

THE TOWN OF FARMINGTON TOWN BOARD

Roll Call Vote

The following was presented

By _____

Sec'd by _____

Date of Adoption: August 15, 2019

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

RE: Resolution – Determination of Contractor’s Default under the terms of Contractual Agreement – Auburn Trail Connector, Town of Farmington, Ontario County, PIN:4755.96.

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) has received from Emily M. Smith, PE, Fisher Associates (hereinafter referred to as Town Project Engineer), documentation dated August 14, 2019 substantiating that Create A Scape (hereinafter referred to as Project Contractor) has stopped work on the above referenced Project on July 31, 2019 due to equipment failure; and

WHEREAS, the Town Project Engineer, identifies that Fisher Associates had provided the Project Contractor a request, with a deadline of Friday, August 9, 2019, to provide a schedule to complete the project which was not received.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby find the Project Contractor to be in default of their contractual obligations and commitment to the Town of Farmington due to lack of project completion.

BE IT FURTHER RESOLVED that the Town Board also finds that the Project Bond Company, United Casualty and Surety Company is to be given notice that the Project Contractor has been found in default and request said company to initiate necessary action as specified in their Bond No. UCSX372X1174.

BE IT FURTHER RESOLVED that the Town Board does hereby authorize the Town Supervisor to send a certified copy of this resolution, via Certified U.S. Mail, Return Receipt Requested, to Mr. Ryan DelRe, Managing Member, Create A Scape Enterprise, LLC, 6162 State Route 96, Farmington, New York 14425.

BE IT FURTHER RESOLVED that the Town Board directs the Town Supervisor to send a certified copy of this resolution along with a cover letter to the Project Bond Company, United Casualty & Surety Insurance Company, Attention Robert F. Thomas, Chief Financial Officer, 333 Newbury Street, Suite 105, Boston, Massachusetts, 02115; and to C. Allan Reeve, Esquire, Reeve Brown PLLC, 3380 Monroe Avenue, Suite 200, Rochester, New York 14618.

BE IT FURTHER RESOLVED that the Board directs the Town Clerk to make copies of this resolution and distribute to: Jay Riesenger, P.E., Local Project Liaison, Region 4 Office, NYSDOT, 1530 Jefferson Road, Rochester, New York 14623; Emily Smith, P.E., Fisher Associates, 180 Charlotte Street, Rochester, New York 14607; Jeannine Marciano, Principal Account Clerk; Don Giroux, Town Highway & Parks Superintendent; Ronald L. Brand, Auburn Trail Town Project Manager; and one for the Town Clerk’s Files.