

RESOLUTION #23 OF 2021
A RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF
MIDDLETOWN TO REJECT ALL BIDS IN CONNECTION WITH THE
CONSTRUCTION OF THE SEWAGE COLLECTION SYSTEM SERVING
THE HAMLET OF HALCOTTSVILLE

WHEREAS, New York City (“NYC”) provided funding for the Community Wastewater Management Program (“CWMP”), to be administered by the Catskill Watershed Corporation (“CWC”), which is intended to fund the planning, design and construction of community sewer systems and/or the creation of septic maintenance districts in the NYC Watershed West of the Hudson River; and

WHEREAS, the Hamlet of Halcottsville, Town of Middletown (“Town”), is Identified Community No. 22 of the list of 22 communities lacking community wide wastewater treatment; and

WHEREAS, the Town entered into the Participating Community Agreement with CWC for the study, planning, design and construction of a sewage collection system to convey the Hamlet of Halcottsville’s wastewater to the NYC Margaretville WWTP and the creation of a sewer use district in the Hamlet of Halcottsville (the “Project”); and

WHEREAS, the Halcottsville Sewer District was formed based upon the terms and conditions of the Program Agreement that 100% of the cost of the study, planning, design and construction of a sewage system will be funded by NYC through CWC and that long term sewer rent for households would be subsidized to not exceed \$100 per household adjusted for inflation; and

WHEREAS, by Resolution #13 of 2021, the Town solicited bids to retain the services of contractors to commence construction of the community sewage collection system to serve the residents within Halcottsville Sewer District in accordance with design plans prepared by CWC’s consultant under the Program; and

WHEREAS, on July 15, 2021, the Town received three (3) bids for the construction of the community sewage collection system, and the lowest apparent bidder was F.P. Kane with a Base Bid price of \$7,919,000, and an Additive Alternate 1 price of \$784,000, for a total price of \$8,703,000, resulting in a \$2.8M budget shortfall; and

WHEREAS, the Project Team (CWC, Lamont Engineers, and Young/Sommer LLC), has reviewed the bids and has recommended to the Town, due to the sudden and unprecedented inflation in construction costs and other issues, to reject all bids and to rebid in January 2022; and

WHEREAS, the Project cannot proceed unless it is fully funded under the Program Agreement. The Town has requested that during this interim period, CWC work with NYC to increase the funding such that the Project can proceed; and

WHEREAS, by this resolution, the Town Board is authorizing the Supervisor, with assistance from the Project Engineer, to reject all bids with the understanding that there will be an opportunity to rebid in the winter of 2022.

THEREFORE, NOW BE IT RESOLVED, that the Town Board of the Town of Middletown hereby authorizes the Town Supervisor to reject all bids subject to the understanding set forth above; and

IT IS FURTHER RESOLVED that the Town, with assistance from the Project Engineer, have or will notify all contractors that the bids will be rejected.

WHEREUPON, the Resolution was put to a vote and recorded as follows:

Motion made by: Nelson Delameter


Seconded by: Carl P. Davis

Councilperson Christopher Dabritz was not in attendance.

Resolution adopted by a vote of 4 ayes and 0 nays

I hereby certified that the above resolution was duly adopted by the Town Board of the Town of Middletown at its regular meeting held on September 8th, 2021.

Dated: September 8th, 2021


Patricia F. Kelly, Town Clerk
Town of Middletown

SEAL

STATE OF NEW YORK }
 COUNTY OF DELAWARE }
 TOWN OF MIDDLETOWN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Middletown at a regular meeting held September 8th, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

| MEMBERS PRESENT | MEMBERS ABSENT | VOTE |
|-------------------------|-----------------------|----------------------------|
| Supervisor Davis | | Yea Nay/Abstain |
| Councilperson Sweeney | | Yea Nay/Abstain |
| Councilperson Delameter | | Yea Nay/Abstain |
| Councilperson Reischel | | Yea Nay/Abstain |
| | Councilperson Dabritz | Yea/Nay/Abstain |

Dated: September 8th, 2021

Patricia F. Kelly

 Patricia F. Kelly, Town Clerk
 Town of Middletown

SEAL