

THE TOWN OF FARMINGTON TOWN BOARD

Roll Call Vote

The following was presented
 By _____
 Sec'd by _____
 Date of Adoption: October 29, 2019

Names	Ayes	Nays	Abstain	Absent
Supervisor Mr. Ingalsbe				
Councilman Mr. Holtz				
Councilman Dr. Casale				
Councilman Mr. Herendeen				
Councilman Mr. Bowerman				
Total				

RE: Resolution – Accepting the terms and conditions of the Takeover Agreement, with United Casualty and Surety Insurance Company (“UCS”), for completing work remaining, and any ordered 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.