

Minutes of July 28, 2010 Special Germantown Town Board meeting to approve the Supplemental Agreement to the Sidewalk Project, held at the Germantown Town Hall, Germantown, NY, commencing at 5:30pm

Present: Supervisor Roy Brown
Councilwoman Graceann Lamberta
Councilwoman Joan Snyder
Councilman Joel Craig

Not Present: Councilman Jeremy Smith

Recorded by: Town Clerk Charlene Diehl

Supervisor Brown opened the meeting and led the Pledge to the Flag.

Supervisor Brown explained the purpose of the meeting was to pass a resolution to give Foit Albert permission to move forward on the scope of additional work for right-of-way incidentals and acquisition procedures for the sidewalk project. The additional work includes obtaining Right Of Way (ROW) permission from the property owners adjacent to the sidewalks involved in the Sidewalk project. This resolution is needed by Department of Transportation (DOT) in order to move forward with the sidewalk project. Once DOT receives the resolution, they will be able to grant Foit Albert permission to move into the final drawing stage of the project, and then the town can go out to bid.

Supervisor Brown indicated he had provided a cover letter to board members outlining the scope of additional work and his feeling that the eight additional ROWs needed will be signed off on by the property owners so no additional expense will be incurred. He said DOT had recommended the town pass a resolution; the cost will not exceed \$58,450, and is within the budget. Some services were adjusted to stay within the budget as in-kind services and money has already been expended. Supervisor Brown said the project should move forward quicker once this action is taken.

A folder containing all the information on the project, including the latest report, is available in Supervisor Brown's office if anyone wants to review it.

Councilwoman Lamberta raised the question of who does the estimate if a property owner says no and wants monetary compensation, and would the town be charged for the estimate on what each property's compensation would be.

Supervisor Brown said the estimate would be per property, and would be done by HR Heit, a New York State company that does research validation and mapping.

Councilwoman Snyder said the temporary easement would not involve a lot of property, just what it would cost Foit Albert to replace the sidewalk.

Councilwoman Lamberta clarified with Supervisor Brown and the board that a property owner could hold up the sidewalk project by saying no to the temporary easement.

Supervisor Brown said the town would incur more cost if the property owners say no, but he is pretty confident the majority of people will sign off on the temporary easement, as their property will be put back whole and in better condition than it was due to the sidewalk.

Resolution #30

WHEREAS, the Town of Germantown continues to move forward with the Palatine Paths Project PIN #8758.47; and

WHEREAS, Foit Albert Associates requires the applicant municipality to obtain an "approved scope of additional work for right-of-way incidental and acquisition procedures" as Supplemental Agreement #1; and

NOW, THEREFORE be it resolved that the governing board of the Town of Germantown hereby does approve the supplemental agreement #1 which covers right-of-way incidental and acquisition procedures

for completing one (1) Fee Acquisition and Eight (8) Temporary Easements at several existing sidewalk locations throughout the project as needed; and

Further resolves that when the property owner has not voluntarily signed off a Right Of Way (ROW) construction easement for the Town of Germantown, the Town Board agrees that the cost for the supplemental agreement does not exceed \$58,450.00; adopted this 28th day of July, 2010.

Motion to approve Resolution #30 made by Councilwoman Snyder and seconded by Councilman Craig.

Supervisor Brown: Aye

Councilwoman Lamberta: Aye

Councilwoman Snyder: Aye

Councilman Craig: Aye

Motion to adjourn Special Town Board meeting made by Councilman Craig and seconded by Councilwoman Lamberta.

Respectfully submitted,