

Minutes of the Town Board Worksession held at Town Hall, 511 Route 32, Highland Mills, New York on August 31, 2009 at 7:30PM

Present: John Burke, Supervisor  
Geraldine Gianzero, Councilwoman  
Amidee Haviland, Carlton Levine, and James Skoufis, Councilmen

Absent: None

Also Present: Nicholas Pascale, Attorney for the Town; Dennis Lindsay and Sean Hoffman, Engineers for the Town; Maria Hunter, Village Planning Board

## **2. Discussion – OC Water Master Plan:**

Councilman Skoufis provided the Board a written copy of a PowerPoint presentation that was presented to community leaders and prepared by OCEAN and Changeorange regarding the County's proposal/plan to create a County-wide Water District. A discussion was held regarding the differences between the County's Master Plan projections and the projections provided in the PowerPoint documentation that are based on US Census data. Councilman Skoufis stated he feels that a resolution should be adopted stressing the Board's opinion on this issue. Councilman Haviland stated he feels more research should be conducted since the Board was only provided with one side of the argument and did not receive a copy of the Master Plan prepared by the County. Councilman Skoufis stated a link was included in his email (which was sent to each Board member on August 17, 2009 in preparation for this meeting). Supervisor Burke agreed the Board should keep a careful watch on this issue, noting that the goals discussed in the OCEAN/Changeorange presentation are a good place to start.

## **3. Employee Request – Selling Back Vacation Time:**

Supervisor Burke stated one of the items negotiated in the new UPSEU contract is the ability to "sell back" up to ten days of vacation time, subject to the approval of the Town Board. The Board discussed this issue at great length with Supervisor Burke noting that he is not in favor of granting this request due to lack of funds, noting that the contract was approved after the 2009 budget was adopted and funds were not allocated for such a request. Councilwoman Gianzero stated she feels very strongly that employees should use their vacation time and is opposed to "selling" vacation time. Councilman Levine stated he believes a contract should be negotiated in good faith and that due consideration should be given to the request. Councilman Skoufis agreed. Councilman Haviland stated he agrees that lack of funds is an issue but feels that it should be discussed for the 2010 budget. Councilman Levine stated he would like further information on how the employee has used leave time in the past. Councilman Haviland also stressed concerns about setting precedent and treating each employee the same. Attorney Pascale stated the Board would need a valid excuse to deny the request and he believes that lack of funds would constitute a valid reason. Supervisor Burke stated he will obtain the additional information requested for the Board to discuss further at a future meeting.

## **1. Discussion – CV Pond Phase III Improvements:**

*Please see pages 285 - 287 of this minute book for a copy of the Riddick Associates revised estimated construction costs dated August 27, 2009 and memorandum dated August 28, 2009 regarding this issue.*  
Timeline – Schedule for Construction:

Engineer Lindsay explained the timeline for the planned improvements spanning from September 2009 through August 2010 (if a petition is filed forcing a vote on the proposed bonding) or June 2010 (with no petition filed). Councilman Levine stated he feels the timeline presented should be considerably less than what was proposed in October 2008 since all of the planning and specification are completed. Engineer Lindsay stated this proposal includes construction halting December 15, 2009 – February 28, 2010 due to winter conditions (noting that masonry and foundation work cannot occur

when the temperature is below a certain level). Councilman Levine asked what type of assurances the Town has that the construction would be completed on time. Engineer Lindsay stated there is a liquidation damage clause in the specifications which requires the contractors to be completed in 150 calendar days from the date the contracts are signed, without cause. A penalty is then charged if the work is not done. There are two deadlines, one for “substantial completion” which is 120 days from the contract signing and a “final completion” which is the 150 days. Councilman Skoufis asked if the park could be used after the substantial completion date and Engineer Lindsay stated it could, noting that between that date and the final completion date there would be some “punch-list” item still being worked on. Councilman Skoufis stated he feels it would not be appropriate then to have the facility open while work is still being done and Clerk Potvin stated the Pond does not open until after graduation, which is the end of June and near the expected final completion date.

Finances – Expected Costs:

Engineer Lindsay then explained, in great detail, the financial changes that have been made to the expected costs of the CV Pond Phase III Improvements, noting they resulted in comments received from the County’s Department of Health and the value engineer (Maser Consulting). Councilman Levine stated he is frustrated with the 30% increase in the cost and that Engineer Lindsay did not inform the Board that this could be a possibility. He feels that the Board should have been made aware of the changes in the estimate prior to the bids being received. Engineer Lindsay acknowledged that he should have prepared a revised estimate of costs for the Board and apologized for not doing so. Regarding the addition of the curtain drain (\$90,000), Councilman Skoufis asked why Engineer Lindsay did not anticipate its need from the beginning. Engineer Lindsay stated as the project evolved, more changes were made to the specifications. The curtain drain was recommended by the Health Department and he believes it was a good addition. He also stated this type of project was not something that he has done before and is unusual, noting that he conducted a site visit to a community in Connecticut that constructed a similar system to further education himself. Councilman Levine noted the new project cost schedule accounts for a 5% contingency whereas the previous one had a 15% contingency. Engineer Lindsay stated since the bids have been received, there is a better idea of exact costs so the smaller contingency would be appropriate. Councilwoman Gianzero acknowledged that estimates prepared by Riddick Associates have always been accurate in the past (to which Supervisor Burke agreed) and appreciates that Engineer Lindsay acknowledged his responsibility in this error. She further stated she would like to see Engineer Lindsay give the Town a discount on the remainder of his work on this project to make up for the error.

With no further business to discuss, a motion was offered by Sueprvisor Burek, seconded by Councilwoman Gianzoer, to adjourn the meeting at 9:35PM.

**ADOPTED**      AYES    5            Burke, Gianzero, Haviland, Levine, Skoufis  
                     NOES    0

Desiree Potvin, Town Clerk

*The Board entered into a closed session with Attorney Pascale after adjournment.*