

**TOWN OF COPAKE
RESOLUTION
Number 37 of November 9, 2023**

To Authorize the Expenditure of Funds from the Town of Copake Capital Improvement Reserve Fund for Subsurface Investigation for Parking Lot Improvements Project, Subject to Permissive Referendum

WHEREAS, the Town of Copake has entered into an Agreement with Barton & Loguidice, D.P.C. for Professional Services (the “Agreement”) in connection with the Copake Hamlet Streetscape and Parking Lots project, which will include improvements of the County Route 7A streetscape (lighting, landscaping, streetscape furnishings and equipment), development of parking lots, and construction of sidewalks (the “Project”); and

WHEREAS, the Project constitutes a capital improvement, as that term is defined under N.Y. General Municipal Law § 6-c (1) (b); and

WHEREAS, the Project is within the scope of the type of capital improvement to be financed under the Town of Copake Capital Improvement Reserve Fund established on June 9, 2016; and

WHEREAS, in furtherance of the professional services being provided by Barton & Loguidice, D.P.C. for the Project, the Town Board determined it to be necessary and appropriate to authorize a subsurface investigation of suspected existing private sanitary sewage waste disposal systems at the site of one of the proposed parking lots; and

WHEREAS, the Town Board has authorized Barton & Loguidice, D.P.C. to engage Superior Sanitation, Inc. to conduct such subsurface investigation at a cost not to exceed \$4,000.00; and

WHEREAS, the cost of such subsurface investigation services relating to the Project constitutes a cost that is properly incurred in the development of preliminary studies or surveys relative to the Project or in development of the Project itself, and therefore constitutes part of the capital improvement for which funds from the Town of Copake Capital Improvement Reserve Fund may be expended and for which the Town of Copake Capital Improvement Reserve Fund was established; and

WHEREAS, the Town Board finds and determines that the funds of the Town of Copake Capital Improvement Reserve Fund may be used to finance the cost of such subsurface investigation services as part of the capital improvement project, subject to all applicable requirements under law, including without limitation, such authorization of expenditure being subject to permissive referendum; now, therefore,

It is hereby **RESOLVED**, that pursuant to the provisions of section 6-c of the New York State General Municipal Law, the expenditure of funds for the subsurface investigation services in connection with the Project is for a proper purpose for which the Town of Copake Capital Improvement Reserve Fund was established; and

It is hereby **FURTHER RESOLVED**, that upon audit and approval of vouchers/invoices or other payment requisitions for such subsurface investigation services for the Project presented to

the Town Board, the Town Board authorizes the expenditure of funds in amounts as may from time to time be approved by the Town Board, but not to exceed \$4,000.00 without further resolution subject to permissive referendum, from the Town of Copake Capital Improvement Reserve Fund to finance such services in furtherance of the Project; and

It is hereby **FURTHER RESOLVED**, that this resolution is subject to permissive referendum and shall only take effect as set forth in New York Town Law § 91; and

It is hereby **FURTHER RESOLVED**, that the Town Clerk is hereby directed to, within ten (10) days of the date hereof, post and publish a notice setting forth the date of the adoption of this resolution and containing an abstract of this resolution concisely stating the purpose and effect hereof and stating that the resolution was adopted subject to a permissive referendum.

Roll Call Vote The foregoing Resolution, offered by _____ and seconded by _____, was duly put to a roll call vote as follows:

Resolution No. 37
Dated November 9, 2023
Copake, New York

Roll Call Vote.

Supervisor Mettler
Councilperson Wolf
Councilperson Gansowski
Councilperson Judd
Councilperson Sullivan

Lynn M. Connolly, Town Clerk

(seal)

November 9, 2023