

LaGrange Town Board Meeting

April 28, 2010

AGENDA

Call to Order

Salute to the Flag

Minutes Approval

- Minutes from April 14, 2010

Supervisor's Report

Correspondence

- Cablevision
- Time Warner
- Assemblyman Molinaro's letter to Governor Paterson regarding the closures and service reductions effecting operations of the New York State Office of Parks, Recreation and Historic Preservation.

Agenda Items

Amendment to the March 24, 2010 Town Board Minutes

- In reference to page 2 of the March 24, 2010 Town Board minutes regarding the Anderson Center for Autism group home. The correct location is 41 Brian Court not 41 Ryan Court.

Public Hearing

- Anderson Center for Autism proposed group home located at 41 Brian Court in the Town of LaGrange Tax ID# 133400-6361-04-927053-0000.

Resolution

- Credit Card Acceptance Policy and Internal Controls

Sleight Farm

- Town Board to set date for Sleight Farm public information session.

Building Fees for Commercial Walk-in Freezers

- Building Inspector is requesting Town Board's approval on permit fees for walk-in freezers.

Appointment

- Town Board to appoint Robert Taft as a member of the Board of Assessment Review.

Committee Reports

- Water and Sewer
- Recreation
- Open Space
- Highway

Town Board Comments

- This time is set aside for new or old business not on the agenda

Town Attorney

- This time is set aside each meeting for new business by the Towns Attorney not listed elsewhere in the agenda

Administrator of Public Works

- GIGP Titusville WWTP – Request for approval for Change Order #2 to Construction Contract for replacement of Turbo Blowers with Positive Displacement Blowers; Request for approval for CPL proposal to increase line item #6 due to additional work created to comply with the "Buy American" clause of the Agreement with NYSEFC.
- Request approval for the CPL proposal for the water and sewer service to the Overlook Park – Pop Warner site.

Environmental Consultants

- Reports from the operators of the Town's water and sewer facilities

Public Comment

- Public comments are accepted during this time.

Executive Session

Adjournment

**STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE**

**TOWN BOARD MEETING
APRIL 28, 2010**

Present: Supervisor Jon J. Wagner
Councilman Joseph Luna
Councilman Gary Beck
Councilman Steve O'Hare
Councilman Edward P. Jessup

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

Others Present: Ronald C. Blass, Esq. Van De Water & Van De Water
Wanda Livigni, Administrator of Public Works
Diana Campaglione, Environmental Consultants

A regular meeting of the Town Board was held on Wednesday, April 28, 2010 at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. The Deputy Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes from April 14, 2010. Councilman Jessup so moved; seconded by Councilman O'Hare; carried unanimously.

Supervisors Report

Supervisor Wagner announced that Moody's, the investment firm that rates municipalities, among other entities, has upgraded LaGrange's rating from A-1 to Aa-2. Supervisor Wagner stated this is a significant upgrade that says LaGrange demonstrates strong credit worthiness relative to other municipalities or tax exempt issuers. He added that there were other municipalities in the area that were downgraded significantly.

Supervisor Wagner stated that the Town will get back into the practice of taking part in training. He stated that due to changes in the planning and land use world, and budget restraints, Town employees have been unable to go to training. He stated that training is always going to be contingent on the budget. He explained that the Town has been advised from the IR, and Office of the State Comptroller, that changes need to be made in how employees are getting the training and how it is handled. Supervisor Wagner told the Town Board Members that they will be receiving a Travel and Conference Management Policy over the next few days, that will put into place the rules for getting training, how to get it approved, and under what circumstances you get paid for it. The Supervisor mentioned, that a suggested Cash Management Policy, designed to tighten up petty cash and other cash management, will also be distributed shortly. Supervisor

Wagner stated that directives on how to manage cash have started to loosen, and the Board will be asked to approve some new policies to manage cash.

Supervisor Wagner stated a blood drive has been scheduled at Town Hall on June 3, 2010, from 3 p.m. to 7:00 p.m.

Correspondence

Supervisor Wagner informed the Board that Cablevision has sent notification of rate changes for Business Basic. There is a slight decrease for Business Basic and a \$.02 increase for Wappingers News; the customers will see no net increase in their bills. This correspondence will be in the Town Clerk's office for two weeks.

Supervisor Wagner informed the Board that Time Warner Cable has sent notification of channel line-ups. This correspondence will be in the Town Clerk's Office for two weeks.

Supervisor Wagner stated he is in receipt of a letter from Assemblyman Molinaro, addressed to Governor Patterson, regarding the closure of parks. In the letter, Assemblyman Molinaro asked for the Governor's consideration in not closing parks, and also requested that the D.E.C. farm site, Stony Kill, not be closed.

Agenda Items

Supervisor Wagner advised the Town Board that there is a typographical error in the March 24, 2010 Town Board Minutes on page two, regarding the Anderson Center for Autism Public Hearing. The correct address is 41 Brian Court; not 41 Ryan Court. Supervisor Wagner asked for a motion to approve the amendment to the minutes. Councilman O'Hare so moved; seconded by Councilman Beck; carried unanimously.

Credit Card Acceptance Policy

Supervisor Wagner introduced a letter from Justice Caplicki and Justice Greller requesting a two week postponement of Town Board action regarding the proposed Resolution for the Justice Court Credit Card Acceptance Policy. Supervisor Wagner asked for a motion to table the Resolution for two weeks; Councilman O'Hare so moved; seconded by Councilman Luna; carried unanimously.

Public Hearing

Supervisor Wagner explained that the Town Board had an option to schedule a Public Hearing in regards to the Anderson Center for Autism (ACA) proposed group home, and has chosen to do so. Supervisor Wagner requested a motion to open the Public Hearing. Councilman Jessup so move; seconded by Councilman O'Hare; carried unanimously.

Neil Pollack, CEO and Executive Director for Anderson Center for Autism, introduced his colleagues; Sean Mackey, Assistant Director of Adult Services; Mary Doyle, Director of Adult

Services Program; and Janine Sisco, of Taconic DDSO. Mr. Pollack briefed the Town Board on his background in the industry and with Anderson Center for Autism.

Mr. Pollack pointed out that Anderson Center is one of the strongest organizations in NYS, if not nationally, that serves only individuals with autism spectrum disorders, and focuses on only that disability. Mr. Pollack explained that to best support those with profound needs, ACA needed to move into an evidence-based model; they do not work with alternative methods of treatment. ACA works with the Strong Institute, in Rochester; Hunter College; and Marist College, to come up with a strong arsenal of approaches which Anderson Center believes has a tremendous positive effect on people's lives. He stated that they have 138 children that come to the school portion of Anderson; of that, 124 students live at Anderson. He said that one third of the children, after leaving the school, come to group homes established by Anderson Center for Autism and two thirds of the students go to their home community.

Mr. Pollack stated that the proposed 41 Brian Court location was found by the ACA's team from Adult Services Division. Adult Services has just opened their 13th group home; 3 of which are day sites located on West Road in Pleasant Valley, 9G in Hyde Park, and another in Saugerties. The Brian Court Group Home would be for six individuals that will be graduating from a residential school environment. Mr. Pollack stated that all of the individuals will have autism spectrum disorders, with parents being very engaged.

Mr. Pollack stated that ACA has a delightful relationship with the community, and he feels they are an extremely responsive organization, and are deeply engaged in the community through public education, supports, and training for first responders. Mr. Pollack added that ACA has contracts with public schools, where they go in with the goal of having a child, not necessarily come to Anderson, but stay in the public schools and stay at home; which helps to reduce divorce rates and help assimilation rates. He stated that ACA has found the Hudson Valley to be an overwhelmingly welcoming community. Mr. Pollack mentioned that communities that respond with resistance can usually be overcome with public education and engagement with the community. He gave the example of offering tours of facilities.

Mr. Pollack mentioned that the model which ACA's total organization uses is called Life Long Learning. Mr. Pollack stated that ACA literally has hundreds of people from all over the world coming to them to learn about the type of work they have going on. ACA now has 15 individuals with them that are Fellows from Europe. Mr. Pollack explained that they are here to study and learn, and ACA learns back; it's a two-way interchange. Mary Doyle oversees both day and residential programs, which are a 24 hour operation. Sean Mackey, works with secession planning. Mr. Pollack stated ACA has 650 employees throughout the county, and growing.

Mr. Pollack offered to answer any questions. Supervisor Wagner stated that this Public Hearing had been posted on the Town website and disclosed there was a typo in the minutes in which this public hearing was set indicating the wrong address. Supervisor Wagner asked if there was anyone from the public wishing to comment. There were no comments. Supervisor Wagner then asked Mr. Pollack if he is willing to address any concerns from the public if they should arise in the future. Mr. Pollack expressed that he would be happy to address any questions or concerns from the public, should they arise. Supervisor Wagner asked Mr. Pollack if they

would be willing to extend the required time for determination for an additional two weeks. Mr. Pollack referred the question to Janine Sisco, as she represents the State's interest. Ms. Sisco stated that she believes the 40 days time limit is up on May 3rd. It is the Town's prerogative to ask for an extension, which Anderson Center would have to respond to; probably favorably. Supervisor Wagner requested input from the board as to how they wish to proceed. Supervisor Wagner asked if Anderson Center has done any personal notification of residents in the neighborhood. Ms. Sisco responded that they do not do that. Supervisor Wagner stated there were no objections, and he requested Town Board input. Councilman Luna asked if Anderson Center would be willing to come back at a future date to field questions or concerns if they were to arise. Mr. Pollack pledged to do so, and stated not to worry about a timeframe. He added that they would also be delighted to offer a tour to anyone interested as well. Councilman Beck made a motion to close the Public Hearing; seconded by Councilman Jessup; carried unanimously.

Oral Resolution

Councilman Beck made a motion to approve the site of the proposed facility. Councilman Jessup seconded the motion; carried unanimously.

Mr. Pollack thanked the Town Board and stated that they are available for questions and reiterated his invitation to anyone whom may be interested in taking a tour of a home.

Building Inspection Fees

Supervisor Wagner stated the Town Board has before them a letter from the Building Inspector requesting Town Board's approval for permit fees for walk-in freezers. The proposed fees for exterior freezers are: \$25.00 application fee, \$10.00 administration fee, and \$100.00 permit fee. The proposed fees for interior freezers are: \$10.00 administration fee, \$50.00 permit fee, and no application fee. Councilman Beck made a motion to amend the Building Department fee schedule to include these fees; seconded by Councilman Luna; carried unanimously. (SEE ADDENDUM)

Appointment

Supervisor Wagner asked the Town Board to entertain a motion to appoint Robert Taft to the Board of Assessment Review. Councilman Luna made the motion to approve the appointment, seconded by Councilman Beck; carried unanimously. Councilman Beck stated that he felt Robert Taft is a very good choice for the Board of Assessment Review.

Committee Reports

Open Space

Councilman Jessup reported that he spoke with County Executive Steinhaus on Tuesday about the \$226,000.00 that LaGrange was hoping to get from the County for the purchase of the Pierson property. Councilman Jessup stated that the County Executive told him that money had

not been bonded for this year, and may possibly not be bonded for next year either. Supervisor Wagner stated that the Pierson Farm, as it stands now, has become a \$610,000.00 bonding issue.

Councilman Jessup added that he spoke to Jen Cherry, at Dutchess Land Conservancy, and explained to her what County Executive Steinhaus had told him. She said she would make some calls because she thought there was a good possibility she could come up with some private sector donators. Supervisor Wagner stated that the Bond Resolution will be held off until the Board sees the outcome of this turn of events.

Supervisor Wagner stated that the good news is that the Town's bond rating went up and that will make it cheaper for the Town in the long run.

Councilman Jessup stated he spoke with Duane Beyer about what had transpired, and according to his calculations, with the bond rate down to 1.8%, what the Town would be charged for the Pierson property would actually be less than what would have been quoted for if the Town had bonded in 2006 at 4%. Even though the Town would be bonding more now, the bonding payments would be less. Councilman Luna stated that the Town still needs to find \$226,000.00.

Councilman Jessup reported that he spoke with Jen Cherry, of Dutchess Land Conservancy, and told her that the Open Space Committee is looking to get a public information session together on the Sleight Farm property. Councilman Jessup stated that Ms. Cherry told him she has an appraisal that was done by Don McGrath for a private group and she thought the appraisal is about 80% complete. A discussion about the completion of the appraisal followed. Supervisor Wagner asked Councilman Jessup to vet out the appraisal to see if it is adequate for the purchase of development rights. Supervisor Wagner added that once that is done, the proposal can be presented to the public to see if the public's outlook has changed over the last couple of months.

Water and Sewer

No report.

Recreation

No Report.

Highway

Councilman Jessup reported that last Friday, Michael Kelly, a representative from a subsidiary of Motorola, and himself met. Councilman Jessup stated that the FCC, effective January 2013, will be requiring all municipalities do away with wide band radios and switch to a narrow band radio. Councilman Jessup stated that this will allow the FCC to sell more airwaves and make more money, but will cost the Town quite a bit of money to replace all the radios. Supervisor Wagner claimed that this is another unfunded mandate; the FCC wants to free up airwaves, so we have to pay for it.

Councilman Jessup added that the cheaper, narrow band 45 watt radios, estimated to cost \$600.00 each, won't work because there will be dead spots. He added that the Town would have to go with 100 watt radios that are roughly \$1200.00 each. Supervisor Wagner added that one of the dynamics that may change is, if the tower pending on Redl's property goes up, the Town will have space available the tower, at a higher, and maybe a more advantageous location. Supervisor Wagner asked Councilman Jessup to work on getting the Highway Superintendent to submit an analysis of his budget, including every nut and bolt in the department, in preparation for this year's budget. The Supervisor stated this should be done by August 1st at the absolute latest.

Town Attorney

No report.

Town Board Comments

Councilman Beck asked what the Town's intent is for the brush that has been acquired at the Highway Department this year. Supervisor Wagner stated that is a question that needs to be directed to the Highway Superintendent, but he thinks it will be chipped. Councilman Beck stated he would be opposed to burning it. Councilman Luna and Supervisor Wagner stated that there is no more burning allowed.

Administrator of Public Works

Wanda Livigni introduced the Green Innovations Grant Program Titusville WWTP Change Order #2 to the construction contract for the replacement of turbo blowers with positive displacement blowers. She explained that this is due to the "Buy American" claim made by the vendor that was not selected. Ms. Livigni stated she worked with Clark Patterson Lee to put together this Change Order #2 which moves the contract back to the original specification for positive displacement blowers. The manufacturer has been in the country for over 20 years, and EPA says there is no problem with them; EFC has no problem with them either. Ms. Livigni stated that there will be a slight decrease in energy efficiency; however, she feels that if the Town does not go this route, it will lose a complete window of opportunity to get any energy efficiency at the plant. Ms. Livigni explained that the change order is actually a reduction from the total contract and will bring the construction contract price to \$332,895.00. Ms. Livigni stated that the overall grant was for \$451,000 with a 10% match. Ms. Livigni added that she is working with EFC to find out about additional tasks the Town can get done with that grant money. A discussion followed.

Ms. Livigni explained that Clark Patterson Lee has submitted a proposal for an additional \$5,000.00 for engineering services needed to assist the Town with this process. Ms. Livigni respectfully requested the Town Board's approval for Change Order #2 and Clark Patterson Lee's proposal. Councilman Beck made a motion to approve both Change Order #2 and Clark Patterson Lee's proposal; Councilman Jessup seconded the motion; carried unanimously. (SEE ADDENDUM)

Ms. Livigni brought to the attention of the Town Board, a proposal from Clark Patterson Lee to prepare a Subsurface Disposal System Conceptual Design for the LaGrange Overlook Park, Pop Warner Building. Ms. Livigni stated that it is her understanding that representatives of Pop Warner are requesting the Town to pay for the conceptual design. Supervisor Wagner stated that he had recently heard otherwise and stated this would have to be vetted out. A discussion followed.

Public Comment

Councilman Luna made a motion to open the meeting to public comment; seconded by Councilman Jessup; carried unanimously.

Paul Lenci, from the LaGrange Library Board, wished to highlight the Bucks for Books program that is wrapping up this Friday. Mr. Lenci stated it has been very successful and has engaged the Library with the community, which was one of the goals. It gave the Library an opportunity to talk with local businesses and tell them about the Library and its significance, and to get their support.

Paul Doherty, Velie Road, stated that about two months ago he met with Sean Donahue to discuss what Mr. Doherty's plans are for the land behind his house and questioned whether there is four acre zoning. Mr. Doherty stated that he told Mr. Donahue that it's true, unless there is a sewer plant, and that is in the stipulation. Mr. Doherty explained to Mr. Donahue that the nature trail will be on one side of his house, which will be a buffer to the road going in, because the road can only go in one particular area (where the bend in Barmore Road is) which is right on the corner of his property. Mr. Doherty stated Mr. Donahue was not happy about that and went to a neighbor on one side who was able to purchase a piece of the property, which is in contract now and will be before the Planning Board in June. Mr. Doherty explained that the nature trail will come in next to Mr. Donahue's house, about eight feet below the level of his house, and it will be hidden behind the woods. Mr. Doherty stated that at previous meetings he had explained to Mr. Donahue that he wanted to plant pine trees in the area which could be seen from Mr. Donahue's house, and also wanted to plant trees on the back part of the property behind the house. Mr. Doherty explained that Mr. Donahue's lawn extends approximately 160 feet into his property on one side and a 190 feet on the other and he added that Mr. Donahue objected to having the trees in the back, and wanted to purchase some of the property behind his house. Mr. Doherty stated he gave Mr. Donahue a price and Mr. Donahue would have to have a deposit down by Tuesday. Mr. Doherty added that he left a message yesterday for Mr. Donahue, stating that he was planning to plant trees on his own property, leaving a buffer behind his house. Mr. Doherty stated he had not heard from Mr. Donahue, which may be the reason for his call to the Supervisor today. Mr. Doherty stated that today he met with one of the other neighbors that are buying the area behind his house and he said that Mr. Donahue was down at the stream washing his dog, which is what he does regularly. Mr. Doherty said that the neighbor had told him that Mr. Donahue approached him about the plans, in a negative way, and this man told him, as he has done in the past, that we are good citizens, we have owned the property, and have paid the taxes since 1976. Mr. Doherty stated that the gentleman told Mr. Donahue that he is a registered conservative, and you people have a right to do what you want to do with your property. Mr.

Doherty stated that after he built the nature trail he had the engineer bend the road away from Mr. Donahue's house, as soon as it comes in from Barmore Road, at the maximum that he was allowed to put in a bend. Mr. Doherty added that, he then had the engineer take out the other houses that were (planned to be) in the area between Mr. Donahue's house and the Dyal house; that is going to be an all vacant area at the entrance. Mr. Doherty stated that some of the other neighbors and very few other people are going to be going north out of the subdivision onto Velie Road. Mr. Doherty stated that Velie Road will probably need to have a traffic light. Mr. Doherty said "I bent over backwards for him, and I think you told me what that will do to me."

Councilman Luna made a motion to close the public comment section of the meeting; seconded by Councilman Jessup; carried unanimously.

Supervisor Wagner stated he has one last piece of business and that is to publically thank the Sunrise Rotary for all the work they have done on the Trash Bash. The Supervisor stated the roads look great.

Councilman Jessup made a motion to adjourn the meeting; seconded by Councilman O'Hare; carried unanimously. The meeting adjourned at 8:20 p.m.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- **Building Inspector Memo: Inspection Fees for Commercial Freezers**
- **Change Order #2: Titusville WWTP / Dakksco Pipeline, Inc.**
- **Proposal: Clark Patterson Lee / Titusville WWTP**

Approved.
1-28-10

TBM

TOWN OF LAGRANGE
OFFICE OF THE BUILDING INSPECTOR
120 Stringham Road, LaGrangeville, NY 12540
845-452-2046; Fax 845-452 7692

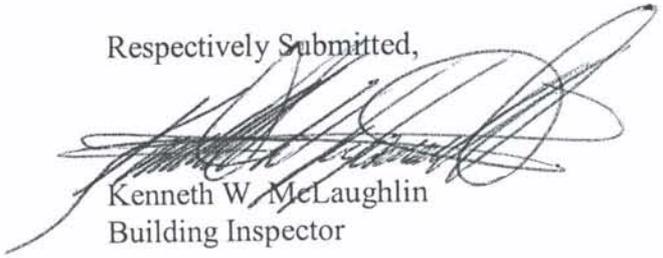
DATE: April 21, 2010
TO: Jon Wagner, Supervisor ✓
Town Board
FROM: Office of the Building Inspector
Kenneth W. McLaughlin
SUBJECT: Proposed Building Fees for Commercial Walk-in Freezers

This office is requesting that the following permit fees for walk-in freezers be adopted by the Town Board:

	Application Fee	Administration Fee	Permit Fee
Exterior Freezer	\$25.00	\$10.00	\$100.00
Interior Freezer	-	\$10.00	\$ 50.00

If you have any questions regarding these fees, please contact this office.

Respectively Submitted,



Kenneth W. McLaughlin
Building Inspector

KWM:sh

received
4/22/10

Change Order No. 2

Date of Issuance: April 27, 2010 Effective Date: Date of signature by Owner

Project: Titusville WWTF Improvements	Owner: Town of LaGrange	Owner's Contract No.:
Contract: Aertion System Improvements		Date of Contract:
Contractor: Dakksco Pipeline, Inc.		Engineer's Project No.:

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Change from the currently approved Turbo Blower to Sutorbuilt premium positive displacement blower packages; install additional water lines for cleaning SBR; and install small blower for CCT to improve quality of effluent from SBRs.

Attachments (list documents supporting change): Quote from Dakksco Pipeline

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

Original Contract Times: Working days Calendar days

\$265,944.00

[Increase] [~~Decrease~~] from previously approved Change Orders No. 1 to No. 1:

[Increase] [~~Decrease~~] from previously approved Change Orders No. 0 to No. 0:

\$99,412.00

Substantial completion (days or date): _____

Contract Price prior to this Change Order:

Contract Times prior to this Change Order:

\$365,365.00

Decrease of this Change Order:

[Increase] [~~Decrease~~] of this Change Order:

\$32,470.00

Contract Price incorporating this Change Order:

Contract Times with all approved Change Orders:

\$332,895.00

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: _____
Contractor (Authorized Signature)

Date: _____

Date: _____

Date: _____

Approved by Funding Agency (if applicable):

Date: _____

DAKKSCO Pipeline Corp.
2 Eastman Place
Leicester, NY 14481
dakkscopepipeline@hotmail.com

(585)382-3071
(585)382-3687 FAX
(585)370-9042 cell

Clark Patterson Lee
900 Corporate Blvd.
Newburgh, NY 12550

April 13, 2010

Attn: Greg Bolner PE
Eric Wies PE

RE: Change Order Costs - Titusville WWTF - LaGrange NY

The following represents the associated additional costs related to the previously discussed alternative items:

ADD#1 - Water Service Installation

This add represents the furnishing & installation of a 1" SCH 80 water service tapped inside the existing Valve Vault, cored thru the existing concrete tank wall, and run parallel under the new walkway for approximately 70 LF. This will include 2 new hose bibs extended up to the walk elevation for access by staff. This will allow the operator better access to washing down equipment in the SBRs.

TOTAL ADD #1 = \$ 3,640.00

Total Days added to Contract = 2

ADD#2 - New 3 HP Blower/Enclosure and Associated Aeration Piping in CCT

This add includes the Furnishing & Installation of a new 3HP Excelsior Blower Package with weather enclosure on a new concrete pad. This also includes new 1" SCH 80 PVC Aeration feeder piping installed along the concrete wall of the CCT and then installed vertically to the floor of the tank. From this point, a series of 1" SCH 80 PVC piping with aeration holes will be installed on the concrete floor allowing for continuous circulation of fluid in the Chlorine Contact Tank (CCT). This add also includes the necessary electrical distribution and conduit to be run from the Control Building to the new Blower, which is 230/460 V 3PH. With a service disconnect.

TOTAL ADD #2 = \$ 18,890.00

Total Days added to Contract = 4

DEDUCT #5 - Change from Turbo Blowers to Sutorbilt Package PD Blower System

This deduct is to change from the currently approved Turbo Blowers to a Premium Sutorbilt Blower Package.

TOTAL DEDUCT #5 = \$ 55,000.00

Total Days added to Contract = 0

TOTAL OF CHANGES #1 thru #5 = \$ (32,470.00)



April 26, 2010

Ms. Wanda Livigni
Administrator of Public Works
Town of LaGrange
120 Stringham Road
LaGrangeville, NY 12540

**RE: PROPOSAL FOR ENGINEERING SERVICES
TITUSVILLE WASTEWATER TREATMENT FACILITY
SBR AERATION IMPROVEMENTS
CHANGE IN SCOPE**

Dear Ms. Livigni:

Clark Patterson Lee (CPL) appreciates the opportunity to continue to provide you with Engineering Services related to the planning, preliminary design, and final design for the installation of new aeration equipment at the Titusville Wastewater Treatment Facility (WWTF). Based on issues that came up during the shop drawing review of the project, CPL is requested that the fee for Task 6 be increased by \$5,000 to address the following additional scope of work:

- Task 6 Work with the Town to appropriately address a claim that the proposed blowers do not meet the "Buy American" clause of the agreement although the vendor has provided required certification. Review "or-equal" submittal for diffusers provided by SSI. Prepare change order to change from Turbo blowers to a premium positive displacement blower package.

We appreciate the opportunity to submit our proposal and look forward to working with all those involved. If you have any question please call me or Eric Wies at (585) 454-4570 ext 1098.

Very truly yours,

Clark Patterson Lee

Greg W. Bolner, P.E.
Principal Associate

Please acknowledge acceptance of this proposal by signing below.

Signature: _____

Date: _____

4/29/10