

The May 15, 2024, meeting was called to order at 7:00 pm by Town Supervisor Tollisen in the A. James Bold Meeting Room with the following members present:

Kevin J. Tollisen, Supervisor
Paul L. Hotaling, Councilman
John P. Wasielewski, Councilman
Jeremy W. Connors, Councilman
Eric A. Catricala, Councilman
Lyn A. Murphy, Town Attorney
Cathy L. Drobny, Deputy Town Attorney
Lynda A. Bryan, Town Clerk- Excused
Kelly L. Catricala, Deputy Town Clerk

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

PUBLIC HEARING: PUBLIC HEARING TO DISCUSS AUTHORIZING AN AMENDMENT TO THE CODE OF THE TOWN OF HALFMOON AND REGULATIONS REGARDING PERMITTING RECREATIONAL USES IN C-1 COMMERCIAL, LI-C LIGHT INDUSTRIAL, AND W-1 WATERFRONT MIXED USE DISTRICT.

Supervisor Tollisen: The first item on the agenda is a public hearing to discuss authorizing an amendment to the code of the Town of Halfmoon and Regulations regarding permitting Recreational Uses in C-1 Commercial, LI-C Light Industrial, and W-1 Waterfront Mixed Use District. Would anyone like to have the Public Notice read? Hearing from no one, the Public Hearing was opened.

OPEN: 7:01 PM

Attorney Murphy: The Town enacted the Waterfront Mixed Use District , the paragraph in the beginning says for use for Recreational, Commercial, etc., but the actual legislation does not include Recreation as a use. In C-1 Commercial and LI-C Light Industrial, there is some language that can be interpreted to include Recreation, but the Town's intent was to always allow recreational uses, and we are just adding it for clarification purposes so there is no misunderstanding as to what can be or cannot be allowed in these zones.

Supervisor Tollisen asked if there were any questions or comments from the Board.

Supervisor Tollisen asked if there were any questions or comments from the audience or on video.

Henretta O'Grady, Church Hill Road: I am speaking tonight as a member of the Trails and Open Space Committee, our chairman is not here tonight, I did speak with him this afternoon, and we are in support of this change to the regulations permitting recreational uses in Commercial, Light Industrial, Waterfront Mixed District, and there might be a reason to include Manufacturing, simply because there is a site there that perhaps would be expanded for future uses for some of these districts, which we would think recreational uses would be appropriate within those districts. We hope the Board supports and will fully approve it. Thank you.

Attorney Murphy: Ms. O'Grady, just so you are aware, we are awaiting word from the County as far as this legislation is concerned, so the Board cannot act on this tonight, they will have to wait for the County to weigh in.

Ms. O'Grady: Ok, that's fine. Thank you.

Supervisor Tollisen: Ms. Murphy, what about the question posed regarding Manufacturing? Is that allowed, or not?

Attorney Murphy: We have permitted it in the past under an interpretation of the uses allowed in Manufacturing, but I can check with Mr. Harris and see if that is something that he believes is something that would be beneficial in the future going forward. These are the zones that he recommended based on what they have seen and the interpretations they have made in the past, I believe they are comfortable with Manufacturing, again it's open enough that they can interpret it to allow these uses. For example, Metabolic Meltdown over by Rolling Hills is allowed as recreational use just based on the way that the Manufacturing District is interpreted, but I will look into that.

Supervisor Tollisen: Are there any other questions from the Public or the Board?

Nothing further, the Public Hearing was closed at 7:05 PM - NO ACTION TAKEN
The County Planning Board needs to weigh in, and they will meet next week.

CLOSED 7:05 PM

PUBLIC HEARING: PUBLIC HEARING TO DISCUSS AUTHORIZING AN AMENDMENT TO THE CODE OF THE TOWN OF HALFMOON TO MODIFY THE LANGUAGE OF SECTION 160-58 DISTRICT EXTENSION FEES TO REMOVE THE DOLLAR AMOUNT LISTED AND MANDATE THAT THE RATES BE SET BY TOWN BOARD RESOLUTION.

Supervisor Tollisen: The next item on the agenda is a public hearing to Discuss Authorizing an Amendment to the Code of the Town of Halfmoon to Modify the Language of Section 160-58 District Extension Fees to Remove the Dollar Amount Listed and Mandate That the Rates be Set by Town Board Resolution. Would anyone like the Public Hearing Notice read?

Hearing from no one, the Public Hearing was opened.

OPEN: 7:06 PM

Attorney Murphy: Again, this is a correction to the existing code. We have removed most set figures from the code and modified the code to permit the Town Board to set the fees by resolution, so that you don't have to have a public hearing each time you want to change a fee associated with a use. This is for the District Extension Fees and the section that exists permits the Board to change pursuant to resolution, but in my opinion it's confusing to have a set figure, and then allow it to be modified by the Board. It's better to have it set by the Board pursuant to resolution in my opinion.

Supervisor Tollisen asked if there were any questions or comments of the Board.

Supervisor Tollisen asked if there were any questions or comments from the audience or on video.

Hearing from no one, the Public Hearing was closed.

CLOSED: 7:07 PM

RESOLUTION NO. 167

Offered by Councilman Connors, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Building and Planning Development Coordinator Harris

RESOLVED, that the Town Board approves authorizing an amendment to the Code of the Town of Halfmoon to modify the language of §160-58 District Extension Fees

to remove the dollar amount listed and mandate that the rates be set by Town Board Resolution, duly enacted, and adopted a local law now numbered Local Law 3-2024.

COMMUNITY EVENTS

The “BUY A BRICK” program for the Halfmoon Veterans Walk of Honor at the Halfmoon Veterans Memorial in the Town Park is now accepting orders. Create a lasting tribute for your veteran. For more information, please call 371-7410 ext. 2200 or visit our website www.townofhalfmoon-ny.gov.

FARMER’S MARKET: Every Wednesday from 2-5 in the Town Hall Foyer. Come visit our local farms, crafters, and vendors that will be on hand every week.

Halfmoon Comprehensive Plan Update page is now live at <https://www.planhalfmoon.com/>. Visit the website to find out more about the Halfmoon Comprehensive Plan Update, learn about upcoming meetings, review draft documents, get added to email announcements and to share your own comments about the future of Halfmoon.

CONCERT IN THE PARK – Friday, June 14th from 6:30 – 9:00pm at the Stage in the Town Park. Joe Adey & the Lug Nuts will be playing under the stars!

TOWN MEETINGS: *If a Monday meeting falls on a holiday, the meeting will be held the next day (Tuesday). • Town Board: 1st and 3rd Wednesday of the month at 7:00 PM Pre-meeting at 6:15 PM • Zoning Board of Appeals: 1st Monday* of the month at 7:00 PM Pre-meeting at 6:45 PM • Planning Board: 2nd and 4th Monday* of the month at 7:00 PM Pre-meeting at 6:15 PM • Trails & Open Space Committee: 3rd Monday* of the 3rd month at 7:00 PM, unless otherwise announced.

REPORTS OF BOARD MEMBERS AND TOWN ATTORNEY

Kevin J. Tollisen (Town Supervisor)

Paul Hotaling (Deputy Town Supervisor): (1) Chair of Personnel Committee (2) Ethics Committee, (3) Chair of Infrastructure & Safety (Water, Highway, Building & Maintenance) (4) Co-Chair for Character Counts, (5) Liaison to Comprehensive Plan Update Committee

Thank you, Mr. Supervisor. I would like to highlight the work that Highway has been doing maintaining our roads and repaving. I would ask that everyone slow down in the work zones. That is our family there, and they are doing a great job. We also have our Water Department guys out there flushing hydrants. Please be aware.

John Wasielewski (Town Board Member): (1) Liaison to Planning Board, (2) Chair of Committee of Emergency Services and Public Safety, (3) Liaison to Animal Control and related services.

Thank you, Mr. Supervisor, I have no report this evening.

Jeremy Connors (Town Board Member): (1) Liaison to Zoning Board; (2) Chair of Business and Economic Development Committee (3) Chair for Not-for-Profit Organizations, (4) Liaison to Comprehensive Plan Update Committee.

Thank you , I have no report.

Eric Catricala (Town Board Member): (1) Co-Liaison to Planning Board, (2) Co-Chair of Business and Economic Development Committee (3) Chair for Parks and Athletic Organizations, (4) Chair for Recreation (5) Co-Chair for Character Counts, (6) Liaison to Trails and Open Space Committee

Thank you, Mr. Supervisor, I nothing this evening.

Lynda Bryan (Town Clerk): 1) Chair of Senior Programs, (2) Chair of Committee on Historical Archives **Excused**

Dana Cunniff (Receiver of Taxes): (1) Chair of Committee on Residents Relations

Lyn Murphy, Esq. (Town Attorney)

I have nothing, thank you.

Cathy Drobny, Esq. (Deputy Town Attorney)

I have nothing, thank you.

PUBLIC COMMENT (For discussion of agenda items) No one came forward.

Supervisor Tollisen: Department Reports and the monthly Department Manager Reports are listed and can be viewed in the Town Clerk's Office. We do ask our Department Managers to provide monthly reports in addition to having Department Manager monthly meetings where we all discuss the important things that go on in each of the offices.

Henrietta O'Grady, Church Hill Road: I noticed that there are several resolutions for your consideration this evening regarding the Church Hill Water District, and I am a resident of Church Hill. I looked at resolutions' numbers 156, 160, and 161, and yes there is a lot of money concerned here , but there is also a great need for the replacement, and so, I would encourage you to approve these resolutions, and thank you for this consideration.

DEPARTMENT REPORTS

DEPARTMENT MANAGER MONTHLY REPORTS (Can be viewed at the Town Clerk's Office)

CORRESPONDENCE

1. Received from State of New York Department of Taxation and Finance Office of Real Property Tax Services the Certificate of Final Railroad Ceiling.

Received & Filed

2. Received from the Prevention Council, their Annual Report for 2023.

Received & Filed

3. Received from the Clifton Park Halfmoon Library, their Annual Report for 2023.

Received & Filed

4. Received from Department of Aging & Youth Services copies of the monitoring for the Senior Express services that the Town provides through Community Services (CSE) funding.

Received & Filed

OLD BUSINESS

NEW BUSINESS

RESOLUTION NO.155

Offered by Councilman Hotaling, seconded by Councilman Catricala: **Approved** by the vote of the Board: **Ayes:** Tollisen, Hotaling & Catricala, **abstain:** Connors and Wasielewski.

Resolution Introduced by Town Clerk Bryan.

RESOLVED, that the Town Board approves the minutes of Town Board Meeting of May 1, 2024, as presented.

POLL OF THE BOARD

| | |
|------------------------|---------|
| Councilman Catricala | Aye |
| Councilman Connors | Abstain |
| Councilman Wasielewski | Abstain |
| Councilman Hotaling | Aye |
| Supervisor Tollisen | Aye |

RESOLUTION NO.156

Offered by Councilman Wasielewski, seconded by Councilman Connors: **Approved** by the vote of the Board: **Ayes:** Tollisen, Hotaling, Wasielewski, Connors & Catricala

Resolution Introduced by Comptroller Hatter

WHEREAS, the Town Attorney for the Town of Halfmoon has looked into the viability of hiring a financial consultant and bond counsel to consult with the Town concerning the upcoming bond issuance for the improvements to the potable water delivery system on Church Hill Road, and the best way to issue the bonds to obtain the best possible quotes and bids for the Town of Halfmoon; and

WHEREAS, the Town Attorney believes it is in the best interests of the Town to have a financial advisor and bond counsel to aid and assist in the preparation of the offering for the solicitation of bids and notice of sale and to obtain the best and lowest interest rate for the bonds; and

WHEREAS, the Town has utilized the firm of Mazzotta & Vagianelis as bond counsel and Fiscal Advisors as financial advisors in the past and have been extremely satisfied with their services;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, that the Town authorizes Fiscal Advisors for financial advisory services relating to the municipal finance matters for the Town of Halfmoon in the not to exceed amount of \$10,497; and be it further

RESOLVED, that the Town retain counsel for the bond offering, that being Mazzotta & Vagianelis, who are approved bond counsel and who have an experience working with the issuance of bonds, who are known to the Town, at a cost not to exceed \$27,500.

Dated: May 15, 2024

LYNDA BRYAN, TOWN CLERK
TOWN OF HALFMOON

RESOLUTION NO. 157

Offered by Councilman Hotaling, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Superintendent of Water & Building Maintenance Supervisor Tironi.

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with MJ Engineering and Land Surveying, P.C. to provide professional services associated with the replacement of the existing watermain at the NYS Route 9 and 236 intersection in accordance with the proposal submitted by MJ Engineering dated May 3, 2024, in the not to exceed amount of \$62,200.00 and to authorize the Supervisor to sign the agreement and any documentation necessary to complete the work, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 158

Offered by Councilman Hotaling, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Building and Planning Development Coordinator Harris.

RESOLVED, that the Town Board authorizes the Town Supervisor to request the placement of no parking signs along Route 146 in the area of 315 Route 146, Impact Athletics, based upon traffic safety concerns arising out of parking and/or stopping on the shoulder in that area, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 159

Offered by Councilman Wasielewski, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Supervisor of Buildings & Grounds Maiello

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Center for Security in the amount of \$6,735.00 to install the necessary equipment to provide access to persons with disabilities for the public restrooms in Town Hall and any associated services as detailed in the proposal dated April 30, 2024, and authorize the Supervisor to execute any documents necessary to effectuate the Agreement, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 160

Offered by Councilman Connors, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Superintendent of Water & Building Maintenance Supervisor Tironi

WHEREAS, the Town Board of the Town of Halfmoon has previously approved a project to replace the water main on Church Hill Road at the recommendation of the Superintendent of Water & Building Maintenance Supervisor and MJ Engineering and Land Surveying, P.C. to improve the Town's potable water transmission network; and

WHEREAS, the Town of Halfmoon let bids for the Church Hill Road water main replacement with the bids being received by the Town on May 2 2024; and

WHEREAS, the engineers for the project, MJ Engineering and Land Surveying, P.C., have recommended that the Town Board award the project to JAT Construction Company, Inc. and enter into an Agreement with JAT Construction Company, Inc. for the water main replacement on Church Hill Road in the not to exceed amount of \$1,591,270.00;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Town Board of the Town of Halfmoon hereby agrees to enter into an agreement with JAT Construction Company, Inc. for the water main replacement on Church Hill Road in the not to exceed amount of \$1,591,270.00 and authorizes the Supervisor to execute any and all necessary documents to proceed with this project, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 161

Offered by Councilman Connors, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala

Resolution Introduced by Superintendent of Water & Building Maintenance Supervisor Tironi

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with MJ Engineering and Land Surveying, P.C. to provide engineering services associated with the construction phase for replacement of the existing watermain on Church Hill Road consistent with the proposal submitted by MJ Engineering dated May 9, 2024, in the not to exceed amount of \$238,600.00 and to authorize the Supervisor to sign the agreement and any documentation necessary to complete the work, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 162

Offered by Councilman Connors, seconded by Councilman Wasielewski: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala

Resolution Introduced by Comptroller Hatter

RESOLVED, that the Town Board approves the Comptroller's Report for the month of April 2024.

RESOLUTION NO. 163

Offered by Councilman Connors, seconded by Councilman Hotaling: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Supervisor Tollisen

PUBLIC NOTICE

"The resolution published herewith has been adopted on the 15th day of May, 2024, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Halfmoon in the County of Saratoga, State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution".

s/_____
Lynda A. Bryan, Town Clerk

RESOLUTION NO.163- 2024

MAY 15, 2024

BOND RESOLUTION OF THE TOWN OF HALFMOON, NEW YORK (THE "TOWN"), ADOPTED MAY 15, 2024, AUTHORIZING THE FINANCING OF IMPROVEMENTS AND OTHER COSTS RELATED AND INCIDENTAL THERETO, FOR CONSTRUCTION OF WATER INFRASTRUCTURE FOR THE WATER MAIN REPLACEMENT PROJECT ON CHURCH HILL ROAD WITHIN THE HALFMOON CONSOLIDATED WATER DISTRICT; ESTIMATING THE MAXIMUM AGGREGATE COST THEREOF TO BE \$2,425,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,425,000.00 SERIAL BONDS OF THE TOWN TO FINANCE SAID COST.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Town Board of the Town of Halfmoon (by a favorable vote of not less than two-thirds of all the members), as follows:

SECTION 1.

Pursuant to Sections 31.00 and 32.00 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws of the State of New York (the "Law"), the Town Board of the Town of Halfmoon hereby authorizes the financing of the construction of certain water infrastructure improvements for the Water Main Replacement Project on Church Hill Road within the Halfmoon Consolidated Water District, including the furnishings, equipment, machinery and apparatus required therefor (the "Project").

SECTION 2.

It is determined that this financing is for an assessable improvement and the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to Sections 11.00(a)(1) of the Law. Pursuant to Section 23.00b-1 of the Law, bond anticipation notes issued anticipation of bonds for this assessable improvement may be renewed beyond five (5) years, provided that such renewals do not extend beyond the period of probable usefulness set forth in this Section 2 of the Resolution.

SECTION 3.

The plan of financing includes the issuance of \$2,425,000.00 bond anticipation notes and/or serial bonds and the levy of a tax to pay the principal of and interest on said notes or bonds as the same shall become due and owing.

SECTION 4.

The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Law for the specific object or purpose described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the Town intends to reimburse such funds with the proceeds of the tax-exempt borrowing authorized and identified pursuant to Section 1 above.

SECTION 5.

The serial bonds issued to finance the cost of the object or purpose described in Section 1 above shall mature no later than forty (40) years to be measured from the date of the bonds or from the date of the first bond anticipation notes issued in anticipation of the sale of such bonds, whichever date is earlier.

SECTION 6.

The Town hereby covenants and agrees with the holders from time to time of said serial bonds of the Town issued pursuant to this resolution, and any bond anticipation notes of the Town issued in anticipation of the sale of said bonds, that the Town will duly and faithfully observe and comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the Town, such compliance is not required by the Code and the Regulations to maintain the exemption of interest on said obligations from Federal income taxation.

SECTION 7.

Pursuant to Section 617.5(c)(1) of the regulations of the New York State Department of Environmental Conservation, the Town previously determined that the Project set forth in Section 1 is a Type I action as defined under the State Environmental Quality Review Act ("SEQRA"), which was previously determined under SEQRA not to have a significant impact on the environment. A Negative Declaration for the Project was previously adopted by the Town.

SECTION 8.

Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town without legal or constitutional limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

SECTION 9.

It is intended that this resolution shall constitute an official intent within the meaning of Section 1.150-2 of the Regulations to reimburse the Town with the proceeds of the aforesaid bonds or bond anticipation notes to the extent of applicable expenses paid by the Town prior to the issuance of such bonds or bond anticipation notes.

SECTION 10.

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 of the Law relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Town Board of the Town relative to authorizing serial bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor of the Town, the chief fiscal officer of the Town. Pursuant to the provisions of paragraph a of Section 56.00 of the Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Law, is hereby delegated to the Supervisor of the Town, the chief fiscal officer of said Town. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor of the Town, who shall advertise such bonds for sale, conduct the sale and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

SECTION 11.

All costs and expenses in connection with the Project set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, engineering consultants, counsel for the Town and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

SECTION 12.

The Town hereby authorizes its Supervisor to enter into any and all agreements necessary to carry out the intent of the foregoing resolutions.

SECTION 13.

The validity of the bonds authorized by this bond resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

SECTION 14.

This Bond Resolution shall be published in full in the designated official newspaper(s) of the Town for such purpose, together with a notice of the Clerk of the Town in substantially the form provided in Section 81.00 of the Law.

SECTION 15.

This Bond Resolution is not subject to a permissive referendum pursuant to Section 35.00(b)(1) of the Law.

SECTION 16.

This Bond Resolution shall take effect immediately.

The question of the adoption of the foregoing Bond Resolution was duly put to a vote on roll call, which resulted as follows:

POLL OF THE BOARD

| | |
|-------------|-----|
| Tollisen | AYE |
| Hotaling | AYE |
| Connors | AYE |
| Wasielewski | AYE |
| Catricala | AYE |

RESOLUTION NO. 164

Offered by Councilman Wasielewski, seconded by Councilman Catricala: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala

Resolution Introduced by Superintendent of Water & Building Maintenance
Supervisor Tironi

WHEREAS, the Town Board awarded the contract for the Northern Sites Drive Water Main Extension to Bellamy Construction Co., Inc.; and

WHEREAS, MJ Engineering and Land Surveying, P.C., the Engineer for the Town of Halfmoon for the Northern Sites Drive Water Main Extension prepared Change Order #1 to reflect a deduction in the cost of the project in the amount of \$26,520.00; and

WHEREAS, MJ Engineering and Land Surveying, P.C., as the Engineers on the project recommends approval of Change Order #1;

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to sign Change Order #1 to reflect the reduction of the cost of the project from \$289,905.00 to \$263,385.00, subject to the review and approval of the Town Attorney.

RESOLUTION NO. 165

Offered by Councilman Connors, seconded by Councilman Catricala: Approved by the vote of the Board: Ayes: Hotaling, Wasielewski, Connors & Catricala, Recuse: Tollisen

Resolution Introduced by Superintendent of Highways Bryans

RESOLVED, that the Town Board and the Highway Superintendent award Bid #3- 2024 for the contract period from June 1, 2024 to May 31, 2025: for Truck Ultra Low Sulfur Diesel Fuel, Unleaded Regular Gasoline & Kerosene (for Diesel/Kerosene Blend) for Town Departments, received and opened May 9, 2024 to low bidder, G.A. Bove & Sons, Inc., 76 Railroad Street, Mechanicville, NY at bid markup from JOC low posting in plus amount of .30 per gallon, and further authorizes the Deputy Supervisor to sign any all documents necessary to effectuate the agreement.

Supervisor Tollisen: I will recuse this resolution and Mr. Hotaling you will have to rule this resolution.

Deputy Supervisor Hotaling: Any comments? Since there are no comments, all in favor.

Motion passed.

RESOLUTION NO. 166

Offered by Councilman Connors, seconded by Councilman Catricala: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala
Resolution Introduced by Comptroller Hatter

RESOLVED, that the Town Board authorizes the Comptroller to make the attached Creation of Appropriations.

A resolution is necessary to create the following budget amendment of appropriations and revenues in the Special Revenue Fund for engineering fees for on-site quality inspections. These funds are developer’s monies held in escrow by the Town in a regular checking account and used for the payment of costs for that particular project. This resolution is necessary to comply with proper accounting procedures as set forth by NYS Department of Audit and Control.

| | | | |
|---------|-------------------------------------------------|--------|-------------|
| DEBIT: | Revenues | 25-980 | \$22,381.50 |
| | Subsidiary: Home & Community Services | | |
| | 25-4-2189.00 | | \$22,381.50 |
| CREDIT: | Appropriations | 25-960 | \$22,381.50 |
| | Subsidiary: Engineering Contractors Inspections | | |
| | 25-5-1440.40 | | \$22,381.50 |

Information Only: The above was derived from the following breakdown of charges to be paid on May 23, 2024, Abstract for engineering and related fees.

| <u>NAME</u> | <u>AMOUNT</u> |
|----------------------------|---------------|
| Hank’s Hollow | \$19,635.00 |
| Tabor Road Flex Space Site | \$165.00 |
| Creekview Estates | \$2,581.50 |
| Total | \$22,381.50 |

A resolution is needed to create the following budget amendment of appropriations and revenues in the Highway Fund for Consolidated Local Street and Highway Improvement Program (CHIPS), PAVE-NY funding, Extreme Winter Recovery (EWR) funding and for the Pave Our Potholes (POP) Program.

| | | | |
|---------|------------------------------------------------|--------|------------|
| DEBIT: | Estimated Revenues | 20-510 | \$2,411.83 |
| | Subsidiary: State Aid- CHIPS Program | | |
| | 20-4-3501.00 | | \$2,411.83 |
| CREDIT: | Appropriations | 20-960 | \$2,411.83 |
| | Subsidiary: Improvements- Capital Outlay CHIPS | | |
| | 20-5-5112.22 | | \$2,411.83 |

PUBLIC COMMENT (For discussion of non-agenda items)

Mike Morand, Arlington Hights: I brought up a while ago, and I believe Supervisor Tollisen was at a County Meeting at that time, about a flashing crossing sign at the end of Betts Lane where it crosses 236 because as the sun sets down, it has happened to me numerous times as I've driven by there where I see people there trying to cross, and you can't see them until you are right on top of them at that crosswalk waiting for the cars. I think it's very important that a flashing crossing sign be put there, and I would request similar to tonight's resolution number 158, I would ask Mr. Bryans, the Highway Supervisor, to request a resolution to ask the State to put a flashing sign there.

Councilman Connors: I thought there was discussion , but that DOT denied it.

Councilman Catricala: DOT did deny it, so no money was held.

Supervisor Tollisen: Let's make another resolution tonight not re-request it for purposes of pedestrian safety.

RESOLUTION NO. 168

Offered by Councilman Wasielewski, seconded by Councilman Connors: Approved by the vote of the Board: Ayes: Tollisen, Hotaling, Wasielewski, Connors & Catricala

Resolution Introduced by Superintendent of Highways Bryans

RESOLVED, that the Town Board authorizes the Town Supervisor to write a letter to NYS DOT requesting a flashing safety pedestrian sign on NYS Route 236/Betts Lane due to safety concerns for our residents.

Mike Morand: Thank you.

There being no further business to discuss or resolve on a motion by Councilman Connors and seconded by Councilman Wasielewski, the meeting was adjourned at 7:35pm.

Respectfully Submitted,

Kelly L. Catricala, Deputy Town Clerk



May 3, 2024

Kevin Tollisen, Town Supervisor
Town of Halfmoon
2 Halfmoon Town Hall Plaza
Halfmoon, NY 12065

Re: NYS Route 9-236 Intersection Water Main Replacement
MJ Proposal No. 2024074 for Engineering Services

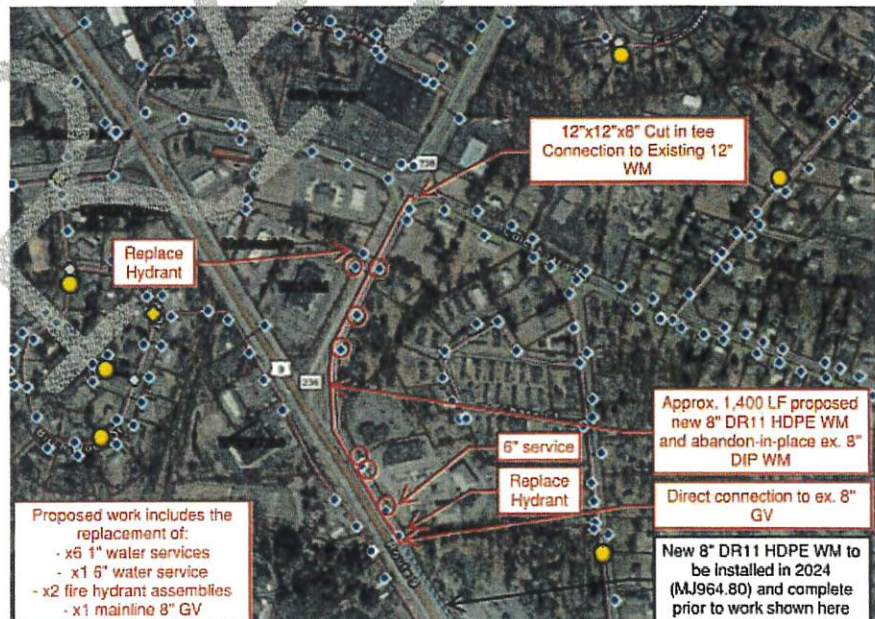
Dear Supervisor Tollisen:

M.J. Engineering and Land Surveying, P.C. (MJ) is pleased to provide the Town of Halfmoon (Town) this proposal for engineering services associated with the replacement of the existing watermain at the NYS Route 9-236 intersection. Based on previous discussions with the Town, MJ's project understanding, and associated Scope of Services are included below.

PROJECT UNDERSTANDING

The Town's water distribution currently serves multiple commercial parcels in the area of the NYS Route 9, NYS Route 236, Guideboard Road intersection. The water system infrastructure in this area consists of 8-inch diameter ductile iron pipe located on the east side of NYS Route 9 and 236, as shown in the adjacent figure. The water main, hydrants, and valves are aging and the water main has experienced periodic breaks, resulting in disruption of water service to the area businesses and nearby residences.

Future road reconstruction is planned for this area, specifically a new roundabout to improve traffic flow. To facilitate the reconstruction activities, the Town is planning to replace the aging infrastructure prior to construction. The new water main will consist of



approximately 1,400 linear feet of 8-inch high-density polyethylene water main extending from the intersection of NYS Route 236 and Guideboard Road to a hydrant located adjacent 1741-1743 NYS Route 9.



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Fishkill, NY
Levittown, NY
Picatinny, NJ
Melbourne, FL



SCOPE OF SERVICES

Task 01: Survey and Mapping

MJ will obtain topographical survey data in support of the project which will include the following:

- Collect topographic survey data through conventional survey over the entirety of the project site. Sufficient data will be collected to prepare mapping with 1-foot contours.
- Establish control points throughout the project corridor to act as tie points for the photogrammetric survey, and elevation verification of the 2014 aerial LIDAR per Code of Practice for Land Surveys, NYSAPLS July 18, 1997, and ASPRS Map Accuracy standards. Horizontal datum will be NAD 83 and vertical datum will be NAVD 88.
- Place a utility one call to identify utility owners in the area and request existing record plans and mark outs. Review any existing utility records in possession of the Town.
- Road rights-of-way, property boundaries, existing easements, and zoning setbacks will be shown on the mapping, as defined by tax maps and/or record maps provided by the Town and correlated to any property monumentation recovered during a field survey, and/or surveyed features that correspond to record mapping. MJ will not be completing a formal boundary survey of the project work areas.
- Locate all physical features within the project corridor including, but not limited to curbing, sidewalks, utility poles, culverts, manholes, streetlights, curb cuts, driveways and catch basins. Sanitary and storm structures will depict the elevations of the rims along with inverts and the size and directions of pipes. Underground utilities will be determined from observed surface evidence, record drawings obtained from the Town, and any mark out provided by contacting Dig Safe (Level C).
- Existing electric, gas, and telephone conduits and structures will be shown on the mapping based on record information.
- Compile a base plan in AutoCAD Civil 3D 2022 format with 1' contours at a scale of 1" = 40' utilizing the data collected in the field and correlating utility records. Plan will also include publicly available datasets such as, aerial imagery, and tax parcels.

Task 02: Design Phase Services

- Conduct a site walkthrough with the Town to review the project area and identify site features, conditions, and/or constraints that will affect the performance of the work to be completed and as needed to develop design plans.
- Collect and review available existing information for the water system, including available record mapping and Town GIS mapping.
- Review the results of the topographical survey to identify critical features and/or constraints that may affect the design of the project.
- Prepare construction documents, required for the contractor to install, and properly test equipment and components of the project. The construction documents will conform to



applicable State, County, and Local laws, and codes for construction. It is assumed the work will be completed under a contract to the designated contractor in accordance with General Municipal Law Section 103 (16). The anticipated plan set will include:

- o Existing Conditions and Removals Plan
 - o Water Main Plan and Profile
 - o Work Zone Traffic Control Plan
- Prepare an updated opinion of probable construction cost for the water main replacement work based on the final documents to ensure conformance with the project budget.

Task 03: Regulatory Agency Coordination

A. Agency Coordination

- Collect data relative to mapped wetlands and streams, ecological resources, listed threatened and endangered species and cultural resources. Data sources will include, but not be limited to, digital orthoimagery, New York Natural Heritage Program (NYNHP) correspondence for rare species, U.S. Fish and Wildlife Services (USFWS) data and correspondence, New York State Freshwater Wetland and Stream mapping, National Wetland Inventory (NWI) maps, USDA Soil Surveys, and NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP) data.
- Prepare and submit letters to the NYNHP, USFWS, NYS OPRHP, NYSDEC, and USACOE, as needed, to determine any potential environmental impacts.
- Identify required permits and approvals required for the project based on the responses generated from the agencies contacted and assist the Town in securing the required permits and/or approvals.

B. Permits and Approvals

Based on the results of Task 3 A – Agency Coordination, MJ will prepare the required documentation, including NYS PE-stamped and signed plans, specifications, and required permit application forms to submit to the involved agencies. MJ will incorporate comments provided by the agencies into the contract documents. Based on a preliminary review of the project area and proposed scope of work, it is anticipated that the following permits and approvals will be required.

- **State Environmental Quality Review Act (SEQRA)** – This project appears to be Type II for the purposes of SEQRA pursuant to 617.5(c)(1) - maintenance or repair with no substantial changes to existing structure or 617.5(c)(2) replacement, rehab, or reconstruction in kind on same site. As such, no further action relative to SEQRA is required.
- **New York State Department of Transportation (NYSDOT)** - MJ will assist the Town in obtaining NYSDOT approval of the project, specifically the water main replacement work in the State right-of-way along NYS Route 9 and 236. The final contract documents will be submitted to the NYSDOT for review and approval prior to soliciting bids for construction. Comments provided by the NYSDOT will then be incorporated into the final contract documents.



- **New York State Department of Health (NYSDOH)** – MJ will assist the Town in obtaining NYSDOH approval of the project. The final contract documents and DOH 348 - Application for Approval of Plans for Public Water Supply Improvement will be submitted to the NYSDOH for review and approval. Comments provided by the NYSDOH will then be incorporated into the final contract documents. Upon completion of the project, MJ will complete, stamp/sign, and submit the Engineer's Certification of Public Water Improvement Project Completion (DOH-5025) to the NYSDOH.

Task 04: Contracting and Award Services

- Provide construction documents to the Town in digital (PDF) format.
- Assist the Town in obtaining pricing from the designated contractor based on a previously awarded contract in accordance with General Municipal Law Section 103 (16).
- Prepare a recommendation letter to the Town for the contract award.

Task 05: Contract Administration Services

- Prepare and issue Notice of Award to the awarded Contractor. Compile and review the contractual submittals, including bonds, insurance, and agreement and forward to the Town for execution.
- Coordinate, schedule, and attend a pre-construction conference, and prepare and distribute meeting minutes to attending parties.
- Review and process construction shop drawings and specifications submitted by Contractor for compliance with the design concept.
- Respond to construction-related questions raised by the Contractor.
- Progress minor design revisions, as required, to adjust the proposed construction to site-specific conditions. Major design changes, due to unforeseen conditions, are not included.
- Review and certify the Contractor's monthly and final payment applications. Payment applications will be prepared and submitted to the Town as needed.
- Conduct up to two (2) bi-weekly progress meetings at the site to assure schedule conformance. Prepare and distribute meeting minutes as needed.
- Receive, review, and prepare change orders as required. Provide the Town with recommendations on the validity of the change orders.
- Conduct a final on-site project review, Issue punch list, Notice of Substantial Completion, and Notice of Final Completion for the contract.
- Compile equipment operation and maintenance manuals, start-up reports, warranty information, shop drawings and record plans as provided and developed by the Contractor, into a single final document package for delivery to the Town.



Task 06: Construction Observation Services

MJ will provide up to 160 hours of construction observation during critical phases of construction by a NICET Level IV Inspector in the NYSDOT right-of-way. Critical phases will include, but may not be limited to, water main, valve, connections to the existing water distribution system, and testing and disinfection. It is noted that the level of construction observation may vary and will be dependent upon the contractor's specific work schedule. MJ will provide construction observation on an hourly rate basis such that only the hours spent will be billed, which may result in cost savings to the Town depending on the contractor's schedule.

As part of our construction observation services, MJ will perform the following tasks:

- Verify that the construction work observed is in conformance with the Contract documents.
- Perform a detailed inspection of materials and items of work required by the Contract documents to support the Contractor's payment request.
- Coordinate the Contractor's construction activities with the Town.
- Inform the Town, in writing, of operations and procedures that may lead to a delay in the construction.
- Maintain a construction observation log describing progress, problems encountered and other pertinent information relative to the project. Any meetings conducted will also be documented.
- Inspect manufactured and shop-fabricated materials to ensure conformance with approved shop drawings.
- Supervise any on-site testing and maintain a log and file of tests and related reports.
- Maintain a set of record documents based upon redline mark-ups provided by the Contractor.

SCHEDULE

MJ is prepared to initiate the work identified in this proposal within 2 weeks of Notice to Proceed. MJ will perform the outlined tasks as follows:

| | |
|---------------------------------------------------------|------------------|
| Task 01: Survey and Mapping..... | March-April 2024 |
| Task 02: Design Phase Services..... | May-June 2024 |
| Task 03: Regulatory Agency Coordination | July 2024* |
| Task 04: Contracting and Award Services | August 2024 |
| Task 05: Contract Administration Services | TBD** |
| Task 06: Construction Observation Services | TBD** |

**Review periods by agencies may vary.*

***Work to be completed following completion of Northern Sites Drive, NYS Route 9 and NYS 236 water main extensions by designated Contractor.*



Projected start and end dates are subject to change and are based on date from authorization to proceed. As certain aspects of the project are outside of MJ's control (e.g., review agency schedules, actions, and approvals), MJ cannot guarantee completion of the project within these proposed schedules.

FEE

MJ proposes to complete the above-listed services for the following lump sum fees:

| | |
|---------------------------------------------------------|-----------|
| Task 01: Survey and Mapping..... | \$8,700 |
| Task 02: Design Phase Services..... | \$12,100 |
| Task 03: Regulatory Agency Coordination | \$3,100 |
| Task 04: Contracting and Award Services | \$1,600 |
| Task 05: Contract Administration Services | \$11,900 |
| Task 06: Construction Observation Services | \$24,800* |
| Total Estimated Fee: \$62,200 | |

**The fee for construction observation services assumes 160 hours (based on a 4-week construction duration) at \$155/hour (NYSDOT ROW). To be billed as hourly not-to-exceed.*

MJ will invoice the Town in accordance with the contract requirements. The fee assumes there are no significant changes resulting from decisions, conditions and/or events beyond MJ's control.

ASSUMPTIONS

The following assumptions were made in the development of this proposal:

1. Project requires current NYS Prevailing Wage Rates for survey field crew.
2. Existing utility and record mapping will be made available to MJ by the Town.
3. Right-of-way survey is not required. Property lines to be established via tax maps provided by the Town. Property boundaries shown on the survey will be approximate, and for orientation purposes only based on tax maps and evidence of possession located in the field. The survey will indicate tax map section, block and lot numbers and will note current owners and street addresses.
4. Contact will be made with UFPO prior to performing the ground survey. Note utility identification by UFPO is limited to publicly owned lands only.
5. Geotechnical investigation is not included due to limited subcontractor availability and schedule. Test pit excavation will be required by the designated contractor as part of the construction contract for assessment of the existing soil conditions relative to horizontal directional drilling.
6. Preparation of a complete bid package for public bidding, including front end contract, is not required.



7. Technical specifications and construction details prepared previously for Contract 2 – Button Road, Lower Newtown Road, and Hayner Road Water Main Extension, and approved by the NYSDOH, will be referenced.
8. The Contractor will be required, as part of the construction contract, to prepare record drawings for submission to the Town. Preparation of additional record drawings is not included.
9. Payment of any fees, including applications, permits and other reviewing authority will be paid for by the Town.
10. No warranty, or guarantee, is expressed, or implied concerning the granting of permits or approvals required, or timelines for review and action, by regulatory agencies.

TASKS NOT INCLUDED IN THIS PROPOSAL

The following efforts are excluded from this scope of services:

1. Underground utility locating.
2. Cultural / archeological investigations.
3. Habitat assessments, wetlands delineation and permitting.
4. Threatened / endangered species investigations.
5. Preparation of temporary and/or permanent construction easements.
6. Materials testing and special inspections.
7. Construction survey stakeout and field survey verification.
8. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).

SUMMARY

Thank you for the opportunity to provide a proposal for this project. We look forward to the opportunity to work with the Town on this project. Please do not hesitate to contact Carrie Dooley at 518-371-0799 or via email at carriedooley@mjteam.com. If you have questions or require additional information.

Sincerely,

Michael D. Panichelli, P.E.
President

Cc: Ca. Dooley
File



AUTHORIZATION TO PROCEED

I hereby authorize M.J. Engineering and Land Surveying, P.C. to proceed with the scope of services as described in this proposal.

Printed Name

Title

Signature

Date

DRAFT

Center For Security

Tom Walsh & Scott Hogan
1659 Route 9
Clifton Park, NY 12065
(518)383-5329

Estimate

| | | | | | |
|----------------------------------------------------------------------------------------------------|--|--------------------------------|-----------|--------------|------|
| | | DATE | 4/30/2024 | ESTIMATE # | 1828 |
| NAME / ADDRESS | | Work At | | | |
| TOWN OF HALFMOON 2 Halfmoon Town Plaza Halfmoon N.Y.12065 ATTN: Town Clerk | | w/a Town Hall Tony 265-7350 | | | |
| Location | | TERMS | | Estimated By | |
| Public Restrooms | | Prices Valid for 30 Days | | Tom W | |
| DESCRIPTION | | QTY | COST | TOTAL | |
| Gyro Tech GT710 Handicap Opener | | 2 | 2,050.00 | 4,100.00 | |
| Wireless Handicap Logo Push Plate Package | | 2 | 400.00 | 800.00 | |
| Labor for 2 Men to Install | | 10 | 175.00 | 1,750.00 | |
| Service Call to Location | | 1 | 75.00 | 75.00 | |
| Gas Surcharge | | 1 | 10.00 | 10.00 | |
| Outlets must be provided above door by customer others | | | | | |
| 50% down payment is required upon acceptance and balance in full is due at the completion of work. | | Sales Tax (7.0%) | | \$0.00 | |
| SIGNATURE | | TOTAL | | \$6,735.00 | |



May 7, 2024

Frank Tironi, Jr.
Director of Water
Town of Halfmoon Water Department
2 Halfmoon Town Plaza
Halfmoon, NY 12065

**RE: CHURCH HILL ROAD WATER MAIN REPLACEMENT
RECOMMENDATION OF AWARD
BID SPEC 2-2024
MJ PROJECT No. 964.83**

Dear Mr. Tironi:

Bids for the Church Hill Road Water Main Replacement project were received by the Town of Halfmoon (Town) on May 2, 2024. A summary of the bid results is provided below:

| Bid Results: Church Hill Water Main Replacement | |
|-------------------------------------------------|---------------------------|
| Contractor | Total Lump Sum Bid Amount |
| JAT Construction Company, Inc. | \$1,591,270.00 |
| Bellamy Construction Company, Inc. | \$1,671,823.00 |

Based on the bid results, JAT Construction Company, Inc. (JAT), located in Selkirk, NY, is the apparent low bidder for the Church Hill Road Water Main Replacement project. M.J. Engineering and Land Surveying, P.C. (MJ) has reviewed JAT's bid in detail to assess the validity of their bid prices, experience, and references. MJ has worked with JAT previously and has no concerns with their qualifications, work experience, or professionalism.

We therefore recommend awarding the Church Hill Road Water Main Replacement project to JAT in the amount of \$1,591,270.00.

Should you have any questions or concerns, please do not hesitate to contact me at (518) 371-0799.

Sincerely,

Briana Fitzgerald
Design Engineer



21 Corporate Drive
Clifton Park, NY 12065



518.371.0799
mj@mjteam.com
mjteam.com



Fishkill, NY
Levittown, NY
Picatinny, NJ
Melbourne, FL



May 9, 2024

Kevin Tollisen, Town Supervisor
Town of Halfmoon
2 Halfmoon Town Hall Plaza
Halfmoon, NY 12065

Re: Church Hill Road Water Main Replacement
MJ Project No. 964.83
Proposal for Engineering Services

Dear Supervisor Tollisen:

M.J. Engineering and Land Surveying, P.C. (MJ) is pleased to provide the Town of Halfmoon (Town) this proposal for engineering services associated with the construction phase for replacement of the existing watermain on Church Hill Road. Based on previous discussions with the Town, MJ's project understanding, and associated Scope of Services are included below.

PROJECT UNDERSTANDING

- The Town's water distribution system on Church Hill Road was constructed over 40 years ago and has experienced 12 water main breaks since 2009. This section of water main is a major feed to the West Crescent area and the breaks have resulted in numerous water service disruptions for residents.
- To improve the reliability of water supply and increase longevity of the Town's infrastructure, the existing water main is to be replaced.
- The proposed project includes the replacement of approximately 5,300 linear feet of existing water main with 12-inch diameter high-density polyethylene pipe (HDPE), including hydrants, valves, and water services. The proposed water main will also extend across NYS Route 9 and connect to the existing 12-inch water main on Crescent Road. The existing water main on Terminal Road, south of the Church Hill Road/NYS Route 9 intersection will also be replaced based on previous breaks.
- In addition, there is a gap in the existing distribution system on NYS Route 9 between Lansing Lane and Fitzpatrick Lane. To provide an additional loop to convey water to the south end of the Town, approximately 500 linear feet of 12-inch HDPE water main will be installed between the existing hydrants to complete the connection. The proposed water mains in both areas will be installed via horizontal directional drilling.
- MJ has prepared the design package for the proposed water main improvements which received regulatory approval from NYSDOH, NYSDOT, and Saratoga County DPW in March 2024.
- The Town opened bids on May 2, 2024, and has requested MJ to provide the construction phase services associated with this project following bidding and contract award.

The task numbering included herein follows the sequential order from the previously submitted and approved proposal for this project (MJ Proposal No. 2023260).



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Fishkill, NY
Levittown, NY
Picatinny, NJ
Melbourne, FL



SCOPE OF SERVICES

Task 05: Contract Administration Services

- Prepare and issue Notice of Award to the awarded Contractor. Compile and review the contractual submittals, including bonds, insurance, and agreement and forward to the Town for execution.
- Coordinate, schedule, and attend a pre-construction conference, and prepare and distribute meeting minutes to attending parties.
- Review and process construction shop drawings and specifications submitted by Contractor for compliance with the design concept.
- Respond to construction-related questions raised by the Contractor.
- Process minor design revisions, as required, to adjust the proposed construction to site-specific conditions. Major design changes, due to unforeseen conditions, are not included.
- Review and certify the Contractor's monthly and final payment applications. Payment applications will be prepared and submitted to the Town as needed.
- Conduct up to twelve (12) bi-weekly progress meetings at the site to assure schedule conformance. Prepare and distribute meeting minutes as needed.
- Receive, review, and prepare change orders as required. Provide the Town with recommendations on the validity of the change orders.
- Conduct a final on-site project review, issue punch list, Notice of Substantial Completion, and Notice of Final Completion for the contract.
- Compile equipment operation and maintenance manuals, start-up reports, warranty information, shop drawings and record plans as provided and developed by the Contractor, into a single final document package for delivery to the Town.

Task 06: Construction Observation Services

MJ will provide up to 1,400 hours of construction observation by a NICET Level III inspector for work in both the NYSDOT and Saratoga County rights-of-ways. Construction activities to be observed will include, but may not be limited to, water main, valve, water service, and hydrant installation, connections to the existing water distribution system, and testing and disinfection. It is noted that the level of construction observation may vary and will be dependent upon the contractor's specific work schedule. MJ will provide construction observation on an hourly rate basis such that only the hours spent will be billed, which may result in cost savings to the Town depending on the Contractor's schedule.

As part of our construction observation services, MJ will perform the following tasks:

- Full-time inspection within the NYSDOT right-of-way to fulfill the NYSDOH PERM 32 and PERM 36 requirements.



- Full-time inspection with the Saratoga County right-of-way to fulfill the County's highway work permit requirements.
- Verify that the construction work observed is in conformance with the contract documents.
- Perform a detailed inspection of materials and items of work required by the contract documents to support the Contractor's payment request.
- Coordinate the Contractor's construction activities with the Town.
- Inform the Town, in writing, of operations and procedures that may lead to a delay in the construction.
- Maintain a construction observation log describing progress, problems encountered and other pertinent information relative to the project. Any meetings conducted will also be documented.
- Inspect manufactured and shop-fabricated materials to ensure conformance with approved shop drawings.
- Supervise any on-site testing and maintain a log and file of tests and related reports.
- Maintain a set of record documents based upon redline mark-ups provided by the Contractor.

SCHEDULE

MJ is prepared to initiate the work identified in this proposal immediately upon Notice to Proceed and completion of the bid phase.

Projected start and end dates are subject to change and are based on date from authorization to proceed. As certain aspects of the project are outside of MJ's control (e.g., review agency schedules, actions, and approvals), MJ cannot guarantee completion of the project within these proposed schedules.

FEE

MJ proposes to complete the above-listed services for the following lump sum fees.

| | |
|---------------------------------------------------------|-------------------|
| Task 05: Contract Administration Services | \$49,600 |
| Task 06: Construction Observation Services | \$189,000* |
| Total Estimated Fee: \$238,600 | |

**The fee for construction observation services assumes 1,400 hours at \$135/hour for work in both the NYSDOT and Saratoga County ROW. To be billed as hourly not-to-exceed.*

MJ will invoice the Town in accordance with the contract requirements. The fee assumes there are no significant changes resulting from decisions, conditions and/or events beyond MJ's control.



ASSUMPTIONS

The following assumptions were made in the development of this proposal:

1. Payment of any fees, including applications, permits and other reviewing authority will be paid for by the Town.
2. No warranty, or guarantee, is expressed, or implied concerning the granting of permits or approvals required, or timelines for review and action, by regulatory agencies.

TASKS NOT INCLUDED IN THIS PROPOSAL

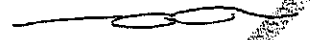
The following efforts are excluded from this scope of services:

1. Materials testing and special inspections.
2. Construction survey stakeout and field survey verification.

SUMMARY

Thank you for the opportunity to provide a proposal for this project. We look forward to the opportunity to work with the Town on this project. Please do not hesitate to contact Carrie Dooley at 518-371-0799 or via email at carriedooley@mjteam.com. If you have questions or require additional information.

Sincerely,


Michael D. Panichelli, P.E.
President

Cc: Ca. Dooley
File

AUTHORIZATION TO PROCEED

I hereby authorize M.J. Engineering and Land Surveying, P.C. to proceed with the scope of services as described in this proposal.

Printed Name

Title

Signature

Date