

At the Farmington Town Board Meeting, held in the Town Hall on the 29th day of October 2019, at 11:15 AM, there were:

PRESENT: Peter Ingalsbe – Supervisor
Mike Casale – Councilman
Steven Holtz – Councilman-necessarily absent
Nate Bowerman – Councilman
Ron Herendeen - Councilman
Michelle Finley – Town Clerk

Also present were: **Ron Brand** – Director of Planning and Development

PUBLIC HEARINGS-

APPROVAL OF MINUTES:

PRIVILEGE OF THE FLOOR:

PUBLIC CONCERNS:

REPORTS OF STANDING COMMITTEES:

Public Works Committee: None.

Highway & Parks: None.

Town Operations Committee: None.

Town Personnel Committee: None.

Town Finance Committee: Supervisor Ingalsbe reported: None.

Town Public Safety Committee: None.

REPORTS OF TOWN OFFICIALS:

Supervisor Peter Ingalsbe reported: None.

Highway & Parks Superintendent Giroux reported: None.

Town Clerk Michelle Finley reported: None.

Water & Sewer Superintendent Dave Degear reported: None.

Code Enforcement Officer Dan Delpriore reported: None.

Director of Planning and Development Ron Brand reported: None.

Assessor Michelle Nicodemus reported: None.

Town Engineer reported: Bill Davis reported: None.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported: None.

Zoning Board of Appeals Tim Delucia reported: None.

Recreation Advisory Committee Bryan Meck reported: None.

Ontario County Planning Board Member reported: None.

Conservation Board Chairman Hilton reported: None.

Town Historian Donna Herendeen reported: None.

Agricultural Advisory Committee Chairman Hal Adams: None.

COMMUNICATIONS:

REPORTS & MINUTES:

ORDER OF BUSINESS:

The notice for this meeting was published in the Town’s Official Newspaper the Daily Messenger. It was also on the Town’s Website and the Town Clerk Bulletin Board.

Mr. Brand stated that the bonding company has agreed to retain Nardozzi, who is a local paving contracting firm in Geneva to complete the work. He added that the bonding company had also allowed for an opportunity to do extra work if it’s approved by the state with the trail project. Mr. Brand stated that the items have been reviewed and have been identified where those improvements would be. He added that Emily is putting together an estimate as to what those improvements would cost to determine if they can do all or some of them with the monies that remain in the original budget. Mr. Brand stated that with the agreement the bonding company will notify Nardozzi to start work and to have the work completed within three weeks.

RESOLUTION #449-2019:

Councilman Bowerman offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION – ACCEPTING THE TERMS AND CONDITIONS OF THE TAKEOVER AGREEMENT, WITH UNITED CASUALTY AND SURETY INSURANCE COMPANY (“USC”), FOR COMPLETING WORK REMAINING, AND ANY ORDER EXTRA WORK AUTHORIZED BY THE STATE OF NEW YORK, AS IDENTIFIED IN CONTRACT NO. D034903 FOR THE AUBURN TRAIL CONNECTOR PROJECT (PIN:4755.96); AND AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE SAID TAKEOVER AGREEMENT

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received from Robert F. Thomas, President, United Casualty and Surety Insurance Company (hereinafter referred to as UCS) a document entitled “Draft Takeover Agreement” (hereinafter referred to as Agreement) for completing work remaining under the original State Comptroller’s Contract No. D034903, for the Auburn Trail Connector Project (hereinafter referred to as PIN:4755.96); and

WHEREAS, the Town Board understands that the total amount of funds currently available in the PIN:4755.96 is \$180,507.77 (hereinafter referred to as PIN:4755.96 Contract Balance); and

WHEREAS, the Agreement also provides for UCS to enter into a separate agreement with Nardozzi Paving and Construction LLC (hereinafter referred to as Nardozzi) to complete the performance of Create A Scape’s obligations and duties under the above referenced Project (PIN:4755.96); and

WHEREAS, the Town Board further understands that said Agreement allows the Town the right to order extra work not required under PIN:4755.96, as may first be authorized by the New York State Department of Transportation, Region 4 Office, and as may be further negotiated with UCS in accordance with the terms and conditions in PIN:4755.96; and

WHEREAS, the Agreement provides for UCS agreeing to defend and indemnify the Town for any loss, cost or expense, including attorneys’ fees, incurred or paid by the Town arising from its releasing the Contract Balance to UCS.

WHEREAS, the Town Board understands that the wording in said Agreement has been resolved amongst all of the involved parties, including the Town’s Legal Advisor, Sheldon Boyce, Brenna Boyce Attorneys, the Town’s Auburn Trail Project Engineering Firm, Fisher Associates, and the Region 4 Liaison Officer, Jay Riesenger, of the New York State Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the terms and conditions contained in the Takeover Agreement.

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Town Supervisor to sign and execute the proposed Takeover Agreement.

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Town Supervisor to send a certified copy of this resolution and the signed Takeover Agreement, via Certified U.S. Mail, Return Receipt Requested, to Mr. Robert F. Thomas, President, United Casualty and Surety Insurance Company, 292 Newbury Street, Suite 105, Boston, Massachusetts, 02115.

BE IT FURTHER RESOLVED, that the Town Board does hereby direct Mr. Robert F. Thomas to sign said Takeover Agreement and to return said signed Agreement to the Town Supervisor’s Office.

BE IT FINALLY RESOLVED, that a certified copy of this resolution and a copy of the signed Takeover Agreement, be provided to: Sheldon W. Boyce, Jr., Esq., Brenna Boyce pllc, 31 East Main Street, Rochester, New York 14614; and to C. Allan Reeve, Esq., Reeve Brown, PLLC, 3380 Monroe Avenue, Suite 200, Rochester, New York 14618; and to

Todd LaBarr, Watchdog Building Partners, LLC, 3445 Winton Place, Suite 235, Rochester, New York 14623; and to Emily Smith, P.E., Project Engineer, Fisher Associates, 180 Charlotte Street, Rochester, New York 14607; and to Jay Riesenger, Regional Projects Liaison, Region 4 Office, New York State Department of Transportation, 1530 Jefferson Road, Rochester, New York, 14623; and to Jeannine Marciano, Principal Account Clerk, Town of Farmington, 1000 County Road 8, Farmington, New York 14425; and to Ronald L. Brand, Town Project Manager, 1000 County Road 8, Farmington, New York 14425.

All Voting “Aye” (Ingalsbe, Herendeen, Casale, and Bowerman), the Resolution was **CARRIED**.

TRAINING UNDER \$100: None.

WAIVER OF THE RULE:

DISCUSSION:

EXECUTIVE SESSION: None.

With no further business before the Board, **Councilman Herendeen** offered a motion to adjourn the meeting at 11:20 a.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk: _____