



TOWN OF AMENIA TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

TOWN BOARD WORKSHOP MEETING THURSDAY, MARCH 7, 2024 TOWN HALL – 1ST FLOOR 7:00 PM

Salute Flag
Emergency Exits
Roll Call

Public Comment - general
Public Hearing – cannabis opt-in

Supervisor Report
Town Clerk Report
Water Operator Report

Discussion:

1. Discussion of cannabis opt-in law by Board
2. Discussion of referral of HRH project to the Planning Board (removed resolution)
3. Discussion of televising Planning Bd & ZBA meetings, and requesting cost for video
4. Approving Town Engineer to calculate energy savings of heat pump proposal sent by CAC
5. Approving Town Engineer to prepare RFP for next architectural phases of Highway Garage
6. Approving replacing SEBI with VRI (new operator) to Emergency Operations Handbook
7. Approving of Supervisor sending letter of support to Millerton re pool
8. Approving of Supervisor to prepare RFP for services of Graphic Designer
9. Approving of James Ohliger's proposal for Amenia entry signs once he obtains 2 more quotes

Resolutions:

10. Approving Engineer and Attorney to prepare a Map Plan and Report for the Creation of a New Sewer District
11. Adopting the 2024 Town of Amenia Emergency Operations Plan
12. Rescinding Resolution No. 38 of 2023 Allocating American Rescue Plan Act Funds
13. Authorizing NYCLASS Municipal Corporation as a Depository for Town Funds
14. Appointment of Deputy Town Supervisor
15. Appointment of Town Councilperson to Fill a Vacancy

Motions:

16. Appointment of Additional Community Liaisons (in exec session @ next meeting)
17. Appointment of Committee members
18. Approving of Clerk Advertising for Committee seats still unfilled

Other Matters

Town Board Comments

Adjourn



**TOWN OF AMENIA
TOWN BOARD**

4988 Route 22, AMENIA, NY 12501
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Resolution # _____ of 2024

RE: APPROVING ENGINEER AND ATTORNEY TO PREPARE A MAP, PLAN AND REPORT FOR THE CREATION OF A NEW SEWER DISTRICT WITHIN THE TOWN OF AMENIA

WHEREAS, the Town of Amenia is considering the creation of a new sewer district pursuant Town Law § 209, which requires the preparation of a Map, Plan and Report pursuant to Town Law § 209-b and § 209-c; and

WHEREAS, the Town Board requested proposals for engineering and legal services for the preparation of a Map, Plan and Report; and

WHEREAS, in response to the request for engineering services, LaBerge Engineering & Consulting Group Ltd. submitted an engineering proposal to prepare such Map, Plan and Report, as required by Town Law § 209-b for a fee not to exceed \$27,550.00 as set forth in said proposal, a copy of which is annexed hereto and made a part hereof; and

WHEREAS, in response to the request for legal services, Tabner, Ryan and Keniry, LLP submitted a legal proposal for the preparation of such Map, Plan and Report, as required by Town Law § 209-b for a fee not to exceed \$18,000.00 as set forth in said proposal, a copy of which is annexed hereto and made a part hereof; and

WHEREAS, the Town Board adopted Resolution #5 of 2024 on January 4, 2024, authorizing the appropriation of funds for the preparation of said Map, Plan and Report, subject to Permissive Referendum; and

WHEREAS, the time for filing a petition has expired and the Town Clerk of the Town of Amenia has certified that no petition has been timely filed; and

WHEREAS, the Town Board now wishes for the engineer and the attorney to prepare the aforementioned Map, Plan and Report.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board of the Town of Amenia hereby approves LaBerge Engineering &

Consulting Group Ltd. and Tabner, Ryan and Keniry, LLP to prepare the Map, Plan and Report for the creation of a new sewer district within the Town of Amenia.

3. LaBerge Engineering & Consulting Group Ltd. and Tabner, Ryan and Keniry, LLP shall be paid in accordance with their respective proposals and in accordance with Resolution #5 of 2024.

Motion made by _____

Seconded by _____

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Blackman	_____
Councilman Rebillard	_____
Councilwoman Hamm	_____
Councilman Winters	_____
C _____	_____

Dated: Amenia, New York
March 7, 2024

DAWN MARIE KLINGNER, TOWN CLERK

December 11, 2023
VIA EMAIL & MAIL

Ms. Victoria Perotti, Town Supervisor
Town of Amenia
4988 Route 22
Amenia, New York 12501

Re: Professional Engineering Proposal - REVISED
Sewer District Map, Plan, and Report
Town of Amenia, New York

Dear Supervisor Perotti:

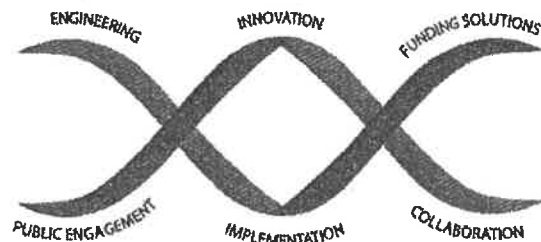
Thank you for inviting Laberge Group to submit our proposal to provide professional services for the development of a Map, Plan and Report based upon the June 2022 Tighe and Bond Sewer Feasibility Study to support the creation of a Sewer District for the Hamlet of Amenia as depicted in Figure 3.2 of that study. We understand the significance of this infrastructure initiative as it relates to the quality of life for your residents, and look forward to partnering with you on this engagement.

Having provided wastewater engineering and plan of finance development services to municipalities throughout New York State, as well as subsequent grant applications, we are extremely familiar with the requirements of the Town of Amenia and the potential funding agencies. Laberge Group offers the following capabilities and strengths particularly suited to the current needs of the Town:

- **Extensive Experience in Developing Engineering Studies and Plans That Lead To Grant Procurement:** Laberge Group is among the State's most experienced municipal water and wastewater engineering consulting firms. Having provided engineering studies and plans to numerous municipalities state-wide for decades, our firm has become one of the most reliable and respected firms in the region. In 2022 alone, we have developed engineering reports and secured funding for water and wastewater projects in the Villages of Wurtsboro, Ottego, and Cambridge and the Towns of Schuyler Falls, Poestenkill, and Schodack.

We will leverage that experience and expertise to provide insights in the development of innovative and cost-effective solutions in the development of the Map, Plan and Report and to set the Town up for success in developing impactful infrastructure funding applications that will be critical to project implementation.

- **Proven Track Record of Wastewater Infrastructure Funding Procurement:** Laberge Group's unique funding development approach, which entails seamless integration between our engineering and funding development teams, is fundamental to designing projects that are targeted from the outset to meet *both* the mandates of funding agencies *and* the needs of our client communities. This uniquely collaborative approach, which has contributed to the firm's successful track record of securing more than \$360 million in State and Federal funding for our clients since 2000, will provide a strong foundation for the Town of Amenia.



Proposed Scope of Work

Task 1 – Development of a Map, Plan and Report

Activity 1.1 - Kick-off Meeting & Initial Site Visit for Community

The purpose of the kick-off meeting and site visit will be to review the goals and expectations of the Town and the Wastewater Committee, and to gain greater familiarity of the study area and previous studies.

Activity 1.2 –Environmental Constraints

Laberge Group shall review the environmental constraints previously studied within the study area such as wetlands, cultural resources, endangered species, water courses, soil condition, etc.

Activity 1.3 - Need Documentation

Laberge Group, utilizing available information from Dutchess County Department of Health, shall update the need for the creation of a Sewer District. This will include a description of the current site conditions, notices of contamination, known compliance issues and projected future needs as they may affect water quality, stream and groundwater quality, health and public safety.

Activity 1.4 – Coordination / Regulatory Requirements

Laberge Group will coordinate with the Town, the Dutchess County Health Department and the NYSDEC to determine specific system requirements.

Activity 1.5 - Alternatives

Laberge Group will review the alternatives presented in the June 2022 report and provide an updated recommendation as to the best alternative for consideration by the Town. In addition, Laberge Group will evaluate previously prepared user cost estimates based upon various financing scenarios and taxation methods, and will determine the average, mean and mode annual cost to typical properties for each method evaluated.

Activity 1.6 - Develop Map, Plan and Report including Concept Design

The document will be prepared as required by New York State for the purposes of district formation and in accordance with the engineering report guidelines proffered by the New York State Environmental Facilities Corporation. The report will be structured to be in compliance with the program guidelines so as to be eligible for financial assistance through Environmental Facilities Corporation. It will rely on the June 2022 study for base information for the following:

- Alternative analysis.
- District boundaries.
- Concept plan.
- Preliminary opinion(s) of cost.
- Requisite mapping and descriptions for creation of a sewer district.

The report will be forwarded as a draft to the Town for review and comment prior to being finalized.

Activity 1.7 - Meetings

Laberge Group will present the final report at a Town Board meeting or other venue as deemed appropriate by the Town. In addition, Laberge Group will attend the required public hearing for district formation.

Activity 1.8 – Funding Identification

Laberge Group will prepare a funding source and financial aid eligibility assessment for the Town of Amenia. We believe that the Town may be well-positioned to secure funding under New York Water Infrastructure Improvement Act (NYWIIA), CWSRF, USDA and/or Congressional Directed Spending.

Activity 1.9 – SEQRA

Prior to formation of the creation of a new sewer district, design and construction, the Town must make a determination of environmental significance for the project. Laberge Group proposes to assist the Town in meeting this requirement by:

- Preparing a Long Form Environmental Assessment Form.
- Preparing letters to Involved Agencies requesting concurrence that the Town be the Lead Agency for the coordinated review of the project.
- Submitting a Project Review package to the State Historic Preservation Office (SHPO). SHPO review is require due to the need to obtain a permit from the NYS Department of Environmental Conservation. The SHPO may require a Phase 1A/B cultural resource survey which is beyond the scope of this proposal.
- Prepare a proposed resolution for either a positive or negative declaration as required. (For estimating purposes, it is assumed a negative declaration will be prepared).

PROPOSED FEES

Laberge Group proposes to complete the scope of work above for a fee not to exceed \$27,550 plus reimbursable expenses.

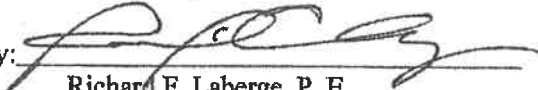
If it is determined through the development of the Map, Plan and Report that the Town wishes to apply for a USDA grants/loans, a contract addendum will be prepared. The USDA Loan/Grant program requires a different analysis then the New York State funding programs and a separate addendum to the report will be needed to address the agency language requirements and documentation.

Schedule

Laberge Group is available to begin within 30 days of contract execution and shall complete the draft reports within 12 -16 weeks. Public meetings and hearings will be based upon a schedule provided by the Town after the report is finalized.

We thank you for the opportunity to submit this proposal. As always, if you have any questions or comments, please feel free to contact our office.

Very truly yours,
LABERGE GROUP

By: 
Richard F. Laberge, P. E.
President

BHS:RFL:kmo

C: Charlie Miller, Chair – Amenia Wastewater Committee (via email only)

PROFESSIONAL SERVICE AGREEMENT
FOR
LEGAL SERVICES

THIS AGREEMENT, made this 11 day of December 2023 by and between the **TOWN OF AMENIA**, a municipal corporation existing by and under the laws of the State of New York and having its principal place of business located at Town Hall, 4988 Route 22, Amenia, New York 12501, (hereinafter called the "TOWN") and **TABNER, RYAN AND KENIRY, LLP**, 18 Corporate Woods Boulevard, Suite 8, Albany, New York 12211 (hereinafter called the "CONSULTANT");

WITNESSETH:

WHEREAS, the CONSULTANT has heretofore submitted a proposal for professional legal services; and

WHEREAS, the TOWN has accepted the offer of the CONSULTANT for such professional services,

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

ARTICLE I. SERVICES TO BE PERFORMED

The CONSULTANT shall perform the professional services hereinafter set forth under Article II entitled "SCOPE OF WORK".

ARTICLE II. SCOPE OF WORK

During the period of this Agreement the CONSULTANT agrees to perform professional services as follows:

A. Legal services as required in connection with completion of work associated with the formation of the Town of Amenia Sewer District and consultation with the Town's selected engineer to develop appropriate capital charges and operation and maintenance expenses;

B. Legal services in connection with such other matters as determined by the Supervisor and Town Board.

ARTICLE III. AVAILABLE DATA

All technical or other data relative to this Agreement in the possession of the TOWN or in the possession of the CONSULTANT shall be made available to the other party to this AGREEMENT without expense to the other party.

ARTICLE IV. COOPERATION

THE CONSULTANT shall cooperate with representatives, agents and employees of the TOWN and the TOWN shall cooperate with representatives, agents and employees of the CONSULTANT to the end that work may proceed expeditiously and economically.

ARTICLE V. FEES

In consideration of the terms and obligations of this AGREEMENT, the TOWN agrees to pay, and the CONSULTANT agrees to accept, as full compensation for all services rendered under this AGREEMENT, fees and reimbursements determined as follows:

The CONSULTANT shall bill \$18,000 for district formation and necessary consultation with the Town's selected engineer to be billed monthly until project completion.

CONSULTANT shall only bill for disbursements incurred upon the prior authorization of the TOWN, excluding disbursements necessary for recording of papers in the County Clerk's Office, obtaining of title insurance, filing fees for permits paid to official agencies and other such necessary legal expenditures. No reimbursement shall be made or for other expenses unless prior authorization shall have been obtained. Bills shall be submitted to the Town on a monthly basis.

ARTICLE VI. ACCOUNTING RECORDS

Proper and full accounting records shall be maintained by the CONSULTANT which records shall clearly identify the costs of the work performed under this AGREEMENT. Such records shall be subject to periodic and final audit by the TOWN upon request. Such records shall be accessible to the TOWN for a period of two (2) years following the date of final payment by the TOWN to the CONSULTANT for the performance of the work contemplated herein.

ARTICLE VII. ASSIGNMENTS

The CONSULTANT is prohibited from assigning, transferring, conveying, subcontracting, or otherwise disposing of this AGREEMENT, or of CONSULTANT'S right, title or interest therein without the previous consent in writing of the TOWN.

ARTICLE VIII. OWNERSHIP OF MATERIALS

All right, title and ownership in and to all materials prepared under the provisions of this AGREEMENT shall be in the TOWN including the right of republication.

ARTICLE IX. REPORTING DUTIES

CONSULTANT shall in all appearances, appear as Special Counsel to the Town Attorney and report regularly to the Department Heads and/or the Town Attorney as they are directed.

ARTICLE X. RELATIONSHIP

CONSULTANT shall at all times be deemed to be an independent contractor and shall not be considered an agent or employee of the TOWN for any purpose, nor shall CONSULTANT be entitled to participate in any employee benefit programs maintained by the Town for its officers, agents and employees.

ARTICLE XI. INDEMNIFICATION

The CONSULTANT shall defend, indemnify and save harmless the TOWN, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorney's fees) arising out of, or in consequence of any negligent act or omission of the CONSULTANT, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

ARTICLE XII. INSURANCE

The CONSULTANT agrees to procure and maintain without additional expense to the TOWN insurance of the kinds and in the amounts provided under Schedule "A" attached hereto. Before commencing work, the CONSULTANT shall furnish to the TOWN, a certificate or certificates, showing that the requirements of this article have been satisfied.

ARTICLE XIII. PAYMENTS BY CLAIM FORM

All requests for payment to CONSULTANT shall be made upon claim forms of the TOWN and submitted for approval to the Comptroller of the TOWN on a monthly basis.

ARTICLE XV. TERM OF AGREEMENT

This Agreement shall be effective upon its acceptance by the Town Board for the Town of Moreau.

ARTICLE XVI. TERMINATION OF AGREEMENT

The TOWN shall have the right at any time to terminate the work required of the CONSULTANT by this AGREEMENT, by written notice of such termination provided to the CONSULTANT by the TOWN, and, in the event of such termination of this AGREEMENT, the CONSULTANT shall be entitled to compensation for all work theretofore authorized and performed, pursuant to this AGREEMENT, such compensation to be in accordance with ARTICLE V of the AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

TOWN OF AMENIA

TABNER, RYAN AND KENIRY, LLP

By: _____

By: _____

William F. Ryan, Jr., Esq.

SCHEDULE "A"

INSURANCE COVERAGE

The kinds and amounts of insurance to be provided are as follows:

- A. Workers' Compensation and Employees Liability Insurance - A policy or policies providing protection for Employees of the obligor in the event of job related injuries.
- B. Automobile Liability Policies with the limits of not less than \$500,000 for each accident because of bodily injury , sickness or disease, including death at any time, resulting therefrom, sustained by any person caused by accident, and arising out of the ownership, maintenance or use of any automobiles and with the limits of \$500,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobiles.
- C. General Liability including comprehensive form, contractual premises/completed operations and broad form property insurance shall be furnished with limits of not less than:

<u>Liability For</u>	<u>Combined Single Limit</u>
Bodily Injury & Property damage	\$500,000

- D. Errors and Omissions policy with limit of not less than \$4,000,000.



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
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RESOLUTION No. of 2024

**RE: RESCINDING RESOLUTION NO. 38 OF 2023 ALLOCATING AMERICAN
RESCUE PLAN ACT FUNDS**

WHEREAS, the Town Board of the Town of Amenia, by Resolution No. 76 of 2022, authorized a Letter of Intent for the intended use of the Community Development Block Grant (CDBG) Funds for the fiscal year 2023 and set a public hearing for community input regarding the application for the grant funds; and

WHEREAS, on November 17, 2022, a public hearing was held at the Town Hall, Town of Amenia, 4988 Route 22, Amenia, New York 12501; and

WHEREAS, on or about November 21, 2022, the Dutchess County Department of Planning and Development (DCDPD) approved the Town's Letter of Intent to apply for a \$150,000.00 grant to acquire a 3.9 acre parcel (the "Parcel") and rehabilitate the vacant single-family home located on the Parcel to be used for affordable housing; and

WHEREAS, on or about December 9, 2022, the Town of Amenia submitted an application for the CDBG to the DCDPD; and

WHEREAS, on or about April 5, 2023, the DCDPD issued a grant award with a number of contingencies including the allocation of \$200,273.00 of the American Rescue Plan Act (the "ARPA") funds previously awarded to the Town; and

WHEREAS, the Town Board of the Town of Amenia, by Resolution No. 38 of 2023, authorized the allocation of \$200,273.00 of the ARPA funds to satisfy said contingency; and

WHEREAS, on or about February 1, 2024, the negotiations for the purchase of the Parcel were terminated; and

WHEREAS, on or about February 21, 2024, the grant award was officially rescinded by the Commissioner of the Dutchess County Department of Planning and Development; and

WHEREAS, the Town Board of the Town of Amenia, hereby seeks to formally rescind Resolution No. 38 of 2023 allocating \$200,273.00 of the ARPA funds previously awarded to the Town.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.

2. The Town Board of the Town of Amenia hereby formally rescinds Resolution No. 38 of 2024 allocating \$200,273.00 of the American Rescue Plan Act (the “ARPA”) funds previously awarded to the Town.

Motioned By: _____

Seconded By: _____

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Blackman	_____
Councilman Rebillard	_____
Councilwoman Hamm	_____
Councilman Winters	_____
C _____	_____

Dated: Amenia, New York
March 7, 2024

DAWN MARIE KLINGNER, TOWN CLERK



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
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Resolution # ___ of 2024

RE: AUTHORIZING NYCLASS MUNICIPAL COOPERATION AGREEMENT AND NYCLASS MUNICIPAL COOPERATION DESIGNATION AS AN AUTHORIZED DEPOSITORY FOR TOWN FUNDS

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o”) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis;

WHEREAS, the Town of Amenia wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019 (“Agreement”);

WHEREAS, the Town of Amenia wishes to assure the safety and liquidity needs of their funds;

WHEREAS, the Town of Amenia wishes to designate NYCLASS Municipal Cooperation as an authorized depository for Town funds up to the maximum amount of \$3 million dollars;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.
2. That the Town Board hereby authorizes participation in the NYCLASS program under the terms of the Agreement.
3. That the Town Supervisor is hereby authorized to execute the Agreement and any other

documents to effectuate participation in the NYCLASS program under the terms of the Agreement.

Motion made by _____

Seconded by _____

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Blackman	Aye / Nay
Councilman Rebillard	Aye / Nay
Councilwoman Hamm	Aye / Nay
Councilman Winters	Aye / Nay
C/ _____	Aye / Nay

Dated: Amenia, New York

_____, 2024

DAWN MARIE KLINGNER, TOWN CLERK



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

RESOLUTION No. _____ of 2024

RE: APPOINTMENT OF DEPUTY TOWN SUPERVISOR TO THE TOWN OF AMENIA

WHEREAS, the Town Supervisor is authorized to appoint a Deputy Town Supervisor;
and

WHEREAS, the Town Board would like to recognize and thank Vicki Doyle for her service as the Deputy Town Supervisor for Town of Amenia for over eight years; and

WHEREAS, Leo Blackman, Supervisor of the Town of Amenia, has elected to appoint Rosanna Hamm as his Deputy Town Supervisor.

NOW, THEREFORE, BE IT RESOLVED, that:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Town Board acknowledges the appointment of Rosanna Hamm as Deputy Town Supervisor by Leo Blackman, Supervisor of the Town of Amenia for calendar year 2024.
3. Rosanna Hamm's appointment is on a volunteer basis and shall receive no compensation for said appointment.

Motion made by _____

Seconded by _____

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Blackman	_____
Councilman Rebillard	_____
Councilwoman Hamm	_____
Councilman Winters	_____
C_____	_____

Dated: Amenia, New York
March 7, 2024

DAWN MARIE KLINGNER, TOWN CLERK



TOWN OF AMENIA
TOWN BOARD

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RESOLUTION No. of 2024

RE: APPOINTMENT OF TOWN COUNCILPERSON TO FILL A VACANCY

WHEREAS, there exists, by operation of law, a vacancy on the Town Board of the Town of Amenia due to the resignation of Councilman Leo Blackman; and

WHEREAS, such position of Councilperson is a four (4) year term which expires on December 31, 2025; and

WHEREAS, pursuant to Town Law § 64(5), the Town Board of the Town of Amenia, by a majority vote thereof, has the authority to appoint a qualified person to fill the vacancy in an elective office until the commencement of the calendar year next succeeding the first annual election; and

WHEREAS, pursuant to Town Law § 64(5), the vacant seat will be subject to an election to fill the unexpired term at the general election in 2024; and

WHEREAS, the Town Board has received and considered the qualifications of those individuals that have expressed interest in filling said vacancy; now, therefore, be it

RESOLVED, that the Town Board of the Town of Amenia does hereby appoint _____ to fill the existing Town Board vacancy effective immediately.

Motioned By: _____

Seconded By: _____

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Blackman	_____
Councilman Rebillard	_____
Councilwoman Hamm	_____
Councilman Winters	_____
C_____	_____

Dated: Amenia, New York
March 7, 2024

DAWN MARIE KLINGNER, TOWN CLERK