

BRADHURST SITE CONSTRUCTION CORP.

140 BRADHURST AVENUE, VALHALLA, NEW YORK 10595 • Telephone (914) 592-8060 • Fax (914) 592-7030

December 19, 2011

Mr. Dam O' Conner
Village of Croton on Hudson
4 Van Wyck Street
Croton on Hudson, NY 10520

Re: Proposed Athletic Field & Riverwalk at Croton Landing

Dear Mr. O'Conner,

Per our meeting on December 12, 2011, with yourself and Mr. Zambrano we again submit our claim for asphalt up charges (see attached) related to the athletic field portion of the project. The additional cost to purchase asphalt for the athletic field portion of the project was due to the delay in getting approval for the prefabricated restroom building, in addition to additional work performed by Bradhurst at the request of the Village. These delay's resulted in the postponing of the installation of asphalt until September 2008 in which there was a severe spike in asphalt prices.

Our claim for asphalt up charges for the riverwalk portion of the project was submitted to the Village on September 9, 2008. This claim was based on delays in changes in the work which included the removal of the pedestrian bridge and installing a precast concrete retaining wall, in addition to performing additional work as directed by the Village. This claim was approved and submitted for payment on April 30, 2009 as part of our requisition 8 for the riverwalk portion of the project.

One of the explanations we have received for the asphalt up charge for the riverwalk portion being approved and paid was that the County was paying for this portion of the project. Bradhurst has a contract with the Village and is not responsible for the Villages funding of the project. The basis of acceptance for the asphalt up charge were accepted for the riverwalk portion of the project and the same causes affected the athletic portion of the project. We do not see how the Village can take a different position on this claim; you cannot simply deny the claim because you the Village are responsible for payment.

The merits and facts of the claim are what are important. Due to the fact that both of the claims are in actuality due for the same reason, we demand that you submit our claim for asphalt up charges to the Village board for approval.

Should you have any questions please feel free to call.

Sincerely,



Mark Pugni
Secretary

Bradhurst Site Const. Corp.

CHANGE ORDER 5

140 Bradhurst Ave
Valhalla, NY 10959
Phone 914-592-8060 Fax 914-592-7030

To:
Mr. George Pommer, P.E.
Hahn Engineering
1689 Route 22
Brewster, NY 10509

Project:
Athletic Field at Croton Landing – Phase II
Croton-on-Hudson, NY

CHANGE ORDER DATE	REQUISITIONER	SHIPPED VIA	F.O.B. POINT	TERMS
9/29/08	Mark Pugni	N/A	N/A	30 NET
Work Performed: Asphalt Price Adjustment				

QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
573.00	TN	Asphalt Binder & Top	90.00	51,570.00
573.00	TN	Original Quote for Material	(55.00)	(31,515.00)
SUBTOTAL				\$20,055.00
15% OH & P				3,008.25
TOTAL				\$23,063.25

Peckham Materials CorpInvoice Number: **411047**Invoice Date: **10/3/2008***A subsidiary of Peckham Industries, Inc.***20 HAARLEM AVE • WHITE PLAINS, NEW YORK 10603 • 914-949-2000**

Federal ID # 14-1470013

Sold To

Bradhurst Site Construction Corp.

140 Bradhurst Avenue

Valhalla, NY 10595 USA

INVOICE

Cust#		Plant	PO Number	Description				Terms	
10930		26PMC - MONTROSE BLACKTOP	V/O Croton	athletic field&riverwalk@landing				1% 10 NET30	
Date	Item#	Description	DOT Item/BOL/JOB#	Unit	Qty	Unit Price	Net Amt	TxRt	Tax Amt
* 09/29	1258	403.17 M TYPE 6F3 TOP (FOB)		Tons	240.00	90.00	21,600.00		21,600.00

Discount available 10 Days From Receipt of Invoice
216.00Net Subtotal
21,600.00

Tax

Amount
21,600.00*Please detach and return this stub with your payment*Make check payable to: **Peckham Industries Inc.****PO Box 13783****Newark, NJ 07188-3783**

Sales Subtotal	Tax Amount	Amount
21,600.00	0.00	21,600.00
Discount available 10 Days From Receipt of Invoice 216.00		

Invoice Number: **411047**Customer Number: **10930**Invoice Date: **10/3/2008**

Plant: 26 PMC - MONTROSE BLACKTOP

Customer: Bradhurst Site Construction Corp.
140 Bradhurst Avenue
Valhalla, NY 10595 USA

Peckham Materials CorpInvoice Number: **410039**Invoice Date: **9/26/2008***A subsidiary of Peckham Industries, Inc.***20 HAARLEM AVE • WHITE PLAINS, NEW YORK 10603 • 914-949-2000**

Federal ID # 14-1470013

Sold To

Bradhurst Site Construction Corp.

140 Bradhurst Avenue

Valhalla, NY 10595 USA

INVOICE

Cust#		Plant	PO Number		Description				Terms	
10930		26 PMC - MONTROSE BLACKTOP							1%10 NET30	
Date	Item#	Description	DOT Item/BOL/JOB#	Unit	Qty	Unit Price	Net Amt	TxRt	Tax	Amt
09/22	1254	403.13 M TYPE 3 BINDER (FOB)		Tons	333.00	90.00	29,970.00	7.382	210.29	32,180.29
09/23	1254	403.13 M TYPE 3 BINDER (FOB)		Tons	441.32	90.00	39,718.80	7.382	929.26	42,648.06
09/24	1254	403.13 M TYPE 3 BINDER (FOB)		Tons	14.87	90.00	1,338.30	7.38	98.70	1,437.00

Discount available 10 Days From Receipt of Invoice
710.27Net Subtotal
71,027.10Tax
5,238.25Amount
76,265.35*Please detach and return this stub with your payment*Make check payable to: **Peckham Industries Inc.****PO Box 13783****Newark, NJ 07188-3783**

Sales Subtotal	Tax Amount	Amount
71,027.10	5,238.25	76,265.35

Discount available 10 Days From Receipt of Invoice
710.27Invoice Number: **410039**Customer Number: **10930**Invoice Date: **9/26/2008**

Plant: 26 PMC - MONTROSE BLACKTOP

Customer: Bradhurst Site Construction Corp.
140 Bradhurst Avenue
Valhalla, NY 10595 USA

Peckham Industries, Inc.
20 Haarlem Avenue, White Plains, NY 10603
(914) 949-2000

Job Description: ATHLETIC FIELDS AND RIVER WALK CROTON ON HUDSON

Quote Date: MAY. 24, 2007

Job Completion Date: DEC. 31, 2007

Quote Expiration: JUN. 23, 2007

Project Location:

Asphalt Base Price: 0.000

Salesman Information

Name: Jack Reynaud

Phone: 914-949-2000

Mobile: 914-384-2150

Fax: 914-949-2075

Email: jreyn@peckham.com

Quote ID: 10000004521 - 0

Customer: BRADHURST SITE CONST. CO
 140 BRADHURST AVE.
 VALHALLA, NY 10595

Project Contact Name: MARK

Project Phone No: 592-8060

Project Fax No: 592-7030

Project Contact Email:

Job No:

P.O. No:

Quantity	Unit of Measure	Product Description / DOT Item Code	Conv Factor	QC Index	Unit Price		Extended Total	
					FOB	Delivered	FOB	Delivered
		26 - PMC MONTROSE						
750	Tons	403.13 M TYPE 3 BINDER			55.00		41,250.00	
525	Tons	403.17 M TYPE 6F3 TOP			55.00		28,875.00	
		79 - PATTERSON QUARRY (79)						
1395	Tons	304. - ITEM 4			11.75	19.60	16,391.25	27,342.00
200	Tons	LIGHT STONE FILL			20.00	28.85	4,000.00	5,770.00
845	Tons	#2 STONE 3/4			14.50	22.35	12,252.50	18,885.75
					Tax not included			
					Total		102,768.75	51,997.75

1.) Superpave. This project may include Superpave asphalt or other HMA Items, as well as payment adjustments for In-place density, joint construction, and smoothness. The Contractor agrees to full payment for all asphalt materials which meet the specification and are approved at the plant by DOT's Material Bureau, subject to a Plant QC/QA Adjustment (if any) described in Paragraph 2, below. Contractor agrees that Peckham will not be held responsible for reduced payments made by NYSDOT or other Agency resulting from placement deficiencies including, but not limited to, mat density, joint construction, and pavement smoothness.

2.) Plant QC/QA. If any HMA Item quoted herein is supplied to an Agency which adjusts pricing based on NYSDOT HMA Plant Quality Control (QC/QA), then Peckham shall adjust the quantity, up or down (hereinafter termed a "QCU adjustment"), according to the formula used by NYSDOT. The price for these Quality Control Units shall be the price stated in the column above titled "QAF Index". In no event shall Peckham be liable for any other damages, whether direct or consequential, arising out of an adjustment in QCU's.

3.) Price Adjustment. Peckham shall adjust prices ("escalation" or "de-escalation") to reflect the Asphalt Price Adjustment, if applicable in the contract documents, and Contractor agrees to pay any amounts due. Please note that the Asphalt Price Adjustment does not apply to tack coat.

4.) True and Levelling Courses. T & L shall be priced according to the mix (Product Item #) actually supplied, unless otherwise agreed to in writing.

5.) All payment terms, conditions, and credit policies of Peckham Industries, Inc. and its Subsidiaries shall be applicable.

Accepted by: _____ Name: _____

Acceptance Date: _____

Bradhurst Site Const. Corp.
 Athletic Field - Phase II
 Asphalt Paving Quantity's

Date	Type	Athletic Field	Parking Lot	Date	Type	Athletic Field	Parking Lot	
22-Sep	Binder	23.73		29-Sep	Top	23.91		
22-Sep	Binder	4.00	19.68	29-Sep	Top	3.00	18.88	
22-Sep	Binder		23.89	29-Sep	Top		21.91	
22-Sep	Binder		23.80	29-Sep	Top		23.94	
22-Sep	Binder		23.86	29-Sep	Top		21.92	
22-Sep	Binder		23.84	29-Sep	Top		21.94	
22-Sep	Binder		23.69	29-Sep	Top		23.91	
22-Sep	Binder		23.77	29-Sep	Top		21.88	
22-Sep	Binder		23.66	29-Sep	Top		21.96	
22-Sep	Binder		23.90	29-Sep	Top		23.84	
22-Sep	Binder		23.83	29-Sep	Top		12.91	
22-Sep	Binder		23.76					
22-Sep	Binder		23.79					
22-Sep	Binder		23.80					
		27.73	305.27			26.91	213.09	573.00