

conveyance infrastructure serving a portion of the Town that includes Regeneron's Tempel Lane Campus development; and

WHEREAS, upgrades include replacement of the existing pump stations known as the Third Avenue Pump Station and the Barracks Road Pump Station as well as approximately 1,450 lineal feet of sanitary sewer force main connecting the Third Avenue Pump Station to the downstream gravity sewer system (the "Project"); and

WHEREAS, in accordance with Town Board resolution 75-2020, the Town engaged H2M Architects and Engineers ("H2M") to provide detailed design services in support of Project, and H2M developed a final Engineers Report and Detailed Design Plans for the Project, which has received final approvals from NYSDEC, Rensselaer County Department of Health, and NYSDOT; and

WHEREAS, on June 16, 2021 the Town Board (resolution 163-2021), in its capacity as the lead agency under the State Environmental Quality Review Act (SEQRA), issued a negative declaration, finding that the Project is consistent with the November 20, 2021 amended statement of findings the Town Board issued for the Regeneron Pharmaceuticals, Inc. Tempel Lane Campus development, and that the Project will not have any significant adverse effects on the environment; and

WHEREAS, on August 17th, 2022 the Town Board passed Resolution 202-2022 accepting certain required improvements constructed in connection with the temporary Bypass of the Third Avenue Pump Station; and

WHEREAS, the contract with H2M also included bid phase support, construction administration, and construction inspection services (the "Bid- and Construction-Phase Services"), but the Town Board has declined to exercise these portions of the H2M contract and, instead, desired to procure these services, which are necessary to advance the Project, separately; and

WHEREAS, Adirondack Mountain Engineering, P.C. ("AME") was selected to provide and has satisfactorily provided Town Designated Engineering ("TDE") services in accordance with RFP 19-04 and the Town Designated Engineer Term Services Agreement entered into between the Town and AME on August 28, 2019, under which Agreement AME will provide construction administration and observation services; and

WHEREAS, the Town Board passed Resolution 78-2022 authorizing the Town Supervisor to enter into a Contract with Adirondack Mountain Engineering, P.C. to provide Bid- and Construction-Phase Services for a project to upgrade the Third Avenue and Barracks Road Pump Stations; and

WHEREAS, on September 21st, 2022 at 2:00 P.M. at 225 Columbia Turnpike, Rensselaer NY 12144 (Town Hall) the Town conducted a Bid opening for BID # 22-07 for the construction of the Third Avenue and Barracks Road Pump Stations; and

WHEREAS, the Town received seven (7) Bids from General Contractors along with six (6) Bids for Electrical services and two (2) for HVAC services which were required under the New York State Wicks Law Bid Requirement procedure; and

WHEREAS, the lowest responsible Bidders were:

- W.M. J Keller & Sons Construction Corp. for General Construction and Plumbing (Option 1) in the amount of \$5,808,449.00,
- Stilsing Electric, Inc. for Electrical Services in the amount of \$702,000.00, and
- John W. Danforth for HVAC Services in the amount of \$630,000.00; and

WHEREAS, as part of the Developers Agreement between the Town of East Greenbush and Regeneron, Regeneron has agreed to pay for the certain improvements necessary to accommodate the flows from the Tempel Lane Campus which includes the new construction of the Third Avenue and Barracks Road Pump Stations; and

WHEREAS, the Town of East Greenbush Planning Director will prepare a letter to Regeneron Pharmaceuticals requesting the combined amount of BID # 22-07 which is \$7,140,449.00 and such funds will be placed in an Escrow account (81204.03.004.109) before the Bid is awarded to each contractor; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the current Town finances; and
now, therefore, be it

RESOLVED, the Town Board authorizes awarding BID# 22-07 for the Third Ave and Barracks Road Sewer Pump Station Upgrades to W.M. J Keller & Sons Construction Corp, Stilsing Electric, Inc. and John W. Danforth Company for the amounts stated in the above resolution and authorizes AME Engineering to issue award letters to each firm once the Town of East Greenbush receives the required escrowed funding from Regeneron Pharmaceuticals subject to Special Counsel’s review and approval of all contractor submissions with respect to the bid requirements.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Fritz and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor B. Fritz	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:

235-2022 A Resolution Authorizing Payment to WM. J Keller & Sons Construction Corp. for Urgent Repairs to the Old Troy Road Bridge

WHEREAS, on June 21st, 2022 the Town of East Greenbush received a Red Flag notice from New York State Department of Transportation Region #1; and

WHEREAS, on June 22nd, 2022 the Commissioner of Public Works contacted one of the Town designated engineers that specializes in Traffic and Highway construction; and

WHEREAS, on July 6th, 2022 members of Town staff including the Town Supervisor, the Commissioner of Public Works, the Deputy Commissioner of Public Works and the Town Director of Planning met with FCM Engineering, PLLC to discuss the Bridge closure plan and recommendation for repairing the required items listed in the Red Flag Report from NYSDOT; and

WHEREAS, FCM Engineering, PLLC obtained a structural bridge engineering firm A.S Bell Engineering, PC to evaluate the Red Flag items listed in the report from NYSDOT; and

WHEREAS, FCM Engineering, PLLC and A.S. Bell Engineering, PC recommended making the repairs listed in the Red Flag Report; and

WHEREAS, the Commissioner of Public Works contacted Town County Bridge and Rail which is a preferred vendor on the Rensselaer County Procurement Contract for Bridge repairs; and

WHEREAS, Town County Bridge and Rail were unable to perform the work on a time and material basis because of other job obligations; and

WHEREAS, FCM Engineering, PLCC along with A. S. Bell Engineering, PC recommended that W.M. J Keller & Sons Construction Corp. had NYS certified welders which could perform the repairs; and

WHEREAS, the Commissioner and Deputy Commissioner of Public Works met with members from W.M. J Keller Construction Corp. to discuss the repair items listed in the NYS Red Flag Report; and

WHEREAS, W.M. J Keller Construction Corp. has performed many tasks well for the Town of East Greenbush including the recent Morner Road Bridge NY Culvert Replacement Project, large Water and Sewer main repairs, and has billed the Town based on time and materials for such tasks; and

WHEREAS, W.M. J Keller Construction Corp. performed the required repairs as listed on the NYSDOT Red Flag Report based on a time and material basis and the work was inspected by A.S. Bell Engineering, PC; and

WHEREAS, the Red Flag Notice was removed by NYSDOT on September 2nd, 2022 and the Bridge was reopened on September 9th, 2022; and

WHEREAS, W. M. J Keller & Sons Construction Corp. submitted a bill for \$25,016.75 based on time and material cost for the repairs; and

WHEREAS, this resolution will be funded from budget line 51104.02 Highway General Repairs CE; and

WHEREAS, the Town Comptroller confirms that this resolution may have a material impact on the Town's finances;

now, therefore, be it

RESOLVED, the Town Board authorizes payment of \$25,016.75 to W. M. J Keller & Sons Construction Corp for repairs to the Old Troy Bridge.

The foregoing resolution was duly moved by Councilor Nestler and seconded by Councilor Fritz and brought to a vote resulting as follows:

Councilor E. Nestler	VOTED:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

ADJOURNMENT

Motion to adjourn by Supervisor Conway and seconded by Councilor Tierney and brought to a vote as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED: