

November 19, 2013

CDA Resolution List:

CDA

Res. #16 Resolution Amending Professional Services Agreement with VHB Engineering Surveying and Landscape Architecture, PC

Town Board Resolution List:

- Res. #779 Adopts Town of Riverhead 2014 Annual Budget
- Res. #780 Authorizes Community Development Department to Administer Bike Locker Program and Approves Bicycle Locker Rental Agreement
- Res. #781 Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for Ventrac Power Unit 4200 VXD KT, Vanguard DM950D or Approved Equal
- Res. #782 Authorizes the Town Clerk to Advertise for Bids on a Used 2004 or Newer 35 Ton Detachable Low Bed Trailer
- Res. #783 Ratifies the Appointment of Part-Time Police Officers and Places them on a Leave of Absence (Ryan C. Figueroa, Luigi M. Luigini)
- Res. #784 Accepts the Resignation of a Traffic Control Officer (Anthony Schoberl)
- Res. #785 Appoints a Call-In Traffic Control Specialist to the Riverhead Town Police Department (Anthony Schoberl)
- Res. #786 Authorizes the Supervisor to Execute a Lease Agreement with Kiwanis Club of Greater Riverhead
- Res. #787 Authorizes Town Clerk to Publish & Post Notice to Bidders for Electric Motor Emergency Repair/Replacement
- Res. #788 Authorization to Publish Advertisement for Purchase of One (1) 2014 Chevy Tahoe Z-71 or Equivalent Type Vehicle Chief Car with Complete Conversion for Use by the Riverhead Ambulance District
- Res. #789 Authorizes the Town Clerk to Execute an Agreement with the New York State Department of Environmental Conservation
- Res. #790 Authorization to Enact "Complete Streets" Program

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 16

**RESOLUTION AMENDING PROFESSIONAL SERVICES AGREEMENT WITH
VHB ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE, P.C.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on or about February of 2011, the Town of Riverhead (hereinafter "Town"), acting as governing body of the Community Development Agency, entered into a Professional Services Agreement with VHB Engineering, Surveying and Landscape Architecture, P.C. (VHB) for services, including, development of a an updated and revised comprehensive reuse plan with associated zoning, updated market assessment, preparation of subdivision plan, and assistance in the administration of the SEQRA process for the 2,900 acre Calverton site formerly known as the Naval Weapons Industrial Reserve Plant at Calverton; and

WHEREAS, despite diligent efforts by the Town and VHB to anticipate all tasks required to complete the services identified above and to complete the services within the parameters set forth in the Professional Services Agreement, due to circumstances beyond the control of the Town and VHB, there are additional tasks associated with the SEQRA and subdivision processes not anticipated or addressed in the original agreement; and

WHEREAS, VHB was required to undertake negotiations the New York State Department of Environmental Conservation (NYSDEC) and as a result of the negotiations VHB was required **to modify the subdivision plan several times to** obtain NYSDEC support for the project, and as a necessary consequence of the re-design of the subdivision VHB was required re-analyze potential environmental impacts for each proposed plan; and

WHEREAS, as a result of these changes, tasks and the fees related to new tasks and/or tasks identified in the original Professional Agreement need to be adjusted to account for and compensate VHB for their services; and

WHEREAS, the Town desires to adhere to its commitment to complete the development of a revised land use plan, zoning, subdivision plan, and SEQRA process related to the updated Reuse & Revitalization Plan for EPCAL such that benefits of economic development at the site may be realized by all residents; and

NOW THEREFORE BE IT RESOLVED, that the Town amends the original Professional Services Agreement to include completion of all tasks identified in the original Professional Services Agreement and those additional tasks identified in Exhibit "A" attached hereto for an additional fee not to exceed \$162,390.00; and be it further

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute an Addendum to the original Professional Services Agreement prepared and approved by the Office of the Town Attorney; and

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Theresa Elkowitz, M.S., Principal, 2150 Joshua's Path, Suite 300, Hauppauge, New York 11788; 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



November 6, 2013

VIA U.S. MAIL

Ref: 28409.00

The Honorable Sean Walter, Supervisor
Town of Riverhead
Town Hall
200 Howell Avenue
Riverhead, NY 11901

ATTN: Ann Marie Prudenti, Esq.
Chief Deputy Town Attorney

Re: Consultant/Professional Services Agreement
Comprehensive Reuse Plan for the Calverton (EPCAL) Site

Dear Supervisor Walter:

In conjunction with the renewal of our contract (as authorized by the Town Board resolution adopted on April 18, 2013, VHB had identified the need to provide for additional fees to account for the extension of the SEQRA and subdivision processes beyond the original contract term. As discussed, negotiations with the New York State Department of Environmental Conservation (NYSDEC) have consumed the better part of the last 15 months, requiring extensive work in negotiating the configuration of the subdivision so as to obtain NYSDEC support for the project, and requiring substantial re-design of the subdivision and re-analysis of impacts that have changed during the course of the negotiations.

As a result of these changes, the fees for a number of the tasks in the original agreement will need to be adjusted to account for the aforementioned additional services, services that were completed and now need to be repeated, and other analyses beyond the original scope that will need to be added to the scope. In addition, based upon the formal scoping undertaken as part of the State Environmental Quality Review Act (SEQRA) process, a number of issues were raised that were not included in our original contract. Following is a description of the additional services required to complete the SEQRA and subdivision processes based on the changes to the plan as negotiated with the NYSDEC and the outcomes of the SEQRA scoping process.

Task No. 5 – Subdivision Mapping

Since approximately June of 2012, VHB (in consultation with the Town) has been negotiating the configuration of the subdivision with the NYSDEC to provide for open space and habitat protection that would allow the NYSDEC to support the plan and agree to the Town assuming lead agency status for the SEQRA process. As part of these negotiations, services beyond the original scope have been provided including:

- Preparation of a presentation for, and attendance at, the Long Island Regional Planning Council meeting
- Additional meetings with NYSDEC, Town staff and others in excess of the 40 hours budgeted (49.5 additional hours to date)
- Preparation of numerous open space plans and calculations
- Preparation of numerous alternate subdivision plans and sketches
- Research and coordination related to miscellaneous map matters including moving the Fire District boundaries, moving existing roadways, etc.
- Additional meetings and coordination with the Town, the Town's consultant (George Hochbrueckner) and NYSDEC following submission of numerous alternate subdivision plans
- Preparation of a presentation for the Town Board regarding the progress and results of negotiations with NYSDEC
- Additional calculations, analyses and cost estimates related to Pine Barrens Credit redemption, grant applications, estimates for sewer and STP improvements
- Preparation of sketches for possible FAA use of certain lots
- Preparation of exhibits and attendance at FAA presentation
- Preparation of color maps and exhibits for various presentations
- Preparation of a new application (based on Sketch Plan provisions in the Code) to provide the basis for the SEQRA review in an expedited manner

Total additional fees for this task total \$71,889.10, which includes \$29,824.66 for re-engineering of the preliminary subdivision plan and certain aspects of the final subdivision plan, and \$42,064.44 for the additional meetings, plans, calculations, etc. during the negotiation process.

Task No. 6 – SEQRA Administration

In accordance with our original contract, we prepared and submitted to the Town, Parts 1, 2 and 3 of the EAF, as well as a Positive Declaration, for the original preliminary subdivision plan. Much of this work had to be redone to reflect the changes to the originally-prepared subdivision plan prepared (and approved by the Town) resulting from the negotiations with NYSDEC.

As part of the NYSDEC negotiations, the Draft Scope (reflecting the original scope) was expanded to incorporate the prior relevant comments of the NYSDEC offered within its correspondence to the Town of Riverhead (dated October 16, 2008 and August 18, 2009). The Draft Scope was also modified to reflect the revised preliminary subdivision plan. Additionally, during the public scoping process (including the public scoping meeting), the various comments submitted by the public and involved and interested agencies identified additional analyses that were not previously contemplated for inclusion in the scope of the Draft



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Supplemental Generic Environmental Impact Statement (DSGEIS). As reflected in the list below, it is expected that some, but not necessarily all, of those additional analyses will be included within the Final Scope to be issued by the Town.

The additional tasks and analyses to be performed that were not previously contemplated in connection with preparation of the DSGEIS are as follows:

- Preparation of a Taking Permit application related to protected species
- Development of a Habitat Protection Plan
- Assessment of impacts upon the Peconic Headwaters (water quality/hydrology, ecological)
- Air Quality and Noise impact analyses (e.g., qualitative GHG analyses, multiple scenarios [historic, existing, proposed]) beyond those performed for the US Navy EISs
- Visual and Lighting (qualitative) impact analyses
- Assessment of impacts on public access/recreation
- Assessment of relevant aspects of the Brown Tide Comprehensive Assessment and Management Program

Total additional fees for this task are \$58,500.00, consisting of \$9,000.00 in fees incurred during this process for revision of SEQRA documentation prepared for the original preliminary subdivision plan, and \$49,500.00 in fees for the additional tasks and analyses not contemplated in the original scope described above.

Task No. 6 – Traffic Analysis

As with the overall SEQRA analysis, the services associated with the Transportation Impact Analysis have been affected by the NYSDEC negotiations and input from various entities during the scoping process. Additional intersections (beyond those established in the original agreement) and roadways have been added to the analysis, additional turning movement and automated traffic recorder (ATR) counts are required, and the existing conditions model must be re-analyzed to account for these intersections. The additional intersections include:

1. NYS Route 25 at Burman Boulevard / Site Access
2. NYS Route 25 at Manor Road / Splish Splash Drive
3. Wading River-Manor Road at North Street
4. Grumman Boulevard at Burman Boulevard / Site Access

Additional ATR locations include:

1. Burman Boulevard south of NYS Route 25
2. Burman Boulevard north of Grumman Lane

It is noted that one intersection (NYS Route 25 at Yaphank Middle-Island Road) that was in the previous scope and Navy study has been eliminated through discussions with the NYSDOT based on its location in relation to the subject property. The project now requires a larger study area be evaluated, not only in terms of capacity, but in regard to other elements such as accident history, roadway features and conditions. To allow for an



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evaluation of project phasing given the anticipated long-term build-out of the site the analysis of two "Build" years is incorporated in the scope, one to correspond with the horizon established by the Absorption Study (2025), and the ultimate full build-out year. Through the scoping process, additional transportation issues, including bicycle and pedestrian impacts, temporary access, seasonal variations in background volume, and construction impacts have been identified as requiring analysis in the DSEIS.

Total additional fees for this task are \$32,000.00, which includes \$2,000.00 to update the completed existing conditions analysis and \$30,000.00 to provide the analysis of the additional intersections, issues and impacts identified in the scoping process.

Meetings

In addition to the specific tasks outlined above, we respectfully request that the original meeting attendance stipulation of the agreement be modified. The agreement currently specifies an allowance for total meeting hours for each task, but essentially limits VHB to billing for the attendance of one person at any given meeting. The nature of many of these meetings is that staff from multiple disciplines may be needed in order to make the meetings productive, and our approach to date has been to include needed staff in meetings regardless of the meeting budget limitation, in service of the Town's best interest. Particularly as the various processes (e.g., SEQRA coordination, subdivision approvals) move forward, this becomes more of a hardship if we intend to provide the necessary representation on behalf of the project. Therefore, as part of this amendment we respectfully request that for the duration of the project we be permitted to count any essential staff against the allotted meeting budgets.

In conjunction with the renewal of our contract, we respectfully request that the Town authorize increases in the fees for the affected tasks as detailed herein. We would be happy to provide any additional information requested by the Town or answer any questions you may have about the details of the amendment.

Thank you for your attention to this matter. We look forward to continuing our work on this project.

Sincerely,

VHB Engineering, Surveying and Landscape Architecture, P.C.



Kevin Walsh, P.E.
Managing Director of Long Island Operations

KW/ba
att.

28409.00 Calverton Re-Use Plan\ContractAdmin\Contracts\Draft\Contract Amendment 11-6-13.doc

