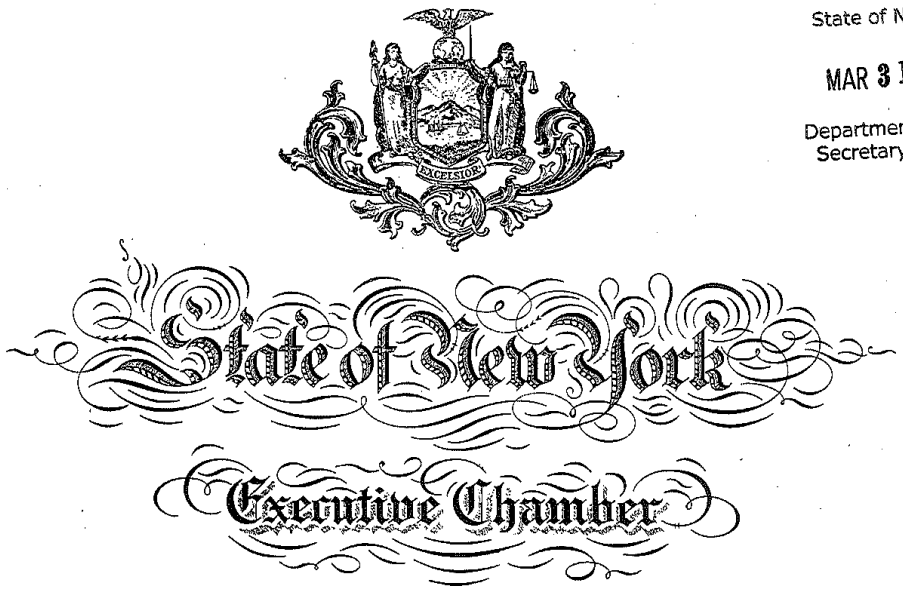
State of New York

MAR 31 2015

Department of State
Secretary of State




No. 143

EXECUTIVE ORDER

**DECLARING A DISASTER AND A TEMPORARY SUSPENSION OF PROVISIONS RELATING TO STATE CONTRACTS TO EXPEDITE THE REPAIR OF A PORTION OF OLD CROTON AQUEDUCT STATE HISTORIC PARK**

**WHEREAS,** on March 11, 2015, a portion of a stone retaining wall in Old Croton Aqueduct State Historic Park collapsed in a landslide, sending mud and debris against a senior housing complex owned by the Municipal Housing Authority of the City of Yonkers (the "Housing Authority") at 95-97 Walsh Road in the City of Yonkers, Westchester County; and

**WHEREAS,** because of the uncertainty of the stability of other portions of the retaining wall and the consequent threat to public safety, the Housing Authority ordered the complete evacuation of the housing complex on March 11, 2015; and

**WHEREAS,** evacuation of the housing complex at 95-97 Walsh Road in the City of Yonkers resulted in the dislocation of approximately 110 residents, who may not be able to return to their homes until the retaining wall is permanently repaired;

**NOW, THEREFORE, I, ANDREW M. CUOMO,** Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and the Laws of the State, do hereby find that a disaster has occurred for which the affected local governments are unable to respond adequately without assistance. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby declare a State Disaster Emergency effective March 11, 2015 within the City of Yonkers; and

**FURTHER,** I direct the Commissioner of Parks, Recreation and Historic Preservation and the Commissioner of General Services to expedite all repairs to the retaining wall and associated structures in and around Old Croton Aqueduct State Historic Park and the Housing Authority property so that, as soon as possible, State property can be restored and the housing complex at 95-97 Walsh Road in the City of Yonkers can be secured and the residents can safely return to their homes; and

**FURTHER,** by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, or orders, rules or regulations, or parts thereof, of any agency during a State Disaster Emergency, if compliance with such

provisions would prevent, hinder, or delay action necessary to cope with the disaster, I hereby temporarily suspend, for the period from March 11, 2015 until further notice, the following laws:

Section 9(2) and (4) of the Public Buildings Law, to the extent the Commissioner of General Services determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and/or to use such contracts and services when needed at a threshold above three hundred thousand dollars;

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Parks, Recreation and Historic Preservation or the Commissioner of General Services determines it necessary to add additional work, sites, and time to State contracts or award emergency contracts, to award leases for relocation and support of State operations under Section 3 of the Public Buildings Law, to award emergency contracts under Section 9 of the Public Buildings Law, to award emergency contracts for professional services under Section 136-a of the State Finance Law or to award emergency contracts for commodities, services, technology, and materials pursuant to Section 163 of the State Finance Law;

Section 136-a of the State Finance Law, to the extent that the Commissioner of Parks, Recreation and Historic Preservation or the Commissioner of General Services determines it necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services;

Section 163 of the State Finance Law, to the extent necessary to allow the Commissioner of Parks, Recreation and Historic Preservation or the Commissioner of General Services to purchase necessary commodities, services, technology, and materials without following the standard procurement processes;

Article 8 of the Environmental Conservation Law, and Part 15 of Title 17 and Part 617 of Title 6 of the New York Code of Rules and Regulations, and Section 14.09 of the Parks, Recreation and Historic Preservation Law and Part 428 of Title 9 of the New York Code of Rules and Regulations to the extent that the Commissioner of Parks, Recreation and Historic Preservation or the Commissioner of General Services determines that work is immediately necessary for the replacement, rehabilitation, or reconstruction of structures; and

Section 97-G of the State Finance Law, to the extent that the Commissioner of General Services determines it necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirty-first day of March in the year two thousand fifteen.

BY THE GOVERNOR

Melissa J. Mahoney

Secretary to the Governor