

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 20

**ACCEPT AND ADOPT FINDINGS AND RECOMMENDATIONS OF MARKET STUDY
PREPARED BY RKG ASSOCIATES AND AUTHORIZE VHB TO PROCEED WITH
ENVIRONMENTAL REVIEW OF DEVELOPMENT PLAN "A" AND ALTERNATE
DEVELOPMENT PLAN AS PRESENTED ON DECEMBER 8, 2011**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, in 1998, after the Grumman Corporation chose not to renew its lease for the Naval Weapons Industrial Reserve Plant site, known and commonly referred to as "NWIRP" or "EPCAL", consisting of approximately 2,900 acres located in Calverton, Town of Riverhead, New York, the United States Navy conveyed the entire site to the Town of Riverhead Community Development Agency (CDA) for no consideration, conditioned upon the Town's reuse of the property for economic development; and

WHEREAS, in anticipation of the transfer of ownership, the Town and CDA commissioned a firm to undertake a comprehensive study and plan to reuse/develop the site consistent with the goals and mandate of economic development; and

WHEREAS, the Town adopted a land use plan based upon the study and amended the Comprehensive Master Plan of the Town of Riverhead to include new zoning use districts to effectuate this land use, to wit: Planned Industrial Park (PIP) Zoning Use District (this zoning district encompassed the bulk of the former Grumman facilities sometimes referred to as the "Industrial Core") and the balance of the property was rezoned to Planned Recreational Park (PRP) Zoning Use District; and

WHEREAS, since the transfer of title to the Town of Riverhead Community Development Agency in 1998, the Calverton site "EPCAL" has seen limited redevelopment; and

WHEREAS, due to the evolution of market, economic, and site conditions since the adoption and implementation of the original comprehensive reuse plan, the Town

and CDA , embarked on a plan to update, develop and implement a reuse plan to bring to fruition economic development to the Town of Riverhead; and

WHEREAS, the CDA, by Resolution #4 adopted on February 1, 2011, acting with and for benefit of the Town retained the services of VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) to assist the Town and CDA and provide services related to an updated Comprehensive Reuse Plan, including but not limited to, development of a revised land use plan, associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process; and

WHEREAS, related to and made part of the services provided by VHB, VHB prepared the requests for proposals related to the update of the 1996 Reuse Plan (also described as market study); and

WHEREAS, the Town Board of the Town of Riverhead authorized the issuance of a Request for Proposals for an Updated Market Study for Reuse and Revitalization of the Former Naval Weapons Industrial Reserve Plant ("NWIRP/EPCAL") by Resolution #246 adopted on April 5, 2011; and

WHEREAS, Town Board awarded RKG Associates, Inc. the contract to prepare, complete and present an updated comprehensive market study for reuse of the former Naval Weapons Industrial Reserve Plant ("NWIRP/EPCAL"); and

WHEREAS, on December 8, 2011, RKG presented, during an open and public session of the Town Board, an updated market study which identified the economic and real estate conditions influencing development on the subject site and recommended uses most compatible and viable with site conditions and market demand; uses with potential growth and sustainability; and uses that could compete within the regional market; and

WHEREAS, on December 8, 2011, VHB presented, during an open and public session of the Town Board, a plan for development and an alternate plan for development (hereinafter referred to as development plan "B")

incorporating the recommendations and findings of the market study prepared by RKG; and

NOW THEREFORE BE IT RESOLVED, the Town Board, acting as governing body of the Town of Riverhead Community Development Agency, accepts and adopts the findings and recommendations for redevelopment at EPCAL prepared by RKG; and

BE IT FURTHER RESOLVED, the Town Board, acting as governing body of the Town of Riverhead Community Development Agency, authorizes VHB to proceed with

the requisite environmental review based upon Development Plan "A" and Alternate Development Plan "B" presented to the Town Board on December 8, 2011; and

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to RKG Associates, Inc. 634 Central Avenue, Dover, NY 03820; VHB Engineering, Surveying and Landscape Architecture PC, 2150 Joshua's Path, Suite 300, Hauppauge, NY 11788, Christine Kempner, CDA Director for the Town of Riverhead; Rick Hanley, Planning Director; and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 21

**AUTHORIZES CHANGE ORDER #7 FOR
RECONSTRUCTION OF CALVERTON RAIL SPUR**

Councilman Wooten offered the following resolution,
which was seconded by Councilman Gabrielsen

WHEREAS, the New York State Department of Transportation (NYS DOT) Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (PIN #0935.61) Economic Recovery Project in the Town of Riverhead, in Suffolk County, (hereinafter "the Municipality/Sponsor") is eligible for and has been awarded funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

WHEREAS, the New York State Empire State Development Corporation through its Downstate Revitalization Fund awarded \$650,000 towards the Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation Project funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

WHEREAS, the Town of Riverhead Community Development Agency (CDA) Board desires to foster the continued development of infrastructure at the Calverton Enterprise Park site to attract businesses, improve commerce, enhance the tax base and the local economy and encourage continued economic development at the site consistent with the comprehensive plans; and

WHEREAS, on February 11, 2010, the CDA Board adopted Resolution No. 2 entitled, "Awards Calverton Rail Access Rehabilitation Contract" that awarded the construction bid for the above mentioned project to Railroad Construction Co., Inc.; and

WHEREAS, on April 6, 2010, the CDA Board adopted Resolution No. 8 entitled, "Awards Calverton Rail Access Rehabilitation Contract" that authorized Change Order #1 to the construction contract for acquisition of the Long Island Rail Road Mainline switch and adopted Resolution No. 6 entitled, "Authorizes Dunn Engineering Associates, P.C. to Proceed with Calverton Rail Construction Administration", that

authorized Dunn Engineering to proceed with construction inspection for the contract;
and

WHEREAS, on October 5, 2010, the CDA Board adopted Resolution No. 17 entitled "Authorizes Optimized Reconstruction of the Calverton Rail Spur" to request the remaining ARRA funding certified for the Calverton Rail project to enhance the design and provide more efficient trackage that accommodates modern freight rail cars to eliminate the obsolete runaround track and relocate said runaround track to include an approximately 1800' long runaround track, creates a better functioning spur that will provide more efficient service; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Riverhead Community Development Agency in cooperation with the Town Attorney, Accounting and the Town Engineering Department are authorized to proceed with Change Order #7 to the construction contract to provide for the changes as per the attached Change Order #7 prepared by Dunn Engineering utilizing ARRA NYSDOT and NYS Empire State Development grant funds; and

BE IT FURTHER RESOLVED, that the CDA Board does hereby authorize the Chairman to execute Change Order #7; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Accounting Department, the Town Attorney, the Engineering Department and the Community Development Agency; and

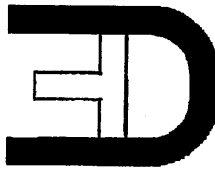
BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted



Dunn Engineering Associates, P.C.

Consulting Engineers

66 Main Street

Westhampton Beach, N.Y. 11978

631-288-2480

631-288-2544 Fax

MEMORANDUM

DATE: December 1, 2011

TO: Ken Testa, P.E., Town Engineer
Engineer-in-Charge
Town of Riverhead, NY

Christina Kempner, Director
Community Development Agency
Town of Riverhead, NY

Anthony Evola, PE
HDR Inc. (via e-mail)

FROM: Vincent A. Corrado, P.E.

SUBJECT: Change Order #7
Calverton Rail Spur Rehabilitation
Town of Riverhead, NY
PIN 093561

This memorandum updates DEA's prior memorandum of November 9, 2011. As you are aware, during the course of construction of the above project, several issues arose which required that new items be added to the contract in order for construction to proceed. In addition, field conditions encountered during construction required increases in the quantities of several other items already in the contract. The November 9, 2011 memorandum provided a description of the new items and the reasons for their addition to the project, as well as for the increases in quantities of several existing contract items. This memorandum provides a discussion of five additional existing contract items which exceeded contract quantities that did not appear in the 11/9/11 memorandum. Note that the contractor has been paid for these prior quantity overruns, and the purpose of including them in this memorandum is to add them to CO#7, so that the contract quantities can be adjusted to eliminate over runs. These items appear on Change Order #7, a current copy of which is attached. Note that the change order has been signed by the contractor, and the contractor has completed all the new items at the prices agreed upon by the Town. All existing contract quantity increases have been completed at the contract item price. Descriptions of the new and increased items follows. Those that are added by this revised memorandum are identified as such.

New Items on Change Order #7:

Item No. CO-7-01 Remove and Relocate Track Panel (Eastern Fence)

This item has been added to the project in order to remove a track panel that was previously installed under the current contract. Removal of the panel from its current location, transporting to a new location, and reinstalling the track panel at the new location is included in this item. It is necessary to remove this track panel to allow for installation of a new turnout at the current location of the track panel. The removal location was determined by the designer, HDR, Inc. The track panel will be installed at the location of a turnout that is being removed from the project, as described in Item CO-7-02, below.

The contractor provided a cost proposal for \$10,260.00 for this item.

The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item CO-7-02 Remove and Store Turnout (Eastern Fence)

This item has been added to the project in order to remove a turnout that was installed in the project rail spur by others. The installation of the turnout was not authorized by the Town or the Engineer, does not meet project specifications, and was installed in a location not approved by the Town of Riverhead or the Town Engineer. All turnout materials will be stored at a location determined by the Town, and the track panel removed in Item No. CO-7-01 will be installed at the location of the turnout to be removed under that item.

The contractor provided a cost proposal for \$8,350.00 for this item.

The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item CO-7-03 Signing and Striping per MUTCD (2 Crossings, Metro)

This item provides signing and striping on both approaches of two at grade crossings of the project rail spur located adjacent to Metro Biofuels. Pavement markings and signing for other crossings in the project were included under Item 2860.1 Furnish and Install Grade Crossing. No separate item was included in the contract for signing and striping at crossings not included in the original project. Therefore, this new item allows for installation of signing and striping at crossings not installed under the contract.

The contractor provided a cost proposal for \$12,350.00 for this item.

The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item CO-7-04 Meet Existing Crossing (Metro)

This item has been added to the project to allow modification of the rehabilitated track on either side of an existing grade crossing so that the modified track can be connected to the existing grade crossing, which is to be retained as is. The work involves removing asphalt from the existing crossing sufficient to expose rail to allow the connection, modification of the rehabilitated track to accommodate the connection, sawcutting the rail on both approaches to the crossing to be retained, and drilling for and installation of joint bars and track bolts as needed.

The Town of Riverhead Community Development Agency directed that this item be added to the project. The contractor provided a cost proposal for \$9,950.00 for this item. The Town Engineer approved this item, authorized the contractor to proceed and RCC has completed the work to the satisfaction of the CI.

Item CO-7-05 Demolish and Abandon Coal Bin Structure

This item has been added to the contract to allow for demolition below grade and abandonment in place of a concrete structure beneath the rail spur alignment, and backfill and compaction of the subgrade, so that rail can be placed across this location. The original design did not provide for any modification of this structure, and the structure is not necessary for operation of the rail spur. The Town Engineer authorized HDR Inc to inspect this feature, and HDR recommended abandonment in place to the Town.

The contractor provided a cost proposal for \$10,900.80 for this item. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item CO-7-06 Remove and Replace Structural Steel (Metro Coal Bins)

This item has been added to the contract to allow for the removal and replacement of deteriorated structural steel beams across an existing coal hopper beneath the rail spur alignment. No provision was included in the original contract to remove and replace the steel structure. The existing structure was inspected and analyzed by the designer HDR Inc and it was determined that the steel had deteriorated to the point where it was not suitable for use beneath the rail alignment. The Town Engineer authorized HDR Inc to develop design and specifications for the replacement of the steel, which were provided to the contractor for pricing.

The contractor provided a cost proposal for \$36,054.00 for this item. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has

completed the work to the satisfaction of the CI. The design was provided to NYSDOT Main Office Rail Bureau, and NYSDOT Region 10 and MO personnel inspected the installation during the final walkthrough.

Item CO-7-07 Ballast, Surface and Align Track (Hand Methodology)

This item has been added to the contract to allow for ballasting, surfacing and aligning tracks north of the coal bin locations using hand tools and rubber tire trucks, instead of automated track mounted equipment and ballast cars. No rail access to this area of rehabilitated track was available until after the coal bin issue could be resolved, and in order to maintain the project schedule, the contractor RCC Inc. incurred additional expense due to the need to perform these activities using hand tools and trucks.

The contractor provided a cost proposal for \$17,310.00 for this item.

The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item CO-7-08 Water Truck Rental

This item has been added to the contractor to provide a water truck to bring the moisture content of the subgrade beneath the track placed on new alignment within the range required in the specifications, so as to allow for proper compaction of the subgrade material to meet project specifications during construction the testing firm retained by the Town determined that the moisture content of the subgrade material was too low to allow for proper completion to meet project specifications. Therefore, it was necessary to provide a water truck to bring the moisture content up to project specification.

The contractor provided a cost proposal for \$2,646.00 for this item.

The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Quantity Increases to Existing Items:

Item 206.02 Trench and Culvert Excavation (Added by this Revised Memorandum)

The original contract quantity of 45.0 CY has been increased to 60.1 CY, due to field conditions that required the length and width of the trenches for conduit to be increased.

The contract unit cost of \$250.00 per CY was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 304.15 Furnish and Place Ballast Walkway (Added by this Revised Memorandum)

The original contract quantity of 30.0 tons has been increased to 35.7 tons due to field conditions that required the location of the signal hut to be adjusted, thus lengthening the walkway.

The contract unit cost of \$217.00 per ton was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 02515.C F&I Subballast Backfill (Included in 11/9/11 Memorandum)

The original contract quantity of 300 Tons has been increased to 1150 Tons, due to the need to excavate and stockpile a significant amount of unsuitable subgrade material beneath the rail spur alignment. This unsuitable material was identified by representatives of the testing laboratory retained by the Town of Riverhead for the project.

The contract unit cost of \$59.00 per ton was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 02831.A Furnish and Install Fence (Added by this Revised Memorandum)

The original contract quantity of 48 LF has been increased to 61 LF, due to the need to replace fence that was removed to facilitate track rehabilitation.

The contract unit cost of \$110.00 per LF was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 02850.5 Grade and Compact Subgrade (8' from Centerline of Track) (Included in 11/9/11 Memorandum)

The original contract quantity of 1000 lf was increased to 2500 lf to allow for the placement and compaction of the additional materials required to replace the unsuitable materials discussed above.

The contract unit cost of \$10.00 per lf was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 02850.8 Furnish and Install #1 Relay 115RE Rail (Added by this Revised Memorandum)

The original contract quantity of 46 tons was increased to 48.1 tons due to the need to replace a section of rail with unacceptable end gap detected at final walkthrough.

The contract unit cost of \$1250.00 per ton was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 02858.2 Furnish and Install New Rail Anchors (Added by this Revised Memorandum)

The original contract quantity of 10,808 ea was increased to 12,029 ea, due to final decisions made regarding the treatment at the coal bins and at the existing Northern Metro Crossing. As ordered by the engineer, additional anchors were required to fully box ties within 200 feet of these fixed elements.

The contract unit cost of \$6.00 each was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Item 02860.3 Remove Grade Crossing (Metro) (Included in 11/9/11 Memorandum)

The original contract quantity of one grade crossing removal was increased by one crossing removal for a total of two crossings to be removed. This allowed for the removal of one additional crossing not in the original contract.

The contract unit cost of \$2,600.00 each was applied. The Town Engineer approved this item, authorized the contractor to proceed, and RCC has completed the work to the satisfaction of the CI.

Please note that all the above items were approved in advance by the Town, have been installed to the satisfaction of the inspection staff, and appear on invoices submitted to the Town by the contractor for payment. The invoice quantities have been verified by DEA/HDR as conforming with the project record.

December 1, 2011
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If there are any questions regarding the above, please do not hesitate to contact this office.

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