

**RESOLUTION APPROVING NYSEG POLE RELOCATION EASEMENTS AND
AUTHORIZING THE TOWN SUPERVISOR TO APPROVE AND EXECUTE
AGREEMENTS, EASEMENTS, AND INSTRUMENTS NECESSARY OR DESIRABLE
FOR APPROVED DPW CAMPUS PROJECT**

RESOLUTION 25-

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The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, the Town has approved multiple construction and services contracts respecting the design and construction of the new DPW facility and campus ("Project"), in any Project of this size, multiple issues, changes, relocation of interior and exterior facilities and features, realignments of building walls or facilities, and other and smaller siting changes can and will arise; and

WHEREAS, the final layout and site plan of the DPW campus was approved by the Town Board, the architectural design, building placements, utility placements, and specifications for all work to be undertaken were approved by the Town Board, the Project specifications and designs were approved by the Town Board, the bid documents and final Project diagrams and specifications were approved by the Town Board, and the contract with the electrical contractor specifying all utility and electrical work, and the locations of all facilities, poles, and connections therefor, were also approved by the Town Board; and

WHEREAS, even in preliminary plans it was known that two pole locations for electric utilities would need to be relocated from existing poles and easement locations to new locations on the same parcel of land, including as expressly shown in diagram C-110 (among other site plans and drawings), which expressly references NYSEG and its revised pole locations in no less than 4 specific places in each and all of the final approved diagrams, plans, specifications, and construction contracts; and

WHEREAS, someone none-the-less has insisted that a further approval for relocation of the existing poles and easements on the very same parcels of land was still necessary; and

WHEREAS, in a Project of this size, hundreds of small changes, adjustments, relocations of facilities or utilities, and realignments of interior and exterior rooms and structures, will necessarily and unavoidably arise (as they do even in small projects), and having in every case to await the next town board meeting to obtain a needed approval or authorization will delay the Project by months and drive costs up by well over \$100,000; and

WHEREAS, atop all of the foregoing, making adjustments in almost all aspects of construction planning has been delegated by AIA contracts to the Town's Architects (Colliers) and Construction

Manager (LeChase), and such contracts specify when Town approval is needed for such changes and adjustments that will occur upon a near daily basis, and the Town has further designated its DPW Director to make determinations and decide matters referred to the Town respecting the Project, including the construction thereof, construction management decisions as arise in connection therewith, and a myriad of matters that have already arisen, and will continue to arise, respecting this Project; and

WHEREAS, upon due deliberation upon the needs of the Town and the Project, and further upon all of the foregoing and the easement documents submitted by NYSEG to relocate their existing easements and pole locations to the locations approved by the Town Board in the above-referenced drawings, plans, diagrams, specifications, bid documents, and contracts, the Town Board of the Town of Lansing has duly RESOLVED as follows:

1. The easement submitted by NYSEG for the Project entitled as “NS Town Barn Road,” relating to a NYSEG project to relocate an electric pole and guying facilities, as well as a related electric service connection, be and hereby is approved, and the Town Supervisor be and hereby is authorized to execute the same by and for the Town of Lansing. If already signed by the Town Supervisor, then such signature, approval, and agreement are hereby ratified fully by the Town Board as lawful and authorized acts of and for the Town of Lansing.
2. The easement submitted by NYSEG for the Project entitled “30.-1-16.12 Town of Lansing,” relating to a NYSEG project to relocate an electric pole and guying facilities, as well as a related electric service connection, be and hereby is approved, and the Town Supervisor be and hereby is authorized to execute the same by and for the Town of Lansing. If already signed by the Town Supervisor, then such signature, approval, and agreement are hereby ratified fully by the Town Board as lawful and authorized acts of and for the Town of Lansing.
3. Any other documents, instruments, easements, approvals, plans, diagrams, shop drawings needed for or in relation to the Project and its approved construction diagrams, specifications, and contracts may be, in each case, approved, accepted, and executed by the Town Supervisor by and for the Town of Lansing whenever:
 - a. The Town Supervisor determines that such approval, acceptance, or execution is in the best interests of the Town;
 - b. Such matter or document in issue is part of the already approved Project, and attending to the same is reasonably necessary as part of the regular process of construction management, or reasonably necessary/desirable to help promote efficient completion of the Project; and
 - c. Such matter or document has been reviewed and approved by either the Construction Manager or DPW Director, and when effecting a contract change or matter pertaining to the granting or surrender of land rights (such as a contract amendment, an easement, a license, etc.), or otherwise requiring the Town to enter in to any agreement or execute any instrument, the form and language for the same are reviewed and generally approved by the Attorney for the Town of Lansing.
4. All material and significant changes, alternations, approvals, and instruments needing

approval or execution shall be brought to the Town Board for final approval. The Town Supervisor is hereby delegated the authority to determine what is a material and significant change, alternation, or approval as merits or requires full board approval, and to decide which other matters to also refer to the full board. Likewise, the Town Board may require (by its affirmative majority vote) that any matter be subjected to full board review and approval, but no such determination shall make void or voidable any prior change, alteration, or approval issued or executed by the Town Supervisor, except when required by law.

5. The Town Supervisor shall, as part of her monthly Supervisor's Report, report to the Town Board upon the nature and value of each change, alternation, approval, or instrument or agreement signed or issued by the Town Supervisor during the preceding month, and such report may group such matters into general categories for purposes of efficiency and ease of reporting. Items adjusted or changed pursuant to authorized or approved construction change orders need not be re-reported under this resolution.