a Request for Proposals ("RFP") that, at a minimum, requires submission of pricing and qualifications by potential service providers.

Regardless of contract cost, if quotes/bids/proposals, etc. are not obtained or a contract and the awarded is given to someone other than the lowest priced Offeror/Bidder, General Municipal Law §104-b(e) requires that the Department justify and document in writing the reasons for awarding the contract. The written justification must generally address how such an award:

1. furthers the public good;
2. assures the prudent use of taxpayers' money;

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<sup>3</sup> As amended by Resolution No. 193 of 2013, effective September 6, 2013, which increased the threshold for Department Head discretion from \$5,000.00 to \$10,000 and increased the threshold for written quotes from \$34,999.99 to \$74,999.99.

3. ensures that the purchased Professional Services are of the best quality at the lowest possible cost in light of the circumstances existing; and
4. guards against favoritism, extravagance, fraud and/or corruption.

Unless authorized under this Policy or delegated in writing by the County Executive, or designee, or the Commissioner of DGS, or designee, with the approval of the County Executive, or designee, all Professional Services shall be procured through DGS. Compliance with this Policy and any related procedures for such purchases will be the responsibility of the Procuring Agency and DGS, each with respect to their roles in the process.

### **C. Exemptions from Solicitation for Professional Services**

Certain types of Professional Services may be exempt from the Request for Quotations / Qualifications / Proposals / Application process upon approval of the Commissioner of DGS. Such an exemption might apply to contracts for Services with set rates for classes of vendors or for contracts where the County was mandated to use certain vendors by State or Federal laws, regulations or grant requirements. Examples of such contracts include, but are not limited to:

1. Contracts with Early Intervention Providers and Pre-School Service Providers certified by the State;
2. Contracts with third-party agencies hired by the State to pass-through funds for or implement certain State programs;
3. Contracts with properly credentialed Foster Care and Adoption agencies;
4. Contracts at rates set by federal, state or local agencies, statute and/or regulation, including but not limited to Medicaid;
5. Subgrants, inter-municipal and similar agreements for Professional Services provided in relation to a State or Federal grant for which the County is the responsible Grantee and the contracted party was identified in the grant application;
6. Funding agreements with not-for-profit corporations and other service organizations that provide a unique service that advances the public good (However, when more than one such organization provides the same Professional Services, as Determined by the Commissioner of DGS or his designee, then such funding agreement may be subject to a Request for Applications or Qualifications.);
7. Contracts with former employees for transitional consulting Professional Services;
8. Contracts to fund entities that operate emergency and transitional housing;
9. Contracts to implement a program that is jointly funded by the County and an outside agency or entity (i.e., a program in which both the County and/or the outside agency or entity contributes funding or in-kind Services); or
10. Contracts for existing projects that require the continuity of Professional Services to ensure proper completion of the project.

All requests for exemptions, except those on the basis of 1 – 5 above, require that the Procuring Agency provide written justification for the review and approval to the Commissioner of DGS. The written justification must generally address how such an award:

1. furthers the public good;
2. assures the prudent use of taxpayers' money;
3. ensures that the purchased goods are of the best quality at the lowest possible cost in light of the circumstances existing; and
4. guards against favoritism, extravagance, fraud and/or corruption.

#### **D. Advertising for Professional Services Solicitations**

It is recommended, but not required, that solicitation be advertised in the official paper(s) and/or be made available on the Department's website and/or any website used by DGS for solicitation, for at least five (5) days, commencing with the date after the day of publication and not including the proposal opening date (let date).

#### **E. Award of Professional Services RFP's**

It is important to keep in mind that the award of a contract(s) must be made in accordance with the evaluation criteria specified in the solicitation document.

### **PART VII. SOLE OR SINGLE SOURCE PROCUREMENT**

#### **A. General Provisions for Sole or Single Source Procurement**

Sole or Single Source Procurement is an exception to the general rules and policies stated herein, governing the procurement of Commodities, Technology and/or Services. Sole or Single Source Procurement may only be used in rare and extraordinary cases where the Commodities, Technology or Services sought and required are manufactured, sold or performed by only one entity and/or individual. Sole Source procurements occur when there is only one entity that manufactures a certain good or provides a certain service. Single Source procurements occur when there may be more than one supplier of goods or provider of services but the goods or services may only be obtained from a single entity due to, for example, distribution territory controls by a manufacturer. Generally, Sole or Single Source Procurements may apply in the following situations:

1. Only one company in the world makes and sells a certain good or provides a certain service.
2. Only one company in this territory can service or maintain the equipment without voiding the warranty. (Note: This only applies during the warranty period so you cannot continue to use a Sole or Single Source exemption after warranty expiration. After warranty expiration, repairs and maintenance must be bid.)

3. We are leasing equipment like postal machines or copiers that have a certain type of consumable component (e.g. ink cartridges) that must be used to avoid breaching a warranty or a maintenance provision of a lease.
4. It is a service performed by companies that traditionally have territories (e.g., cable television or certain types of equipment dealerships).
5. Software licensing and/or maintenance contracts specific to the software already in use.

## **B. Sole or Single Source Procurement Exemptions**

In determining whether a purchase qualifies for a Sole or Single Source exemption, the Procuring Agency must document, at a minimum:

1. The unique benefits to the County of the Commodity, Technology or Service (including Professional Services and Public Works) as compared to other Commodities, Technologies or Services available in the marketplace;
2. That no other Commodity, Technology or Service provides substantially equivalent or similar benefits;
3. That, considering the benefits received, the cost of the Commodity, Technology or Service is reasonable in comparison to other Commodities, Technologies or Services in the marketplace;
4. That there is no possibility of competition from competing dealers or distributors.

No Sole or Single Source purchase will be approved by the Commissioner of DGS, or designee, without written justification from the Procuring Agency responding to points (1) through (4) above and supporting documentation on the letterhead of the entity providing the Commodity, Technology or Service (including Professional Services or Public Works) that they are the Sole or Single Source provider.

## **PART VIII. EMERGENCY PROCUREMENT**

General Municipal Law §103 defines a "public emergency" as "arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants" of the County "require immediate action which cannot await competitive bidding". Procurement in emergency situations is exempt from competitive bidding. However, when practicable, every effort should be made to obtain three (3) written quotes for the required Commodities, Technology or Services (including Professional Services or Public Works) or, if not practicable, three (3) verbal quotes. If three (3) quotes, written or verbal, are not practicable in light of the emergency, then every effort should be made to obtain two (2) written quotes, if practicable, or if not, two (2) verbal quotes. If it is not practicable to obtain any written or verbal quotes based upon the conditions and needs created by the emergency, then no quotes are necessary. Nevertheless, procurements in emergency circumstances should be justified in writing by the Department Head, or designee, of the Procuring Agency and approved in writing by the County Executive, or designee.

## PART IX. LEASES

Unless otherwise required by the Commissioner of DGS, or designee, True Leases\* of Commodities, Technologies or Services (including Professional Services and Public Works) require quotations from at least three (3) separate potential vendors, if available. Procuring Agencies are reminded to consider the cost of consumable items (e.g. print cartridges for printers) and consider life-cycle cost analysis when comparing potential vendors. Even if equipment is leased, the purchase of consumable items for the leased equipment is still subject to the applicable provisions of this Policy and may require that the consumable items be subject to competitive bidding or other applicable procurement methods such as Sole or Single Source procurements if warranties are involved.

\* True leases include leases that do not contain or refer to installment plans, purchase options or the ownership of the leased Commodity, Technology or Service at the expiration of the lease. Please contact the Law Department if you have questions regarding true leases.

## PART X. BONDING REQUIREMENTS

### A. Bid Bonds

All contracts for Public Improvements (i.e. those subject to Labor Law Articles 8 or 9) require a bid bond.

For all other solicitations, if the average annual budget of that contract is estimated at \$50,000 or more, a Bid Bond is required unless a waiver is approved by the Commissioner of DGS, or designee.

### B. Payment Bonds

In accordance with State Finance Law §137, all contracts for a Public Improvement project as defined in this Policy, require a Payment Bond in the full amount of the contract.

For all Professional Services contracts and other Services contracts not subject to Labor Law Articles 8 or 9, if the average annual budget of that contract is \$100,000 or more, and subcontractors and/or suppliers are significantly involved, a Payment Bond is required, unless a waiver is approved by the Commissioner of DGS, in consultation with the County Attorney, or their respective designees.

### C. Performance Bonds

Performance Bonds are required for all contracts for Public Improvements as defined herein.

For all Professional Services contracts, and other Services contracts not subject to Labor Law Articles 8 or 9, if the average annual budget of that contract is \$100,000 or more, and subcontractors and/or suppliers are significantly involved, a Performance Bond is required, unless a waiver is approved by the Commissioner of DGS in consultation with the County Attorney or their respective designees.

### D. Maintenance Bonds

In addition to any guarantees or warranties specified in a contract for Public Improvements, the Commissioner of DGS, or designee, in consultation with the Department Head of the Procuring

Agency, or designee, may require a Maintenance Bond in an appropriate amount to ensure the maintenance or repair of any work for one or more years following the completion of Public Improvements.

## **PART XI. WICKS LAW REQUIREMENTS**

General Municipal Law §101 (a.k.a. the "Wicks Law") mandates that all contracts for Public Work over \$500,000, involving the erection, construction, reconstruction or alteration of buildings must contain separate specifications to permit independent bidding for a) plumbing and gas fitting, b) steam heating, hot water heating, ventilating and air conditioning apparatus, and c) electric wiring and standard illuminating fixtures. However, pursuant to Labor Law §222, contracts subject to Project Labor Agreements are not required to be bid using Wicks Law formatted specifications.

Solicitations for Public Work under the General Municipal Law §101 threshold amount (\$500,000 currently but any amended statutory amount shall control) involving a scope of work including a) plumbing and gas fitting; b) steam heating, hot water heating, ventilating and air conditioning apparatus; and c) electric wiring and standard illuminating fixtures, must require the contractors to submit **A SEPARATE SEALED LIST WITHIN THEIR SEALED BID**, of the names and pricing for any subcontractor(s) that will perform Public Work in any of the trades specified above. This separate sealed list submitted with the bid and identifying the names of costs for any such subcontractor(s) shall be opened for only the apparent low bidder.

Notwithstanding the provisions of this Part, this Policy shall be implemented in compliance with the applicable provisions of General Municipal Law and Labor Law, both as may be amended, at the time the solicitation of Public Work occurs (e.g. if the threshold amount is adjusted, the new amount shall be applicable).

## **PART XII. MWBE/DBE REQUIREMENTS**

All solicitations shall be performed and contracts prepared in compliance with all applicable New York State or federal laws, regulations, grant requirements and County policies and procedures governing and/or relating to Minority- or Women-Owned Business Enterprises ("MWBE") and/or Disadvantaged Business Enterprises ("DBE"). MWBE and DBE procurement goals are specific to each grant and Procuring Agencies must comply with the requirements of each grant. If there is a conflict between the requirements of a grant and the County policy, the more stringent requirements shall control. The County MWBE Policy is maintained by DGS. County DBE policies are currently specific to the Procuring Agencies funded by grants through the United States Department of Transportation or units thereof, which may include "pass-through" grants from New York State agencies.

## **PART XIII. PROCUREMENT LOBBYING**

### **A. Solicitation Requirements and Contacts During the Restricted Period**

State Finance Law §139-j prohibits "Contacts" (verbal, written or electronic) that are intended to influence the County's conduct or decision regarding a "Governmental Procurement" during the "Restricted Period." This period begins when the earliest written notice, advertisement or solicitation

of a purchase and/or service procurement occurs and ends when the final contract is awarded and approved.

A Governmental Procurement involves a "Procurement Contract" which is a procurement involving an estimated annualized expenditure in excess of \$15,000 including any amendment, extension, renewal or change order. This includes all Commodities, Technology and Services contracts as well as sale, lease, acquisition or granting of an interest in real property and revenue contracts where the County is granting a concession or franchise. See *State Finance Law §139-j(1)(e) and (g) and §139-k(1)(e) and (g)*. Grants, intergovernmental agreements and utility relocation project agreements, among other statutory exceptions, are not considered Procurement Contracts.

Every Request for Quotes (RFQ), Request for Proposals (RFP) or Request for Bids (RFB) for a Procurement Contract, must designate a person or persons in the Procuring Agency who may be contacted by Offerors or Bidders in relation to the Procurement Contract. *State Finance Law §139-j(2)(a)*.

The following types of contacts are permissible exceptions during the Restricted Period (See *State Finance Law §139-j(3)(a)*):

1. Submissions of Quotes, Proposals or Bids;
2. Questions submitted for question and response under the RFQ/B/P/A, etc.;
3. Participation in conferences open to all Offerors or Bidders;
4. Complaints to the County Attorney that the designated individual of the Procuring Agency has failed to respond in a timely manner to authorized contacts;
5. Negotiation of contracts with Offerors or Bidders who have been notified of a tentative award;
6. Offerors or Bidders contacting the designated individual(s) to request review of an award;
7. Contacts by Offerors or Bidders in protests, appeals or other review proceedings or, complaints of alleged improper conduct to the District Attorney.

Every solicitation (RFQ/B/P/A, etc.) for a Procurement Contract, as defined in this Part XIII, must include a summary of the policy and prohibitions regarding permissible contacts, a copy of any guidelines, rules and regulations regarding permissible contacts, and must also require a written affirmation from the Offeror or Bidder as to their understanding of an agreement to comply with the County's procedures relating to permissible contacts. See *State Finance Law §139-j(6)(a) & (b)*.

Every solicitation for a Procurement Contract must also require Bidders or Offerors to disclose findings of non-responsibility due to violations of the permissible contacts provisions within the previous four years by any governmental entity where the prior finding of non-responsibility was due to violation State Finance Law §139-j or the intentional provision of false or incomplete information to a governmental entity. *State Finance Law §139-k(2)*. Furthermore, the solicitation must also require Bidders or Offerors to certify that all information provided with respect to this disclosure requirement is complete, true and accurate. *State Finance Law §139-k(5)*.

For any Contact during the restricted period, the Procuring Agency must obtain the name, address, telephone number, place of principal employment and occupation of the person or organization making the Contact and inquire and record whether the person or organization making such contact is a Bidder or Offeror; or was retained, employed or designated by or on behalf of a Bidder or Offeror; to appear before or contact the Procuring Agency about the procurement. All such Contacts must be included in the Procurement Record. *State Finance Law §139-k(4)*. However, any communications received by a Procuring Agency from members of the New York State legislature, or New York State legislative staff, when acting in their official capacity, shall not be considered to be a Contact and shall not be recorded by the Procuring Agency. *State Finance Law §139-k(6)*.

## **B. Violations and Investigations**

Any officer or employee of the County who becomes aware that a Bidder or Offeror has violated the restrictions on permissible contacts shall immediately notify the Director of Operations and Cost Control in the Office of the Orange County Executive. See *State Finance Law §139-j(8)*.

Upon notice of any allegation of a violation of the restricted contacts provisions, the Director of Operations and Cost Control shall immediately cause an investigation of the allegation to be initiated and, if sufficient cause exists to believe it is true, give the Bidder or Offeror reasonable notice of the investigation and an opportunity to be heard. *State Finance Law §139-j(10)(a)*. If a violation is found to be knowing and willful, the Bidder or Offeror shall be deemed non-responsible and the Director of Operations and Cost Control must notify the New York State Office of General Services of any such finding of non-responsibility. *State Finance Law §139-j(10)(b)*.

In the event of a knowing and willful employee violation, the Director of Operations and Cost Control shall report the employee's violation of this Policy and procedures to the Procuring Agency's head. *State Finance Law §139-j(10)(b) and (c)*.

## **PART XIV. AWARD OF CONTRACTS**

With the exception of the Legislature's authorization to "obtain and employ professional and technical assistance and advice" pursuant to §2.02(q) of the Orange County Charter; the Commissioner of DGS holds the authorization to award contracts unless delegated pursuant to the Orange County Charter §27.02(3). Prior to awarding a quote, bid or proposal, the individual making the award must have a written designation authorizing that individual to make such award on file with the Commissioner of DGS. The County Executive or Commissioner of DGS shall have the discretion to approve such designations, which shall be made and maintained by Commissioner of DGS, or designee, in consultation with the Department Head of each Procuring Agency. Designations may be made with regard to the type of procurement, dollar thresholds, etc. as the County Executive or Commissioner of DGS, or their respective designees, shall see fit.

## **PART XV. RESPONSIBILITY DETERMINATIONS**

In addition to the responsibility determination required for Procurement Contracts under Part XIII of this Policy and applicable New York State laws and regulations, the Procuring Agency must determine that any Bidder awarded a contract pursuant to General Municipal Law §103 is responsible and responsive. It is also recommended, though not required, that responsibility determinations be made with regard to vendors, consultants or contractors under all other types of solicitations.

Responsible Bidders or Offerors are those that have the financial ability, legal capacity, integrity, and past experience to perform the contract. See *State Finance Law §163(c)*. Responsive Bidders or Offerors are those that meet the minimum specifications or requirements set forth in the solicitation for the procurement. See *State Finance Law §163(d)*. Bidders or Offerors who do not meet these standards may be declared non-responsible. Before declaring a Bidder or Offeror non-responsible, the Procuring Agency, in consultation with the Commissioner of DGS and the County Attorney, or their respective designees, must provide the Bidder or Offeror notice that he or she may be declared non-responsible and an opportunity to be heard in accordance with procedures for all such hearings by any Procuring Agency as established by the Commissioner of DGS and approved by the County Attorney and County Executive or their respective designees.

## **PART XVI. STANDARD CONTRACT FORMS**

Procurements under \$5,000.00 for Commodities, Technology or Services where the vendor or consultant will not be:

1. using County real or personal property;
2. performing maintenance or warranty service for any County property;
3. entering any County grounds, buildings or facilities;
4. performing services involving protected health information, financial or educational data, personally identifiable information, or the storage or processing of county records or data; or
5. accessing information systems owned or under the control of the County or that are required to be used by the County in the performance of County obligations (e.g. use of information systems under the control of federal or New York State agency information systems for certain grant programs)

do not require the use of standard County contract templates (e.g. Vendor Services, Consultant Services, etc.) unless required by the County Executive, County Attorney or New York State or federal funding requirements. Requisitions, purchase orders, vouchers and similar forms that may be required by the Department of Finance or the County Attorney must still be used.

Additionally, the County Executive, in consultation with the County Attorney, may designate in writing categories of payments (e.g., utility bills) that do not require standard County contract forms.

**IMPORTANT: The solicitation requirements of this Policy apply even if standard contract forms are not required.**

## **PART XVII. CONTRACT MODIFICATIONS**

Contract modifications (amendments, change orders, etc.) shall be done in accordance with applicable provisions of New York State Public Contract law, this Policy and the contract documents. General Municipal Law §103(1) does not permit change orders to or renewals of Purchase Contracts

or Public Works contracts that were not competitively bid initially because they did not meet the threshold if the change order or renewal would bring the reasonably expected 12-month aggregate amount of purchases from the same vendor over the applicable threshold.

As a matter of County policy, modifications of contracts which, absent the exercise of a right of renewal or extension in the original contract:

1. extend the term of the contract by more than three (3) months; and/or
2. increase the not-to-exceed amount of the contract price by more than \$5,000 at one time or through a combination of increases

require the approval of the County Executive, or designee, after consultation with the Commissioner of General Services and the County Attorney, or their respective designees.

## **PART XVIII. USE OF COUNTY CONTRACTS BY OTHER LOCAL GOVERNMENTS AND SCHOOL DISTRICTS**

Pursuant to General Municipal Law §103(16), §103(3) and County Law §408-a any officer, board or agency of a New York state political subdivision or district authorized to make purchases of materials, equipment or supplies, or to contract for services, may make purchases through County contracts, with the exception of contracts exempted under the foregoing statutes or excepted by the terms and conditions of the contract itself. The following rules govern procurements through County contracts.

1. DGS may make award information on contracts that may be used by other political subdivisions and districts available through their webpage and the Commissioner of DGS may promulgate procedures to obtain information on such contracts from other Procuring Agencies.
2. Other political subdivisions or districts shall issue purchase orders directly to the vendor, consultant, contractor, etc. within the specified contract period referencing the County's contract and shall be solely liable and responsible for all payments due under the contract for that political subdivision's or district's use of the contract. The County shall not be liable or responsible for any debts incurred by the other users of a County contract.
3. All purchases shall be subject to audit and inspection by the County.
4. The solicitation documents for any contract that may be used by other political subdivisions or districts must contain a provision alerting all Bidders or Offerors that the contract may be used by other political subdivisions or districts and stating whether the use of that contract by others is a mandatory requirement for award of the contract.
5. Necessary deviations from the County's specifications in the terms of a contract, whether such deviations relate to quantities or delivery points, shall be resolved between the vendor, contractor, or consultant and the other political subdivisions or districts. However, at no time shall any change to price and product specification be permitted, except where an item has been replaced by another item due to obsolescence or pricing is contingent on an outside factor (e.g. fuel at market rates) pursuant to the terms of the contract, and/or the

vendor, consultant, or contractor offers reduced pricing to any participant, which then must be made immediately available to all participants. If a product specification requires modification due to obsolescence, the County must approve a change of product in writing in order for it to be valid. In the event a product substitution is approved, no change in price will be permitted except when the price will be lower than the originally awarded price. Any reduced pricing shall be applicable to all other participants' quantities ordered on and after the date such reduced pricing became effective for the initial participant receiving such pricing.

#### **PART XIX. PIGGYBACKING<sup>4</sup>**

General Municipal Law §103(16) allows procurement of "apparatus, materials, equipment and supplies, or contract[s] for [S]ervices related to the installation, maintenance or repair of apparatus, materials, equipment and supplies" through contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein, if such contract was let in a manner consistent with competitive bidding or best value solicitation pursuant to General Municipal Law §103, and has been made available for use by other governmental agencies. Approval for the use of "piggybacking" will be through DGS in collaboration with the County Attorney.

#### **PART XX. BEST VALUE<sup>5</sup>**

Pursuant to General Municipal Law § 103(1) Purchase Contracts may be awarded on the basis of the Best Value to the Offeror that optimizes quality, cost and efficiency, among responsive and responsible Offerors. Best Value solicitations shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. The Basis of Award of the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by a Procuring Agency in its determination of Best Value. The evaluation may also identify a quantitative factor for small businesses or certified Minority- or Women-owned business enterprises, as defined in Executive Law §300 (1), (7), (15) and (20). The Basis of Award shall reflect, wherever possible, objective and quantifiable analysis. Documentation in the Procurement Record shall, where practicable, include a quantification of the application of the evaluation criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that Best Value will be achieved.

If Best Value is authorized as a procurement method eligible for piggybacking consideration, then any potential piggyback contract should be evaluated for substantial compliance with the above. All procurements based upon Best Value are subject to review and/or approval by the Commissioner of DGS in consultation with the County Attorney or their respective designees.

#### **PART XXI. RECORDKEEPING**

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<sup>4</sup> The Piggybacking provision was added by Resolution No. 168 of 2013 dated August 1, 2013, effective as of that date.

<sup>5</sup> Added by Local Law No. 12 of 2013 and effective as of its filing with the Secretary of State on September 3, 2013.

Unless this Policy or the plan that is approved by the County Executive and promulgated by the Commissioner of General Services pursuant to Section 27.02(3) of the County Charter, as may be amended, provides otherwise, the procurement all Commodities, Technology and Services (including Professional Services and Public Works) shall be the responsibility of the Commissioner of DGS.

The Commissioner of DGS reserves the right to solicit and procure Commodities, Technology and Services (including Professional Services and Public Works) of any type for all or several Units of Government in the aggregate, upon the approval of the County Executive, and all such Units of Government shall be required to use the aggregate contract once the current term of any Unit of Government's contract for the same Commodity, Technology or Service expires.

Each Department Head or his or her written designee shall be responsible for and maintain appropriate documentation to demonstrate his or her Unit of Government's compliance with this Policy and any related procedures. Contract Administrators responsible for procurement activities must be designated in writing by the Department Head, which shall be maintained on file with the Commissioner DGS and shall be updated as changes occur.

In addition to any further recordkeeping requirements promulgated by DGS, and any federal or New York State statutory, regulatory or funding source requirements, Contract Administrators shall maintain a written record for every procurement, which contains the following information, **as applicable**:

1. Written determination of whether the procurement is subject to competitive bidding.
2. Preferred Source Solicitation documentation.
3. Documentation from Preferred Sources, Office of General Services, other County procurement agencies, other government surplus programs, or group purchasing organizations and/or their distributors pertaining to purchases made through those entities.
4. Solicitation documentation appropriate to the procurement method used (Request for Quotes/Bids/Proposals; advertising and other records of public distribution; contact records required by the Procurement Lobbying Law, the quotes, bids or proposal received, etc.).
5. Award documentation (score sheets or other written analysis of the quotes, bids or proposals, the award decision, notice of award, justifications, etc.).
6. Purchase Order or Contract documentation (purchase order or contract with all attachments, appendixes, business associate agreements, insurance, etc.).
7. Contract Administration documentation (performance reports, invoices, payroll certifications, payment records, records of disputes, etc.).

## **PART XXII. PROCUREMENT MANUAL**

The Commissioner of DGS is authorized to promulgate procedures to implement this Policy. For complete procedures outlining specifics of the entire procurement process in more detail, please refer to the County Procurement Manual.

## **PART XXIII. INDIVIDUALS RESPONSIBLE FOR PURCHASING**

With the exception of the Legislature's authorization to "obtain and employ professional and technical assistance and advice" pursuant to §2.02(q) of the Orange County Charter; pursuant to §27.02(3) of the County Charter, James P. Burpoe, the Commissioner of General Services, or designee, is responsible for solicitation and contracting of all purchases of commodities, equipment, goods and services for all Units of County Government in accordance with applicable New York State law and County policies. To extent that this Policy authorizes certain solicitations and procurements to be made directly by a Unit of Government, without review or approval by the Department of General Services, the individual making the procurement decision shall be the current Department Head, or designee, of the Unit of County Government responsible for the procurement.

## **PART XXIV. STATUTORY AUTHORIZATIONS**

All procurements under this Policy, subject to applicable federal or New York State laws, regulations and funding requirements, shall be made in accordance with the version of the law, regulation and funding requirement applicable at the time of the procurement, notwithstanding the specific language of this Policy. Procurements may also be made in accordance with any additional New York State statutory procurement authorizations, existing or future, regardless of whether they are mentioned in this Policy.

## **PART XXV. PAY-TO-PLAY**

All procurements must comply with Local Law No. 13 of 2013, known as "Pay-to-Play", as may be amended thereafter.<sup>6</sup>

## **PART XXVI. EFFECTIVE DATE**

The effective date of this Policy as modified and reaffirmed shall be January 15, 2016<sup>7</sup>

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<sup>6</sup> Added by Local Law No. 13 of 2013 and effective as of the date of its filing with the Secretary of State on November 12, 2013, amended by Local Law No. 2 of 2014, Local Law No. 3 of 2014 and Local Law No. 5 of 2014.

<sup>7</sup> Resolution No. 189 of 2011 authorized the adoption of Orange County Procurement Policy effective September 1, 2011, subsequently modified and reaffirmed by Resolution No. 79 of 2012, Resolution No. 168 of 2013, Resolution No. 193 of 2013, Local Law No. 12 of 2013, Local Law No. 13 of 2014 and Resolution No. 91 of 2014.

# ORANGE COUNTY LEGISLATURE

**Committee:** Ways and Means  
**Sponsors:**  
**Co-Sponsors:**

**Agenda No. 7**

## RESOLUTION NO. OF 2015

### **RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A GIFT ON BEHALF OF ORANGE COUNTY OF 20.2 ACRES OF VACANT LAND IN THE TOWN OF NEWBURGH, PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the County of Orange has been offered a gift of 20.2 acres of vacant land in the Town of Newburgh, being Section 39, Block 1, Lots 64.11 through 64.16. The current owner is Jeah Realty Company. These six parcels are located adjacent to Cronomer Hill Park, and said land could be retained in the name of the County for future park alienation; and

**WHEREAS**, this Legislature does wish to accept said gift of 20.2 acres of vacant land in the Town of Newburgh for the Real Property Tax Services Office.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the County Executive be and hereby is authorized to accept the gift of 20.2 acres of vacant land in the Town of Newburgh, being Section 39, Block 1, Lots 64.11 through 64.16, from Jeah Realty Company as indicated above; and it is further

**RESOLVED**, that on behalf of the residents and taxpayers of Orange County, this Legislature extends its thanks and appreciation for such gift, and that this Resolution shall be spread in full upon the Minutes of the Orange County Legislature, and that the Clerk of this Legislature shall forthwith transmit a true copy thereof to Jeah Realty Company.

# ORANGE COUNTY LEGISLATURE

**Committee:** Ways and Means  
**Sponsors:**  
**Co-Sponsors:**

**Agenda No. 8**

## RESOLUTION NO. OF 2015

### **RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A GIFT ON BEHALF OF THE COUNTY OF ORANGE OF 50 ACRES OF VACANT LAND IN THE TOWN OF WARWICK, PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the County of Orange has been offered a gift of 50 acres of vacant land in the Town of Warwick, being Section 54, Block 1, Lot 13. The current owner is Bruce Zaretsky. The parcel is located next to Hickory Hill County Park land, and could be retained in the name of the County for future park alienation; and

**WHEREAS**, this Legislature does wish to accept said gift of 50 acres of vacant land in the Town of Warwick for the Real Property Tax Services Office.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the County Executive be and hereby is authorized to accept the gift of 50 acres of vacant land in the Town of Warwick, being Section 54, Block 1, Lot 13, from Bruce Zaretsky as indicated above; and it is further

**RESOLVED**, that on behalf of the residents and taxpayers of Orange County, this Legislature extends its thanks and appreciation for such gift, and that this Resolution shall be spread in full upon the Minutes of the Orange County Legislature, and that the Clerk of this Legislature shall forthwith transmit a true copy thereof to Bruce Zaretsky.

## **ORANGE COUNTY LEGISLATURE**

**Committee:** Ways and Means

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 9**

**RESOLUTION NO.      OF 2015**

**RESOLUTION AUTHORIZING THE PRIVATE SALE AND CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 2 OF 2010.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 2 of 2010), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE,** it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., January 4, 2016, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<b><u>PARCEL</u></b>	<b><u>BIDDER</u></b>	<b><u>AMOUNT OF BID NET TO COUNTY</u></b>
Crawford 25-1-42.2	Alan Mateos & Charlene Mateos 241 Brooklyn Avenue Brooklyn, NY 11213	\$17,500.00
Montgomery 15-1-95.1	Rosicel E. Baker 402 Everett Place Maybrook, NY 12543	\$50,000.00
Warwick 309-6-10.3	Patricia Anton P.O. Box 1505 Greenwood Lake, NY 10925	\$ 500.00

**ORANGE COUNTY LEGISLATURE**

**Committee:** Ways and Means  
**Sponsor:**  
**Co-Sponsors:**

**Agenda No. 10**

**RESOLUTION NO.                    OF 2015**

**RESOLUTION APPROVING THE APPLICATIONS FOR THE CORRECTION OF CERTAIN ERRORS APPEARING ON THE 2015 TAX ROLLS FOR CERTAIN TOWNS AND DISTRICTS AND ORDERING THE CORRECTION OF SAID ERRORS, PURSUANT SECTION 556 OF THE REAL PROPERTY TAX LAW.**

**WHEREAS,** the County Director of the Real Property Tax Service Agency has transmitted his reports to the County Legislature on certain applications for correction of clerical errors appearing in the 2015 tax rolls for certain towns and districts together with his recommendations thereon, all as required by Section 556 of the Real Property Tax Law as summarized below.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** as follows:

1. That said reports of the Director of the Real Property Tax Service Agency are hereby approved.
2. That the taxes levied and extended upon said parcels be and the same hereby are decreased in the manner and to the extent set forth in said reports of the Director, as shown below.

**FOR THE YEAR 2015**

**PROPERTY**

**OWNER**

**REASON**

Town of Chester  
37-2-5

Reiger Homes

550-2(a) Clerical Error  
Parcel was charged for 90 units for sewer  
and should have only been charged for  
10 units.

	<b><u>Now Reads</u></b>		<b><u>Should Read</u></b>		<b><u>Amount of REFUND</u></b>
County	\$ 92,000.00	\$ 548.04	\$ 92,000.00	\$ 548.04	\$ 0.00
Town	\$ 92,000.00	\$ 411.74	\$ 92,000.00	\$ 411.74	\$ 0.00
Highway	\$ 92,000.00	\$ 118.96	\$ 92,000.00	\$ 118.96	\$ 0.00
PT Town	\$ 92,000.00	\$ 331.81	\$ 92,000.00	\$ 331.81	\$ 0.00
Chester Fire	\$ 92,000.00	\$ 135.54	\$ 92,000.00	\$ 135.54	\$ 0.00
Sewer 4a benefit area	\$ 90.00	<u>\$3,726.92</u>	\$ 10.00	<u>\$ 414.10</u>	<u>\$3,312.82</u>
		\$5,273.01		\$1,960.19	\$3,312.82

**ORANGE COUNTY LEGISLATURE**

**Committee: Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 11**

**RESOLUTION NO. OF 2015**

**RESOLUTION PROVIDING FOR THE LEVY OF A CHARGE TO THE 2016  
COUNTY/TOWN TAX BILLS FOR A PARTICULAR PARCEL IN THE TOWN OF GOSHEN.**

**WHEREAS,** the Orange County Department of Finance has requested to provide for the levy of a charge to the 2016 County/Town tax bills for a particular parcel in the Town of Goshen for the annual payment of principal and interest of financing through the Energy Improvement Corporation's

program, EnergizeNY, pursuant to Article 1, Section 8 of Orange County Local Law 9 of 2013. Attached as **Schedule "A"** is a detailed list of the one parcel being charged in 2016; and

**WHEREAS**, this Legislature does wish to provide for the levy of a charge to the 2016 County/Town tax bills for a particular parcel in the Town of Goshen as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Commissioner of Finance is authorized to provide for the levy of a charge to the 2016 County/Town tax bills for a particular parcel in the Town of Goshen for the annual payment of principal and interest of financing through the Energy Improvement Corporation's program, EnergizeNY, pursuant to Article 1, Section 8 of Orange County Local Law 9 of 2013, as outlined in the attached **Schedule "A"**.

DRAFT

## Schedule A

**ENERGY IMPROVEMENT CORPORATION**

PROGRAM: ENERGIZENY

BENEFITED PROPERTIES IN: ORANGE COUNTY, NEW YORK

FUNDED DEAL(S) REPAYMENT SUBMISSION FOR 2016

10/26/2015

Municipality	Section, Block and Lot	Property Owner	Address	Amount of EIC Levy added to 2016 County & Town Tax Bill	Reimbursement Payment Due to EIC from Orange County for 2016 Levy	Current O/S Balance of EIC Funding as of 2015	Final Year of EIC Levy onto Tax Bill(s)
1 Town of Goshen (Orange County)	20-1-8.2	5 Spoke Properties, LLC	1089 Pulaski Highway Goshen, NY 10924	\$16,780.14	04/30/16	\$74,795.95	2020
Total Amount to be added to the 2016 Orange County Tax Bill(s)				\$16,780.14 (1 parcel)			

# ORANGE COUNTY LEGISLATURE

**Committees: Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 12**

## RESOLUTION NO.      OF 2015

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE SALE BY THE COUNTY OF 54 GRAND STREET (THE YMCA BUILDING), CITY OF NEWBURGH, NEW YORK, CLASSIFYING THE ACTION AS TYPE 1 AND DETERMINING THAT THE ACTION WILL NOT RESULT IN ANY SIGNIFICANT, ADVERSE ENVIRONMENTAL IMPACTS.**

**WHEREAS**, Orange County intends to sell real property, buildings and improvements located thereon and known as and referred to as "a portion of 54 Grand Street, Newburgh, NY" (a portion of Section 31, Block 2, Lot 13.2; +/- .962 acres)(YMCA Building)(the "project"), in the City of Newburgh, New York; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereto, Parts 1, 2 and 3 of an Environmental Assessment Form has been completed, indicating that the proposed sale is a Type 1 action under SEQRA and will have no significant adverse environmental impacts;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature declares itself Lead Agency for the sale of 54 Grand Street (YMCA Building) in the City of Newburgh, New York; and
2. Makes a determination, pursuant to 6 NYCRR Section 617.6 that the action is a Type 1 Action; and
3. Determines in accordance with the findings of Parts 1, 2 and 3 of the environmental assessment form that the project will not result in any significant adverse environmental impacts and no further action is required; and further
4. All documents will be filed and published in accordance with 6 NYCRR 617.12

# ORANGE COUNTY LEGISLATURE

**Committees: Education and Economic Development; Physical Services;  
Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 13**

## LOCAL LAW INTRODUCTORY NO. 8 OF 2015

**A LOCAL LAW RELATING TO THE SALE OF CERTAIN COUNTY REAL PROPERTY KNOWN AS THE CENTRAL ORANGE DEVELOPMENT AREA (FORMERLY KNOWN AS YMCA BUILDING); AUTHORIZING CONSIDERATION OF OFFERS OTHER THAN IN RESPONSE TO ADVERTISEMENT; AND AUTHORIZING THE SALE TO OTHER THAN THE HIGHEST RESPONSIBLE BIDDER.**

**BE IT ENACTED**, by the County Legislature of the County of Orange of the State of New York, as follows:

### **SECTION ONE. Legislative Declaration and Purpose**

(A) The purposes of this Local Law are: 1) to effectuate the sale of certain real property, buildings and related improvements located thereon, owned by the County of Orange, known and referred to as "a portion of 54 Grand Street, Newburgh, NY" ( a portion of Section 31, Block 2, Lot 13.2; +/- .962 acres) located in the City of Newburgh, and more particularly described in Schedule "A" attached hereto ("the Property"); 2) to preserve and protect the interests of the residents of the County and the said City and ensure to the maximum extent that the development of the Property occurs in a responsible manner consistent with the needs and goals of the community and the County and; 3) to supersede that provision of the New York State County Law Section 215(6) that provides that property not needed for County purposes be sold only to the highest responsible bidder after advertisement; and 4) to retain an easement to ensure access to a parking area which the County shall, unless otherwise provided for at a future date, and retain ownership of approximately .28 +/- acres.

(B) The effect of this enactment will be to allow the sale of the property and for the property to be sold at fair market value to NYSARC, Inc., Orange County Chapter, with an address at 249 Broadway, Newburgh, NY 12550, for an amount not less than One million three hundred thousand (\$1,300,000) dollars.

(C) It is hereby declared that the Property is surplus property no longer necessary for public use and accordingly may be sold as otherwise described herein.

### **SECTION TWO. Sale to Highest Bidder After Advertisement Not Required**

The Property shall be sold for fair and adequate consideration to The Arc of Orange County NYS ARC, Inc. (hereinafter "The Purchaser") for an amount not less than one million three hundred thousand (\$1,300,000.00) dollars.

**SECTION THREE. Easements**

The Property shall be sold upon the condition that the County shall retain a permanent easement to access to parking for use of the County behind The Property. Such Easement shall be in a size and at one or more locations approved by the Director of Real Property Services.

**SECTION FOUR. Authorizations to Execute Documents**

The County Executive is authorized to execute such documents as are necessary to effectuate this transfer of The Property and retention of the easement(s) as described in Sections one and two and three of this Local Law. The Commissioner of Finance and Director of the Office of Real Property are authorized to execute such documents as are necessary to effectuate the purposes of this law and to cause such filings as are required to be made to be made.

**SECTION FIVE. Supercedure of New York State County Law Section 215(6)**

This Local Law shall supersede New York State County Law Section 215(6) to the extent that it is inconsistent therewith.

**SECTION SIX. Effective Date**

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon the completion of the requisite filings and procedures.

**ORANGE COUNTY LEGISLATURE**

**Committee:** Physical Services  
**Sponsors:**  
**Co-Sponsors:**

**Agenda No. 14**

**RESOLUTION NO. OF 2015**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE GIVING NOTICE OF INTENT TO ASSUME LEAD AGENCY STATUS UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE INTERSECTION IMPROVEMENTS OF COUNTY ROAD NO. 1, COUNTY ROAD NO. 1A, COUNTY ROAD NO. 41 AND BLOOMS CORNERS ROAD, MAKING A PRELIMINARY DETERMINATION THAT THIS PROJECT BE CLASSIFIED AS AN UNLISTED ACTION.**

**WHEREAS,** Orange County intends to improve the intersections of County Road No. 1, County Road No. 1A, County Road No. 41 and Blooms Corners Road in the Town of Warwick; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), the Legislature of Orange County intends to Assume Lead Agency status based on the review of Part I of the Environmental Assessment Form ("EAF"), and has made a preliminary determination that the above proposed action is an Unlisted action.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature declares its intention to assume Lead Agency status concerning the intersection improvements of County Road No. 1, County Road No. 1A, County Road No. 41 and Blooms Corners Road in the Town of Warwick; and
2. Makes a preliminary determination, pursuant to 6 NYCRR Section 617.6 that the proposed action is an Unlisted action.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Physical Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 15**

**RESOLUTION NO.                      OF 2015**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE TEN MILE EXTENSION OF THE HERITAGE TRAIL, CLASSIFYING THE ACTION AS A TYPE I ACTION AND DETERMINING THAT THE ACTION WILL NOT HAVE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.**

**WHEREAS**, Orange County intends to construct a ten mile extension of the Heritage Trail located in parts of the Town of Goshen, Village of Goshen, Town of Wawayanda, City of Middletown and Town of Wallkill; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), and the regulations promulgated thereto, an Environmental Assessment Form ("EAF"), has been completed and in accordance with the findings of Part 1, 2 and 3 of the Environmental Assessment Form ("EAF"), it is determined that the project will not result in any significant adverse environmental impact.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature declares itself Lead Agency concerning the construction of a ten mile extension of the Heritage Trail; and
2. Makes a determination, pursuant to 6 NYCRR Section 617.6 that the proposed action is a Type I action; and
3. Determines in accordance with the Findings of Parts 1, 2 and 3 of the Environmental Assessment Form ("EAF") that the project will have no significant adverse environmental impact.
4. All documents will be filed and published in accordance with 6 NYCRR 617.12

## **ORANGE COUNTY LEGISLATURE**

**Committees: Physical Services; Ways and Means**

**Sponsors:**

**Co-Sponsor:**

**Agenda No. 16**

**RESOLUTION NO.            OF 2015**

**BOND RESOLUTION DATED DECEMBER 3, 2015**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING WATER SYSTEM UPGRADES AT THOMAS BULL MEMORIAL PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$465,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, 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 Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Department of Parks, Recreation and Conservation consisting of water system upgrades at Thomas Bull Memorial Park, all as more particularly described in the County's 2015 proposed Capital Plan, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$465,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$465,000 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 \$465,000 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 period of probable usefulness applicable to said specific object or purpose for which the \$465,000 bonds authorized by this resolution are to be issued, within the limitations of §11.00 a. 1 of the Local Finance Law, is forty (40) 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. 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 Orange, 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 6. 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 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; 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 8. This Resolution shall take effect immediately.

## **ORANGE COUNTY LEGISLATURE**

**Committees: Physical Services; Ways and Means**

**Sponsors:**

**Co-Sponsor:**

**Agenda No. 17**

### **RESOLUTION NO. OF 2015**

#### **BOND RESOLUTION DATED DECEMBER 3, 2015**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ADDITIONAL FINANCING FOR THE REPLACEMENT OF THE FORD BRIDGE LOCATED IN THE TOWN OF MINISINK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$760,000, APPROPRIATING \$400,000 THEREFOR, IN ADDITION TO THE \$360,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY TO FINANCE SAID ADDITIONAL APPROPRIATION.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, 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 Orange, New York (herein called "County"), is hereby authorized to continue existing capital project No. 494 for the Department of Public Works consisting of the replacement of the Ford Bridge located in the Town of Minisink; all as more particularly described in the County's 2015 proposed Capital Plan, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$760,000, and \$400,000 is hereby appropriated therefor, in addition to the \$300,000 previously appropriated pursuant to Resolution No. 249 of 2014, the \$40,000 previously appropriated pursuant to Resolution No. 280 of 2012 and the \$20,000 previously appropriated pursuant to Resolution No. 148 of 2006 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$400,000 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 \$400,000 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 period of probable usefulness applicable to the specific object or purpose for which said \$400,000 bonds authorized are to be issued within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) 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 specific object or purpose 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 maximum 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. 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 §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 Orange, 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 6. 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 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; 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 8. This Resolution shall take effect immediately.

# ORANGE COUNTY LEGISLATURE

**Committees:** Physical Services; Ways and Means

**Sponsors:**

**Co-Sponsor:**

**Agenda No. 18**

## RESOLUTION NO.        OF 2015

### BOND RESOLUTION DATED DECEMBER 3, 2015

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING BRIDGE IMPROVEMENTS LOCATED THROUGHOUT THE COUNTY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, 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 Orange, New York (herein called "County"), is hereby authorized to establish a new capital project for the Department of Public Works consisting of bridge improvements located throughout the County, all as more particularly described in the County's 2015 proposed Capital Plan, as amended. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$500,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$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 \$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 period of probable usefulness applicable to said class of objects or purposes for which the \$500,000 bonds authorized by this resolution are to be issued, within the limitations of §11.00 a. 10 of the Local Finance Law, is twenty (20) 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. 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 Orange, 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 6. 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 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; 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 8. This Resolution shall take effect immediately.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Physical Services, Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 19**

**RESOLUTION NO.            OF 2015**

**RESOLUTION AUTHORIZING THE ORANGE COUNTY COMMISSIONER OF PUBLIC WORKS TO CONTRACT WITH CERTAIN TOWNS AND VILLAGES FOR SNOW AND ICE CONTROL ON CERTAIN COUNTY ROADS, PURSUANT TO SECTION 135-a OF THE HIGHWAY LAW.**

**RESOLVED**, that the Orange County Commissioner of Public Works is hereby authorized to contract with the following named Towns and Villages for the control of snow and ice on the County roads set opposite the name of said Town or Village, to wit:

**SNOW REMOVAL PERFORMED BY VARIOUS MUNICIPALITIES: 2015-2016 SNOW SEASON  
(64.98 MILES)**

**TOWN OF BLOOMING GROVE (2.01 MILES): \$9,547.00**

- A. County Road No. 51, Hulsetown Road leading from County Road No. 66, Craigville Road, northerly to Hulsetown Road in the Town of Blooming Grove, a total distance of 2.01 miles.

**TOWN OF CHESTER (11.88 MILES): \$56,430.00**

- A. County Road No. 82, Sugar Loaf-Bull Pond, southeasterly and easterly from County Road No. 13 to County Road No. 45, a distance of 3.43 miles.
- B. County Road No. 45, Chester-Walton Lake, southeasterly from County Road No. 13 to County Road No. 5, a distance of 4.36 miles.
- C. County Road No. 13, Warwick-Chester, northerly from County Road No. 82 to New York State Route 17M, S.H. 8076, a distance of 3.09 miles.
- D. County Road No. 13A, Sugar Loaf Bypass, southwesterly from County Road No. 13 to County Road No. 82, a distance of 1.0 miles.

**TOWN OF CORNWALL (12.51 MILES): \$59,422.50**

- A. A portion of the Central Valley-Cornwall, County Road No. 9, Part 2, beginning at its intersection with County Road No. 65 and extending to its northerly end, a distance of 2.65 miles; thence continuing northerly along County Road No. 9, Part 3, to its intersection with State Route 218 at the New York Military Academy, a distance of 1.01 miles, making a total mileage of 3.66 miles.
- B. County Road No. 65 leading from County Road No. 9 to State Route No. 32, a distance of 0.91 of a mile.
- C. All of the Orrs Mills-Firthcliffe, County Road No. 32, having a length of 2.02 miles.
- D. County Road No. 79, Pleasant Hill Road, from County Road No. 20, southerly to State Road No. 32, a length of 2.00 miles.

- E. County Road No. 20, Orrs Mills-Salisbury Mills, from N.Y. State Route No. 94, a distance of 3.42 miles in the Town of Cornwall and 0.50 miles in the Town of Blooming Grove, for a distance of 3.92 miles.

**TOWN OF DEERPARK (5.14 MILES): \$24,415.00**

- A. County Road No. 15, Clove Road, southwesterly from Port Jervis to New Jersey State Line, a distance of 0.32 mile.
- B. County Road No. 16, Maple Avenue, southwesterly from Port Jervis to New Jersey State Line, a distance of 0.30 mile.
- C. County Road No. 80, Neversink Drive, northeasterly from Port Jervis City Line to State Route No. 209, near Huguenot, for a distance of 4.52 miles.

**TOWN OF HAMPTONBURGH (6.58 MILES): \$31,255.00**

- A. County Road No. 77, Egbertson Road, leading from Route 207 southeasterly to County Road No. 8, a distance of 1.78 miles.
- B. County Road No. 51-2, leading from County Road No. 8, southerly to Hulsetown Road, a total distance of 2.14 miles.
- C. County Road No. 4, Campbell Hall-Maybrook, leading from N.Y.S. Route 207 northeasterly to New York State Route 208, a distance of 2.66 miles.

**TOWN OF MONROE (5.77 MILES): \$27,407.50**

- A. Harriman Heights Road, County Road No. 71, leading from County Road No. 19, northeasterly to New York State Route 17M, a distance of 2.01 miles.
- B. West Mombasha Road, County Road No. 91, leading from County Road No. 5, Monroe-Greenwood Lake Road, at Cedar Cliff Road, southerly for 3.76 miles to the Town of Tuxedo Line.

**TOWN OF MONTGOMERY (3.64 MILES): \$17,290.00**

- A. Montgomery-Walden, County Road No. 29, beginning at State Route No. 17K, northeasterly to State Route 52 in the Village of Walden, a distance of 3.64 miles.

**TOWN OF MOUNT HOPE (9.18 MILES): \$43,605.00**

- A. County Road No. 60, extending from State Route No. 211 southwesterly to County Road No. 11 near the Hamlet of Mount Hope, a distance of 2.76 miles.
- B. All of the Finchville-Otisville, County Road No. 73, being 3.10 miles in the Town of Mount Hope and 0.56 mile in the Village of Otisville, having a total length of 3.66 miles.

- C. County Road No. 90, Otisville-Sullivan County Line, northerly from State Route No. 211 to County Line, being 0.21 mile in the Village of Otisville, and 2.55 miles in the Town of Mount Hope, having a total length of 2.76 miles.

**TOWN OF NEW WINDSOR (2.97 MILES): \$14,107.50**

- A. County Road No. 69 from State Route 300, easterly to State Route 32, a distance of 1.51 miles.
- B. County Road No. 69, Part II, Union Avenue, from State Route 32, easterly to State Route 9W, for a distance of 1.46 miles.

**TOWN OF WALKKILL (3.72 MILES): \$17,670.00**

- A. County Road No. 76 from the intersection of formerly State Route 17M, northerly to the Sullivan County Line, a distance of 3.72 miles.

**TOWN OF WOODBURY (1.23 MILES): \$2,503.93**

*(From 10/1/2015 to 12/31/2015)*

- A. County Road No. 95, Dunderberg Road Extension, beginning at County Road No. 64, Dunderberg Road (Nininger Avenue) northeasterly 1.23 miles to Route No. 32, S.H. No. 157.

**VILLAGE OF WOODBURY (1.23 MILES): \$3,338.57**

*(From 1/1/2016 to 4/30/2016)*

- A. County Road No. 95, Dunderberg Road Extension, beginning at County Road No. 64, Dunderberg Road (Nininger Avenue) northeasterly 1.23 miles to Route No. 32, S.H. No. 157.

**VILLAGE OF UNIONVILLE (0.35 MILES): \$4,750.00**

- A. County Road No. 36, leading from Unionville to New Jersey State Line, a distance of 0.35 mile.

All Municipalities participating receive **\$4,750.00 Per Mile (2015-2016 Snow Season)** except for the Village of Unionville, they receive \$4,750.00 total.

Total amount \$311,741.50 (based on dollar totals)

# ORANGE COUNTY LEGISLATURE

**Committees: Physical Services, Ways and Means**

**Sponsors:**

**Co-Sponsor:**

**Agenda No. 20**

## RESOLUTION NO.            OF 2015

### **RESOLUTION BY THE COUNTY OF ORANGE IN SUPPORT OF THE ORANGE COUNTY SOIL AND WATER CONSERVATION DISTRICT'S GRANT APPLICATION TO THE NEW YORK STATE SOIL AND WATER CONSERVATION COMMITTEE FOR AN AWARD OF FUNDS FOR FLOOD MITIGATION ON THE WALLKILL RIVER/BLACK DIRT AGRICULTURAL REGION.**

**WHEREAS**, the County of Orange supports a grant application of the Orange County Soil and Water Conservation District to the New York State Soil and Water Conservation Committee for flood mitigation on the Wallkill River/Black Dirt agricultural region. Funding for this project is consistent with the Orange County Agricultural and Farmland Protection Plan, duly adopted by this Legislature as an amendment to the Orange County Comprehensive Plan on February 5, 2015 (Resolution No. 15 of 2015- see attached); and

**WHEREAS**, in accordance with the grant application requirements, the County of Orange along with the Orange County Soil and Water Conservation District is willing to contribute up to 25% or \$25,000 of the local (non-state) match of the total requested funds of \$100,000.

**NOW THEREFORE**, it is hereby

**RESOLVED**, the County of Orange does hereby support the submittal of a grant application of the Orange County Soil and Water Conservation District to the New York State Soil and Water Conservation Committee for flood mitigation in the Wallkill River/Black Dirt agricultural region in the total amount of \$100,000 and, if such funding is awarded, shall provide funding of up to 25% or \$25,000 as the local (non-state) match to implement this program.

# ORANGE COUNTY LEGISLATURE

**Committees: Public Safety and Emergency Services; Ways and Means**

**Sponsors:**

**Co-Sponsor:**

**Agenda No. 21**

## RESOLUTION NO.            OF 2014

### **AMENDING BOND RESOLUTION DATED DECEMBER 3, 2015**

**FURTHER AMENDING THE BOND RESOLUTION ADOPTED AUGUST 1, 2013 AND AMENDED OCTOBER 2, 2014 IN RELATION TO FINANCING THE COST OF ACQUISITION, INSTALLATION AND CONSTRUCTION OF A NEW EMERGENCY COMMUNICATION SYSTEM FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, AT THE TOTAL ESTIMATED COST OF \$25,185,030.**

Recitals

**WHEREAS**, the County Legislature of the County of Orange, New York, has heretofore duly authorized (a) acquisition of land to provide sites for new public safety communications radio towers, at the estimated maximum cost of \$1,700,000 and (b) acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction costs, at the estimated maximum cost of \$13,298,000, which amounts were appropriated therefore pursuant to Bond Resolution No. 179 of 2013 duly adopted on August 1, 2013, as amended by Bond Resolution No. 209 of 2014 duly adopted on October 2, 2014, in accordance with the plan of finance which includes acceptance of a grant from the New York State Division of Homeland Security and Emergency Communications in the amount of \$5,998,000 pursuant to Resolution No. 76 of 2013; and

**WHEREAS**, it is now necessary to increase the appropriation for such acquisition of communication towers, equipment shelters, radio microwave equipment, and related installation and construction costs, constituting a new emergency communication system for the Department of Emergency Services and Communications, by \$11,000,000; Now, therefore, be it

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the favorable vote of not less than two-thirds of all members of said Legislature) **AS FOLLOWS:**

Section (A). The bond resolution of said County duly adopted by the County Legislature on August 1, 2013 and amended October 2, 2014, entitled:  
"RESOLUTION NO. 209 of 2014

BOND RESOLUTION DATED AUGUST 1, 2013 AND AMENDED OCTOBER 2, 2014

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ACQUISITION OF LAND TO PROVIDE SITES FOR NEW PUBLIC SAFETY COMMUNICATIONS RADIO TOWERS AND RELATED EQUIPMENT FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$14,998,000; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY TO FINANCE A PORTION OF SAID APPROPRIATION; AND AUTHORIZING THE EXPENDITURE OF \$5,998,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST THEREOF.

is hereby amended to read as follows:

BOND RESOLUTION DATED AUGUST 1, 2013 AND AMENDED OCTOBER 2, 2014 AND FURTHER AMENDED DECEMBER 3, 2015

BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ACQUISITION, INSTALLATION AND CONSTRUCTION OF A NEW EMERGENCY COMMUNICATION SYSTEM FOR THE DEPARTMENT OF EMERGENCY SERVICES AND COMMUNICATIONS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$25,185,030; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$19,187,030 BONDS OF THE COUNTY TO FINANCE A PORTION OF SAID APPROPRIATION; AND AUTHORIZING THE EXPENDITURE OF \$5,998,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TOWARDS THE COST THEREOF.

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, 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 Orange, New York (herein called "County"), is hereby authorized to continue existing capital project No. 376 for the Department of Emergency Services and Communications, consisting of acquisition, installation and construction of a new emergency communication system, all as more particularly described in the attached Schedule A and in the County's 2015 Capital Plan, as amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$25,185,030, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$19,187,030 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, 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, and application of \$5,998,000 expected to be received from the State of New York to be expended towards the cost of such redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal and interest on said bonds or notes.

Section 2. Bonds of the County in the respective principal amounts of \$19,187,030 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 a portion of said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$19,187,030 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 25 of the Law, is ten (10) 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 maximum 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. 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 §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 Orange, 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 6. 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 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; 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 8. This Resolution shall take effect immediately.

Section (B). The amendment of the bond resolution set forth in Section A of this resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; 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 (D). This resolution shall take effect immediately.

# ORANGE COUNTY LEGISLATURE

**Committee: Public Safety and Emergency Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 22**

**RESOLUTION NO.            OF 2015**

## **RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT HAZMAT EQUIPMENT ON BEHALF OF THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES/FIRE SERVICES DIVISION, PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the Orange County Department of Emergency Services/Fire Services Division has been offered HAZMAT equipment totaling \$33,000.00 as part of the 2014 New York State Division of Homeland Security and Emergency Services Regional HAZMAT Team of Hazardous Materials Grant from the Rockland County Office of Fire and Emergency Services. Equipment consists of Zumro Shelter, five Scott 60-Minute Carbon Cylinders, Remote Area Lighting System, HazMat IQ Safe Kit, Cordless Compact Drill/Driver, Cordless Combination Kit and High Pressure Vertical Portable Compressor; and

**WHEREAS**, this Legislature does wish to accept said equipment for the Orange County Department of Emergency Services/Fire Services Division.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the County Executive be and hereby is authorized to accept HAZMAT equipment from the New York State Division of Homeland Security and Emergency Services Regional HAZMAT Team of Hazardous Materials Grant from the Rockland County Office of Fire and Emergency Services, as indicated above.

# ORANGE COUNTY LEGISLATURE

**Committee: Public Safety and Emergency Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 23**

**RESOLUTION NO.            OF 2015**

## **RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF EMERGENCY SERVICES, TO ACCEPT GRANT FUNDS FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE, PURSUANT**

**TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the State of New York Governor’s Traffic Safety Committee has offered a grant in the amount of \$4,000.00 for the 2016 Child Passenger Safety Program for the continuing education in the proper use and installation of child safety seats in Orange County; and

**WHEREAS**, this Legislature does wish to accept said grant funds for the Department of Emergency Services as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Emergency Services, be and hereby is authorized to accept grant funds from the State of New York Governor’s Traffic Safety Committee in the amount of \$4,000.00 for the 2016 Child Passenger Safety Program as indicated above.

2. That the 2015 Budget for the Department of Emergency Services is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	398903	443891	Other Public Safety	\$4,000.00
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**Expense:**

1010	398903	576820	Specialty Payments	\$4,000.00
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**ORANGE COUNTY LEGISLATURE**

**Committee: Public Safety and Emergency Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 24**

**RESOLUTION NO.      OF 2015**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO ACCEPT A DONATED 2016 FORD EXPLORER ON BEHALF OF THE ORANGE COUNTY SHERIFF'S OFFICE, PURSUANT TO SECTION 215 OF THE COUNTY LAW.**

**WHEREAS**, the Orange County Sheriff's Office has been offered the donation of a 2016 Ford Explorer from the U.S. Marshals for use by the County Deputy assigned to the Task Force; and

**WHEREAS**, this Legislature does wish to accept said donated 2016 Ford Explorer for the Orange County Sheriff's Office.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the County Executive be and hereby is authorized to accept the donated 2016 Ford Explorer from the U.S. Marshals for the Orange County Sheriff's Office, as indicated above.

**ORANGE COUNTY LEGISLATURE**

**Committees: Health and Mental Health; Ways and Means**

**Sponsors:**

**Co-Sponsor:**

**Agenda No. 25**

**RESOLUTION NO. OF 2015**

**BOND RESOLUTION DATED DECEMBER 3, 2015**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ADDITIONAL FINANCING FOR ACQUISITION OF EQUIPMENT FOR THE VALLEY VIEW CENTER SEWER PLANT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$130,040; APPROPRIATING \$64,500 THEREFOR, IN ADDITION TO THE \$65,540 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$64,500 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, 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 Orange, New York (herein called "County"), is hereby authorized to continue existing capital project No. VV-153 for the Valley View Center for Nursing Care and Rehabilitation, consisting of acquisition of equipment for the sewer plant, including replacement of the trickling filter rotary distributor, all as more particularly described in the County's 2015 proposed Capital Plan, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$130,040, and \$64,500 is hereby appropriated therefor, in addition to the \$65,540 previously appropriated pursuant to Resolution No. 179 of 2014 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$64,500 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 \$64,500 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 period of probable usefulness of the specific object or purpose for which said \$64,500 bonds herein authorized are to be issued, within the limitations of §11.00 a. 4 of the Law, is ten (10) 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 specific object or purpose 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. 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 Orange, 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 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, December 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 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-

Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; 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 8. This Resolution shall take effect immediately.

## ORANGE COUNTY LEGISLATURE

**Committee: Education and Economic Development**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 26**

**RESOLUTION NO.                      OF 2015**

### **RESOLUTION AUTHORIZING ORANGE COUNTY COMMUNITY COLLEGE TO USE \$100,000.00 IN CAPITAL CHARGEBACK MONEY FOR THE PURCHASE OF CAPITAL EQUIPMENT.**

**WHEREAS**, Orange County Community College respectfully requests the use of \$100,000.00 in capital chargeback money for the purchase of capital equipment. The equipment will consist of Academic and IT equipment including laptops, PCs, servers and projectors; and

**WHEREAS**, the college is requesting the use of capital chargeback monies in accordance with Education Law 603.7, which provides that Capital Cost chargeback funds can be expended to pay up to one-half the purchase price of equipment. Equipment purchases shall be limited to those items which require significant expenditure of funds and equipment purchased shall include only those articles classified as tangible assets; and

**WHEREAS**, the equipment possesses a useful life of at least two years and the equipment has a unit cost of \$1,000.00 or more; or, the equipment is purchased in quantity for a single educational or administrative purpose, have a unit cost of \$500.00 or more, and an aggregate value for all units purchased for such single purpose of \$10,000.00 or more. The \$100,000.00 will cover fifty (50%) percent of the cost of the equipment. The College Board of Trustees approved the provision of this request.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that this Legislature hereby approves the use of \$100,000.00 in capital chargeback money for the purchase of capital equipment for the Orange County Community College as indicated above; and it is further

**RESOLVED**, that the Commissioner of Finance is authorized to make such modifications

# ORANGE COUNTY LEGISLATURE

**Committees:** Personnel and Compensation; Ways and Means

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 27**

**ACT NO.      OF 2015**

**AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO REALLOCATE "CHIEF BUDGET ANALYST" AT THE ORANGE COUNTY DIVISION OF BUDGET, PURSUANT TO SECTION 2.02(I) OF THE ORANGE COUNTY CHARTER.**

**Section 1:** Act No. 22 of 1971, an Act approving Orange County title and grade listing, alphabetical title, grade and jurisdictional listing; and allocation listing, as last amended by Act No. 10 of 2015, is hereby further amended as follows:

**Add to Orange County Title and Grade Listing at Grade:**

Grade 18, Chief Budget Analyst

**Delete from said Listing:**

Grade 17, Chief Budget Analyst

**Add to Alphabetical Title, Grade and Jurisdictional Listing:**

Chief Budget Analyst, Grade 18

**Delete from said Listing:**

Chief Budget Analyst, Grade 17

**Add to Allocation Listing for Division of Budget:**

Chief Budget Analyst, Grade 18 (#03590)

**Delete from said Listing:**

Chief Budget Analyst, Grade 17 (#03590)

**Section 2:** This Act shall take effect December 12, 2015.

# ORANGE COUNTY LEGISLATURE

**Committees:** Personnel and Compensation; Ways and Means

**Sponsors:**  
**Co-Sponsors:**

**Agenda No. 28**

**ACT NO. OF 2015**

**AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO CREATE "ASSESSOR" AT THE ORANGE COUNTY DEPARTMENT OF FINANCE - DIVISION OF REAL PROPERTY TAX SERVICE AGENCY, PURSUANT TO SECTION 2.02(I) OF THE ORANGE COUNTY CHARTER.**

**Section 1:** Act No. 22 of 1971, an Act approving Orange County title and grade listing, alphabetical title, grade and jurisdictional listing; and allocation listing, as last amended by Act No. 17 of 2015, is hereby further amended as follows:

**Add to Allocation Listing for Department of Finance - Division of Real Property Tax Service Agency:**

Assessor, Grade 21

**Section 2:** This position is created upon funding from a municipal agreement and the position shall automatically be abolished upon cancellation of such funding.

**Section 3:** This Act shall take effect December 12, 2015.

**ORANGE COUNTY LEGISLATURE**

**Committees:** Personnel and Compensation; Ways and Means  
**Sponsors:**  
**Co-Sponsors:**

**Agenda No. 29**

**ACT NO. OF 2015**

**AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO CREATE TWO "ASSISTANT ASSESSOR(S), PART TIME" POSITIONS AT THE ORANGE COUNTY DEPARTMENT OF FINANCE - DIVISION OF REAL PROPERTY TAX SERVICE AGENCY, PURSUANT TO SECTION 2.02(I) OF THE ORANGE COUNTY CHARTER.**

**Section 1:** Act No. 22 of 1971, an Act approving Orange County title and grade listing, alphabetical title, grade and jurisdictional listing; and allocation listing, as last amended by Act No. 9 of 2015, is hereby further amended as follows:

**Add to Allocation Listing for Department of Finance - Division of Real Property Tax Service Agency:**

Two (2) Assistant Assessor(s) (Part Time), Grade 08

**Section 2:** These positions are created upon funding from a municipal agreement and the positions shall automatically be abolished upon cancellation of such funding.

**Section 3:** This Act shall take effect December 12, 2015.

## ORANGE COUNTY LEGISLATURE

**Committee:** Ways and Means

**Sponsor:**

**Co-Sponsor:**

**Agenda No. 30**

### RESOLUTION NO.            OF 2015

#### **RESOLUTION FINALLY ADOPTING THE PROPOSED BUDGET OF ORANGE COUNTY FOR THE YEAR 2016, PURSUANT TO SECTION 360 OF THE COUNTY LAW AND SECTION 4.07 OF THE ORANGE COUNTY CHARTER AND ADMINISTRATIVE CODE.**

**WHEREAS**, by resolution of this Legislature, the time and place for the public hearing on the proposed budget for the County of Orange, Orange County Social Services District, Orange County Small Watershed Protection District No. 1 for Cromline Creek, Beaver Dam Lake District, and Orange County Sewer District No. 1 for 2016, filed by the County Executive with the Clerk of the County Legislature on October 1, 2015 was duly fixed and determined; and the Clerk of the County Legislature was directed therein to cause to be printed or otherwise reproduced at least 100 copies of such proposed budget for the use of all interested persons, and was further directed to cause a notice of said public hearing in the form set forth in said resolution, to be published at least once in the six official newspapers of the County, at least five days before the date specified for said hearing; and

**WHEREAS**, copies of said budget were prepared accordingly; and proofs of publication of the notice of public hearing on said budget held at the Emergency Services Center Auditorium, 22 Wells Farm Road, Goshen, New York, have been filed with the Clerk of the County Legislature showing the publication of said notice in the Wallkill Valley and Mid-Hudson Times, Warwick Advertiser, Monroe Photo News, The Chronicle, The Sentinel, News of the Highlands, Inc., Cornwall Local and Hudson Valley Press; and

**WHEREAS**, at the time and place fixed by said resolution and published in the said notice, the County Legislature duly held a public hearing upon the said proposed budget in the manner provided by Section 359 of the County Law and Section 4.06 of the Orange County Charter and Administrative Code, at which all persons appearing to be heard were heard by the County Legislature in respect to the said proposed budget.

**BE IT RESOLVED AS FOLLOWS:**

1. Proofs of the due publication of said notice of public hearing in the Wallkill Valley and Mid-Hudson Times, Warwick Advertiser, Monroe Photo News, The Chronicle, The Sentinel, News of the Highlands, Inc., Cornwall Local, Hudson Valley Press and the Gazette as hereinbefore stated are hereby directed to be placed on file by the Clerk of the County Legislature.

2. That a summary of said proposed budget for the County of Orange, Orange County Social Services District, Orange County Small Watershed Protection District No. 1 for Cromline Creek, the Beaver Dam Lake District, and Orange County Sewer District No. 1, with such changes, alterations and revisions as have been approved by the County Legislature, is directed to be spread by the Clerk on the minutes of this meeting, and printed in the annual volume of printed proceedings.

3. As so changed, altered and revised, the said proposed budget for the County of Orange, Orange County Social Services District, Orange County Small Watershed Protection District for Cromline Creek, Beaver Dam Lake District and Orange County Sewer District No. 1 is hereby approved and adopted by the Orange County Legislature respectively as the budget therefor for the year 2016.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Ways and Means**

**Sponsor:**

**Co-Sponsor:**

**Agenda No. 31**

**RESOLUTION NO. \_\_\_\_\_ OF 2015**

**RESOLUTION MAKING APPROPRIATIONS FOR THE CONDUCT OF THE GOVERNMENT OF ORANGE COUNTY, ORANGE COUNTY SOCIAL SERVICES DISTRICT, ORANGE COUNTY SEWER DISTRICT NO. 1, THE ORANGE COUNTY SMALL WATERSHED PROTECTION DISTRICT NO. 1 FOR CROMLINE CREEK AND THE BEAVER DAM LAKE DISTRICT FOR THE FISCAL YEAR 2016, PURSUANT TO SECTIONS 356 AND 360 OF THE COUNTY LAW AND SECTIONS 4.04A AND 4.05 (b) OF THE ORANGE COUNTY ADMINISTRATIVE CODE.**

**WHEREAS**, the County Legislature, by Resolution No. \_\_\_\_\_ 2015 has adopted a budget for the County of Orange for the fiscal year 2016.

### **RESOLVED AS FOLLOWS:**

1. That the several amounts specified in said budget for general government purposes in the last column entitled "Adopted" be and they hereby are appropriated for the objects and purposes specified.

2. That the several amounts specified in said budget for Orange County Social Services District purposes in the last column entitled "Adopted" be and they hereby are appropriated for the objects and purposes specified.

3. That the several amounts specified in said budget for Orange County Sewer District No. 1 purposes in the last column entitled "Adopted" be and they hereby are appropriated for the objects and purposes specified.

4. That the several amounts specified in said budget for Orange County Small Watershed Protection District No. 1 for Cromline Creek purposes in the last column entitled "Adopted" be and they hereby are appropriated for the objects and purposes specified.

5. That the several amounts specified in said budget for Beaver Dam Lake District purposes in the last column entitled "Adopted" be and they hereby are appropriated for the objects and purposes specified.

6. That this resolution shall take effect immediately.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Ways and Means**  
**Sponsor:**  
**Co-sponsor:**

**Agenda No. 33**

### **RESOLUTION NO.      OF 2015**

#### **RESOLUTION ADOPTING THE 2016 CAPITAL PROGRAM AS AMENDED, PURSUANT TO THE ORANGE COUNTY CHARTER SECTION 4.07.**

**WHEREAS**, the Orange County Charter provides for the adoption of the Capital Program therefor by the Legislature no later than the fifteenth day of December; and

**WHEREAS**, the County Executive has submitted to this Legislature a proposed Capital Program; and

**WHEREAS**, the Legislature has requested recommendations from the County Executive as to said Capital Program, and has received same, and has made certain amendments thereto; and

**WHEREAS**, this Legislature now deems it to be in the public interest to adopt same with said amendments;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Capital Program originally submitted by the County Executive is hereby amended, as follows:

<b><u>PROJECT TITLE/NO.</u></b>	<b><u>YEAR</u></b>	<b><u>\$AMOUNT</u></b>
Adding a proposed project for the Historian for the purpose of preservation studies and interpretive research of County owned properties	2016	\$25,000.00

and it is further;

**RESOLVED**, that said 2016 Capital Program be and the same hereby is adopted as amended, as provided by Section 4.07 of the Orange County Charter.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Ways and Means**

**Sponsor:**

**Co-Sponsor:**

**Agenda No. 34**

### **RESOLUTION NO.            OF 2015**

#### **RESOLUTION MAKING APPROPRIATION TO CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ORANGE COUNTY, PURSUANT TO SUBDIVISION 8 OF SECTION 224 OF THE COUNTY LAW.**

**WHEREAS**, by Subdivision 8 of Section 224 of the County Law, as amended, the County Legislature may appropriate and pay out moneys for the general improvement of agricultural, family and community conditions and for the support and maintenance of county cooperative extension associations and agriculture, human ecology and 4-H youth development programs thereof; and

**WHEREAS**, the Cornell Cooperative Extension Association of Orange County has been duly organized by and with the consent of Cornell University, and has appointed a treasurer thereof.

**RESOLVED**, that the sum of \$1,523,000, is hereby appropriated in the 2016 budget to the Cornell Cooperative Extension Association, thereof to be expended for the maintenance of the Agricultural Programs, 4-H Youth Program, and Home Economics for the fiscal year beginning January 1, 2016, and ending December 31, 2016; and it is further

**RESOLVED**, that the Commissioner of Finance of Orange County is hereby authorized and directed to pay to the duly elected and properly bonded treasurer of said association said sum of \$1,523,000, in four equal quarterly installments of \$380,750 each in advance on the first day of each quarter beginning January 1, 2016 and be it further

**RESOLVED**, that the County Executive of Orange County is hereby authorized and directed to sign and execute such memorandum of agreement as may be duly approved by Cornell University, as agent for the State, outlining the above conditions and methods of payment and directing the above

association to expend the funds only for the purpose set forth in the said budget of said association referred to herein and requiring annual report at the end of the year containing therein a true and accurate account of all receipts and expenditures of said county association for the fiscal year.

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