

The August 29th , 2006 special Town Board meeting was called to order by Supervisor DeCerce at 7:00 pm at the Senior Center, Lower Newtown Road, with the following members present:

Kenneth J. DeCerce, Supervisor
Walter F. Polak, Councilman
A. James Bold, Councilman
Regina C. Parker, Councilwoman
Melinda A. Wormuth, Councilwoman
Robert J. Chauvin, Deputy Town Attorney
Mary J. Pearson, Town Clerk

At 7:00 pm the Supervisor called the Public Hearing for the new Town Family Park and new Town Hall to order and stated it is for an Increase in Capital Project Amount to be Expended.

The Clerk read the Notice of Public Hearing.

Councilman Bold reported that the project budget was put together and presented it in October 2004 and everyone is aware of things that have occurred in terms of natural disasters and global unrest since then. He stated as a consequence the prices in 2004 and the prices today are not in the same level at all and going to a hardware store this is learned in a short time. He stated the bids have come in on the Town Hall but not on the Town Park. He stated they are expecting the Town Park bids will have amounts higher than their earlier estimates and they know the town hall bids are higher than previously estimated and with all of it put together the project budget needs to be increased. He stated the increase is \$1.2 million dollars which is almost 10%.

Supervisor DeCerce stated there was great input from the community starting in 1999 and the intention of that work was to develop the 55 acre recreation site that the Town purchased. He stated they worked for 2 ½ -3 years and made progress, however, they decided that we needed a new Town Hall which didn't surprise him because we were cramped.

Cal Thayer, 61 Spice Mill Blvd., stated he worked on the committee and he totally supports this action.

Herb Tinger, 30 Stage Run, stated he certainly understands cost overruns for the Town Hall concrete, wood products, etc. due to the price increases. He asked if they would talk about the Town Park and asked what types of materials are involved there in terms of building materials that they expect a increase.

Councilman Bold stated there isn't the quantity of steel buildings and concrete structures but there is going to be a tremendous amount of petroleum products involved. He stated when they start moving the large quantity of excavation materials the cost of diesel fuel will be high and the asphalt prices. He stated the cost of putting this project together with the archeology study being a major cost and they started out with a \$12,000 budget for the study and then we needed an additional \$47,000 that was not planned on or in the budget and we don't know what the next step is but almost certain there will be one.

Mr. Tinger asked what happens to the items they are finding and where are they going to go.

Councilman Bold stated they are in plastic bags in the basement of the firm the Town hired and they are cataloged and numbered. He stated it will require a curation program which requires a plan on how they will store, identify and manage these items and it has to be approved by the historic people you don't get the items. He stated he expects them to say show us how you are going to reconfigure your park in order to avoid the sensitive sites. He stated they will show them how we already reconfigured the park in order to minimize the wetlands and any more will reduce the function of the park and it will no longer represent what we told the public we were going to build.

He stated the building foundation is about three feet below the surface and is at least two feet thick, and saw steps and is being dated late 1700's and they are finding data recovery and, if we can't shift the roadway to miss it we will have to go through it and preserve segments of it.

Ellen Kennedy, Stone Quarry Road, asked if parts of the park could be moved to another property on Vosburgh Road so the artifacts would not be destroyed.

Councilman Bold stated we don't have a plan for that property at this time. He stated one of the things they encourage through parks development is to bring a lot of these functions together so people don't need to run all over Town. He stated he wouldn't rule out that we will

have some functions up there. He stated they would get into a cost efficiency situation and he would view it more as additional recreation.

Councilwoman Wormuth stated we will also need to have delineated wetlands in the beginning stages.

Councilwoman Parker stated if we have to start all over again and the amount of money would be phenomenal and everyday we wait it is just more dollars.

The Supervisor closed the public hearing at 7:20 pm.

RESOLUTION NO. 206

Offered by Councilman Polak, Seconded by Councilwoman Wormuth: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

WHEREAS, the Town of Halfmoon passed a Resolution on the Capital Project Bonding for the new Town Family Park and New Town Hall and Site Improvements maximum amount to be expended; and

WHEREAS, the Resolution approved bonding in the sum of \$11,861,400.00; and
WHEREAS, the bids have been let for the Town Hall; and

WHEREAS, the bids have exceeded the amount that was contained in the original estimate from September 2004; and

WHEREAS, the Town has a General Fund Unappropriated Fund Balances that will be sufficient to cover the increased cost; and

WHEREAS, the Town is concerned that the New Town Family Park cost will also be increased; and

WHEREAS, the Town has scheduled a Public Hearing on the proposed increase in the Capital Amount to be expended for the two (2) projects; and

WHEREAS, the Town Board believes that it is in the best interest of the Town to provide for an increased Capital Amount that will take into consideration the lapse of time and the delay in bidding and the increased costs occasioned by recent spikes in fuel costs, labor and material costs; and

WHEREAS, the Town Engineers and Architects have reviewed the proposed increase and have recommended that the Town increase the maximum amount to be expended to cover contingencies and additional costs; and

WHEREAS, the Town Board believes it is in the best interest of the Town and proper Planning for the Town to provide for a Town Hall and recreation facilities that will be sufficient for the near future; and

WHEREAS, the appropriation of funds from the General Fund Unappropriated Fund balance will not increase the bonding nor the debt retirement costs for the project,

NOW THEREFORE, BE IT AGREED AS FOLLOWS:

1. That the Capital Amount to be expended for the Town Hall and Town Recreation Project, be and the same hereby is, increased to \$13,061,400.00.

2. That the increase will be paid for from the General Fund Unappropriated Fund balance and there will be no new debt created for the Capital Project.

3. That the prior Resolutions of Approval and Bonding Resolutions are hereby ratified and confirmed and as ratified and confirmed, affirmed.

4. That this Resolution shall take effect immediately and the appropriate transfer of funds will be completed as needed for project costs.

5. That in the event that the contingency is not exceeded and there are funds left over from the Unappropriated Fund balance, they shall be returned to the General Fund Unappropriated Fund Balance to be appropriately disbursed by the Board at the time the project is closed out and there is a determination that there is not a necessity to use the excess unappropriated fund balance.

Councilwoman Wormuth stated she wants to thank all the people who worked so hard on this project, Councilman Bold, Councilwoman Parker, the community and the group from the beginning.

Councilwoman Parker stated some of the things they knew were important weren't in the original but came back on add alts and will happen. She stated she hopes the Town Park will be able to have everything.

Councilman Polak commented that Councilman Bold has put in relentless hours on the Town Hall project during a very difficult time in building history. He stated everything increases the project costs and increases everyday. He stated he knows it will be a beautiful building and they are trying to bring it in at a reasonable cost. He stated it is time to move forward with the project. He stated again he wants to thank Jim and Regina, the committee, engineers, architects and all the background people

Councilman Bold stated this increase in money will not increase the bonding level and, the addition money will come out of General Fund un-appropriated fund balance reserves.

Supervisor DeCerce stated he wants to thank the whole Board for going through gut-wrenching steps. He stated he also thanks Clough Harbour and Butler Rowland Mays to help us get to this point.

Councilman Bold introduced Patrick Piper from Butler Rowland & Mays and Michael Bianchino, Clough Harbour & Associates who are working closely with us.

Mr. Piper stated they helped review the bids with Clough Harbour. He stated the contractors are all ready and want to get started on the project before winter. He stated the winning bids were the lowest bids and in some cases only \$100.00 apart.

Mr. Bianchino had nothing further to add.

Councilman Bold commented that the bids received were very competitive and the quality of bids was excellent. He stated that contract 3 is the Mechanical is the one that contains the geothermal system, which is the energy efficient system.

RESOLUTION NO. 207

Offered by Councilwoman Seconded by: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

WHEREAS, bids were opened on August 9th, 2006 for the new Town Hall, and

WHEREAS, a letter of recommendation was received from Butler Rowland Mays Architects, LLP and Clough Harbour & Associates, LLP to award the bids to low bidders, not therefore be it

RESOLVED, that the Town Board authorizes awarding the following low bids:

Contract #1, General Construction- Malone & Tate Builders, Inc.,
Base Bid \$3,995,900, Add Alt 1- (metal roof)\$60,000, Add Alt 3 (sewer)- \$79,000;
Total \$4,134,900

Contract #2, Plumbing- Crisafulli Bros. Plumbing & Heating Contractors, Inc.,
base bid-\$95,000

Contract #3, Mechanical-Crisafulli Bros. Plumbing & Heating Contractors, Inc.,
base bid- \$788,000

Contract #4, Fire Protection- SRI Fire Sprinkler, base bid- \$91,300

Contract #5, Electrical- Comalli Electric,
base bid-\$599,300, Add Alt #3 (Sewer) \$10,300: Total \$609,600

Attorney Chauvin stated a resolution is needed to finalize the legal settlement for the construction work on the Jobs Now project and authorize the release of the retainage.

RESOLUTION NO. 208

Offered by Councilman Bold, Seconded by Councilman Polak: Adopted by vote of Board: Ayes: DeCerce, Polak, Bold, Parker, Wormuth

WHEREAS, as part of the JOBS NOW Project, Bat-Con Construction installed water lines from Smith Road to the Town Water Tank and then to the Sysco Project; and

WHEREAS, as a part of that Project, water lines were installed by Bat-Con were outside of the Easement area and damage was alleged to have occurred to property of Kenneth and Marie Van Wert; and

WHEREAS, Kenneth and Marie Van Wert commenced an action in Supreme Court for recovery of their losses and expenses and to compel the removal of the water line; and

WHEREAS, that action was prosecuted in Supreme Court and was eventually settled by Stipulation of Settlement on the record in open Court; and

WHEREAS, subsequent to that Stipulation of Settlement, the parties to the suit engaged in numerous colloquies concerning the Settlement; and

WHEREAS, subsequent to the Stipulation of Settlement, the Plaintiffs, Kenneth and Marie Van Wert finally agreed to the Settlement and executed the Easement which was a part of the Settlement Agreement; and

WHEREAS, the Easement has been recorded to confirm that the water line is located within the Easement which was granted to the Town of Halfmoon; and

WHEREAS, as a part of the settlement, Bat-Con had agreed to remit to the Plaintiffs the sum of Five Thousand (\$5,000.00) Dollars, that Five Thousand (\$5,000.00) Dollars to be paid from the retainage that was being held by the Town of Halfmoon by reason of Bat-Con's contract and specifically by reason of the litigation ensuing from Kenneth and Marie Van Wert's Complaint; and

WHEREAS, the Town of Halfmoon Engineers and the Town of Halfmoon Water Superintendent have assured that no other reason remains to hold the retainage; and

WHEREAS, Bat-Con's attorneys have sent a letter authorizing the release of the retainage to the Plaintiffs, Kenneth and Marie Van Wert; and

WHEREAS, the Town of Halfmoon has no right to the retainage and the money held is solely that of Bat-Con and Bat-Con has authorized the use of the money for payment of their obligation to Kenneth and Marie Van Wert, pursuant to the Stipulation of Settlement made on the record in open Court;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town of Halfmoon Bookkeeper shall issue a check in the amount of Five Thousand (\$5,000.00) Dollars to Kenneth and Marie Van Wert and to Thomas DeLorenzo, Esq. as Attorney, in settlement of Bat-Con's obligation at the request of and at the specific direction of Bat-Con.

2. That the check will be forwarded to the attorneys for the Town of Halfmoon in connection with that litigation, for delivery to the VanWert's attorney in satisfaction of the obligations that Bat-Con entered into in the Stipulation of Settlement entered into in open Court.

3. That no Town money shall be expended for this purpose.

There being no further business the meeting was adjourned at 7:35 pm.

Respectfully submitted,

Mary J. Pearson
Town Clerk

