



TOWN OF AMENIA
TOWN BOARD

4988 Route 22 AMENIA, NY 12501
(845) 373-8860 x106 Fax (845) 373-9147

**TOWN BOARD OF THE TOWN OF AMENIA
RESOLUTION NUMBER 34 OF 2016**

**Approval of Technical Services Change Order No. 6 of C. T. Male Associates,
Issued on June 9, 2016, on Amenia Landfill Remediation Project**

At a meeting of the Town Board of the Town of Amenia ("Town Board") held at the Amenia Town Hall on the 16th day of June, 2016, at 7:00 p.m., Town Supervisor, Victoria Perotti, called the meeting to order, and Supervisor Victoria Perotti, seconded by Councilwoman Victoria Doyle, moved the following resolution, to wit:

WHEREAS, the Town of Amenia ("the Town") has entered into a contract with C. T. Male Associates, dated June 21, 2007 ("original contract") to perform certain engineering and technical services on behalf of the Town with respect to remediation and closure of the Old Amenia Landfill located on Route 22 in the Town ("Amenia Landfill Project"); and

WHEREAS, the fee for the services provided by C. T. Male Associates contained in the original contract was \$562,218.76; and

WHEREAS, as a result of previous change orders, the fee for the services provided by C. T. Male Associates under the original contract has increased to \$1,909,034.98; and

WHEREAS, C. T. Male Associates has presented the Town Board with Technical Services Change Order No. 6, issued June 9, 2016, pertaining to what C. T. Male Associates describes as: "additional project management, and construction

administration and oversight services", a copy of which Technical Services Change Order No. 6 is attached hereto and which more particularly describes such services; and

WHEREAS, the requested fee increase for the services contained in Technical Services Change Order No. 6 is \$5,142.07; and

WHEREAS, the approval of Technical Services Change Order No. 6, in addition to previously approved change orders, would result in an increase of the original contract price to \$1,914,177.05; and

WHEREAS, pursuant to the State Assistance Contract with the New York State Department of Environmental Conservation ("DEC"), DEC is providing the funding for 75 percent of the eligible engineering and construction costs on the Old Amenia Landfill Project; and

WHEREAS, the Town Board believes that the additional costs contained in Technical Services Change Order No. 6 will be eligible for funding under the State Assistance Contract with DEC and the Town will be responsible for 25 percent of the additional cost as a result of Technical Services Change Order No. 6; and

WHEREAS, the DEC has approved the draft Technical Services Change Order No. 6 by e-mail correspondence dated June 16, 2016, a copy of which is attached hereto; and

WHEREAS, C.T. Male has been advising the Town Board about the current status of the Amenia Landfill Project and certain issues regarding the project's completion; and

WHEREAS, after consultations with the Town Supervisor and the Town's Special Environmental Counsel, Kimberlea Shaw Rea, Esq. of Westervelt & Rea, LLP,

C. T. Male Associates has advised the Town Board of additional services required to be rendered by C. T. Male Associates to achieve final completion of the closure of the Amenia Landfill Project; and

WHEREAS, the Town Board is relying upon the engineering expertise of C. T. Male Associates and its recommendations that the additional services included in Technical Services Change Order No. 6 are vital to completion of the Amenia Landfill Project; and

WHEREAS, the Town Board has reviewed Technical Services Change Order No. 6, along with the supporting documentation attached thereto, and the approval e-mail correspondence from DEC dated June 16, 2016; and

WHEREAS, the Town Board, based on the advice of its retained experts and in reliance thereon, without adoption of or agreement with any statements contained in the attached Technical Services Change Order No., has determined that the additional services provided by, or to be provided by, C. T. Male Associates as described in Technical Services Change Order No. 6 are necessary to achieve the final completion of the Amenia Landfill Project; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to approve Technical Services Change Order No. 6 and to authorize the Town Supervisor to sign the same; and

WHEREAS, the approval of a technical services change order is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") and, therefore, is not subject to SEQRA review; and

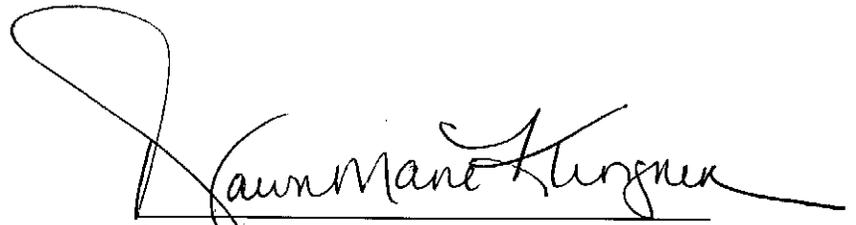
NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town Board approves Technical Services Change Order No. 6 of C. T. Male Associates in the amount of \$5,142.07, and

IT IS HEREBY FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign Technical Services Change Order No. 6 in substantial form as attached hereto on behalf of the Town.

The foregoing resolution was voted on with all councilwomen and councilmen voting as follows:

| | |
|---------------------------|--------|
| Supervisor Perotti | Yes |
| Councilwoman Doyle | Yes |
| Councilwoman Hitselberger | No |
| Councilman DeLango | Yes |
| Councilman Gutierrez | Absent |

Dated: Amenia, New York
June 16, 2016



Dawn Marie Klingner, Town Clerk