

**Town Board Meeting Minutes**  
**Wednesday, May 20, 2015 at the Rockland Town Hall**  
**Called to order by Chairman Cashman at 6:32 p.m.**  
**Adjourned at 7:54 p.m.**

The Clerk, Treasurer and all Board members were present along with Bob Gerbers, Kathy and John Schumacher, and Holly Lewis. Dan Ariens arrived at 6:42. Clerk Charette verified that the meeting was properly noticed. Chairman Cashman read the agenda.

**Funding Process for Cashman Drive reconstruction, cul-de-sac construction and culvert work**

Clerk Charette provided a summary of the special assessment and bonding process that was provided to the Board from the Town's Attorney, Andy Rossmeissl. Chairman Cashman explained that based upon CQM's estimate of the construction costs for the Cashman Drive extension and cul-de-sac, the total share the landowners would need to fund is \$55,800. Chairman Cashman informed the landowners that the Town would pick up 100% of the purchase and installation of the 36" culvert or approximately \$6,875.00. This would reduce the landowners' total share by \$3,437.50. Cashman explained that the landowners share for the construction costs would be \$52,263.00 or less than \$20,000.00 per landowner. Supervisor Van Vonderen explained that if the Town attempted to fund the cul-de-sac portion via bonding or a loan, the Town would be required to hire a professional firm to assist in obtaining interest rates, total dollars required, along with the costs for an attorney. All of these costs would be passed on to the landowners and could end up costing the landowners more than what it would cost to seek their own private funding.

Chairman Cashman read the minutes and motions from the April 28, 2015, meeting.

M/M by Supervisor Van Vonderen that based upon discussions with the landowners and the advice of the Town's attorney, the Town Board not proceed with the loan and special assessment process for funding the Cashman Drive extension and cul-de-sac; seconded by Alan Lasee. Motion carried by voice vote.

**Bidding Process for Cashman Drive reconstruction, cul-de-sac construction and culvert work**

The landowners, Lewis', Schumachers and Ariens' agreed to have CQM bid out the Cashman Drive expansion, extension, cul-de-sac and culvert work as one project.

Discussion was then had on the escrow amounts and when they would be due to the Town.

M/M by Supervisor Lasee that escrow will be accepted in two phases and that the first escrow balance of \$2,350.00 will be due June 1, 2015; seconded by Supervisor Van Vonderen. Motion carried by voice vote.

Schumachers, Lewis' and Ariens' also agreed to pay one half of the cost of conducting Tasks 1-3 of the Engineering Costs up front. The landowners agreed to have a second phase of the escrow agreement deposited prior to the start of the construction project which would include 110% of landowners' share of accepted bid for the Cashman Drive extension and cul-de-sac, plus half of Task 4 engineering costs and the \$2,000.00 legal allowance. The costs for the construction project would be based upon the bid accepted by the Town.

**Developer's Agreement for Cashman Drive reconstruction, cul-de-sac construction and culvert**

Clerk Charette provided a copy of the Developer's Agreement to the landowners that was approved by the Board on April 20, 2015. The landowners and the Board reviewed the Developer's Agreement.

Based upon this review, both the Town and the Schumachers, Lewis' and Ariens' are willing to enter into an agreement that includes the following:

- 1) The paying landowners (Lewis', Schumacher & Ariens') are in agreement in using the Town's contractor to complete all phases of the project and are willing to pay for the full cost of completing the extension of Cashman Drive and the cul-de-sac.
- 2) The Town is in agreement to pay for the complete cost (\$6,875.00) of purchasing and installing the 36 inch culvert.
- 3) The paying landowners are in agreement in using the Town's engineer (CQM, Inc.) for the whole project and are willing to pay for half of the costs for Tasks 1-4 proposed in CQM's estimate dated April 28, 2015, incorporated herein by reference.
- 4) The paying landowners are willing to dedicate the land necessary to cause the whole project to be completed. The Town does not want the landowners to accept the dedication of the land until after the project is completed and meets all Town specifications.
- 5) The paying landowners and the Town agreed to the following escrow terms: a) the first phase would be that on or before June 15, 2015, the Paying landowners would pay their half of Task 1, Task 2 and Task 3 of the Engineer's Estimate dated April 28, 2015. The total amount for these three tasks = \$14,100.00. The landowners' half equals \$7,050. Each paying landowner would be responsible for one-third of this amount or \$2,350.00 on or before June 15<sup>th</sup>; b) the second phase of the escrow would include 110% of the construction costs (to be determined after the bids are received) plus half of the costs of Task 4 (Total = \$4,780/2 = \$2,390.00) listed in the CQM's Estimate dated April 28, 2015, and the \$2,000.00 legal allowance. The parties agreed that this second phase should be paid into escrow prior to the start of construction.
- 6) Based upon the above, it was recommended that paragraphs 10, 11, 12, 13, 20 and 22 be removed from the agreement.

The parties inquired on whether there could be two separate agreements which would include one separate agreement for the Paying Landowners and another separate agreement for the Marx and Soderlunds. Clerk Charette will forward these terms and questions to the Town's attorney, Andy Rossmeissl. The Board would like to have a draft to the landowners prior to the June 1, 2015, Town Board meeting so that the revised agreement can be formalized between the parties on that date.

Tentative schedule: Sign Developer's Agreement- June 1, 2015; Receive Phase One Escrow- June 15, 2015; Authorize CQM to send out bids for construction- June 15, 2015.

**Public comment-**

None

**Adjournment**

M/M by Chairman Cashman to adjourn the meeting at 7:54 p.m.; seconded by Supervisor Lasee. Motion carried by voice vote.

All minutes have been taken truthfully and honestly and to the best of my knowledge and ability.

Jann B. Charette,  
Town Clerk

Minutes approved as written / with corrections (**strike one**) by the Town Board on Monday, June 1, 2015.

Dennis J. Cashman  
Town Chairman