

Resolution 19-13

Finger Lakes Regional Land Bank Corporation Board of Directors

Moved by *Sciotti, Lazzaro*

RESOLUTION REMOVING CONTRACTOR FROM DEMOLITION OF 22-26 VIRGINIA STREET

WHEREAS, the FLRLBC through Resolution 18-20 awarded the bid to a Contractor to demolish 22-26 Virginia Street, Waterloo for a total of \$37,850; and

WHEREAS, the CEO/President entered into the contract on August 29th, 2018; and

WHEREAS, that contract specifically indicated that the slab would be removed; and

WHEREAS, the Contractor expended \$28,850 in the demolition of the structure and was paid accordingly with a check dated January 15th, 2019; and

WHEREAS, the amount of \$9,000 was not billed by the Contractor which was intended for grading, fill, and seeding of the lot; and

WHEREAS, in the normal course of work, the Contractor discovered vermiculite containing asbestos beneath the slab; and

WHEREAS, the Contractor gave an estimate that it would cost \$30,000 to remove the remainder of the slab with the contaminated material; and

WHEREAS, the FLRLBC Board of Directors approved Resolution 19-10 To Authorize a Change Order at 22-26 Virginia Street for Vermiculite and Slab Removal for up to \$35,000; and

WHEREAS, the Contractor alerted FLRLBC Staff on February 14th, 2019 that they had identified more vermiculite on site and that they would need another change order to continue; and


WHEREAS, the Contractor was unwilling to provide a fixed estimate of what it would cost to fully remove the slab and vermiculite as well as a fixed estimate of fill, grading, and seed; and

WHEREAS, FLRLBC Staff found that it was within FLRLBC's right to terminate the contract due to the inability to adequately estimate ongoing costs and did so with the attached letter sent by certified mail and email on February 22nd; now, therefore be it

RESOLVED, that the Finger Lakes Regional Land Bank Corporation's Board of Directors Support the Removal of the Contractor from the demolition project at 22-26 Virginia Street.

I, Jill Henry, Secretary of the Finger Lakes Regional Land Bank Corporation, a corporation organized and existing under the laws of the State of New York (the "Corporation"), do hereby certify that the above is a true and correct copy of a resolution duly adopted at a meeting of the Board of Directors of the Corporation duly held and convened on February 26th, 2019, at which meeting a duly constituted quorum of the Board of Directors was present and acting throughout, and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect.

IN WITNESS THEREOF, the undersigned has affixed their signature this 26th day of February, 2019. The Corporation has no corporate seal.

x 
Jill Henry
Corporation Secretary

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	Yes	Nay	Abstain	Absent
Cindy Garlick-Lorenzetti	[X]	[]	[]	[]
Robert Hayssen	[X]	[]	[]	[]
Jill Henry	[X]	[]	[]	[]
Greg Lazzaro	[X]	[]	[]	[]
Larry Ledgerwood	[]	[]	[]	[X]
Nick Sciotti	[X]	[]	[]	[]
Gary Westfall	[]	[]	[]	[X]



Finger Lakes Regional Land Bank Corp.

1 DiPronio Drive
Waterloo, NY 13165
(315) 539-1667

February 21, 2019

Diversified Construction Services
19A Cherry Street
Phoenix, NY 13135

RE: Demolition of 22-26 Virginia Street, Waterloo, NY

Mr. Bianchi:

As you are well aware, the initial bid and contract of \$37,850 specifically included the removal of the slab as well as filling, grading, and seeding the site. Following your request for Change Order # 1 to address the hazardous waste issue found during your work, you provided an estimated amount of \$30,000 to resolve that issue. Accordingly, FLRLBC approved the requested change order for up to \$35,000 that would complete the entire project, including disposal fees and the site restoration as called for in the initial contract.

You have now advised FLRLBC that your firm cannot complete the project at this time within the funding constraints. You also state that you cannot complete the site restoration under the terms of the original contract. Your responses and explanations to address the issues and costs have been wholly inadequate.

The FLRLBC has determined that it can no longer operate under loose cost estimates for time and materials for slab removal at 22-26 Virginia Street in the Village of Waterloo. We believe that we are in our right to terminate the contract at this time and hereby do so terminate immediately.

Accordingly, you are therefore instructed to cease all activities on the 22-26 Virginia Street project immediately upon receipt of this notice. All of your equipment located on site shall be removed as soon as possible. However, your firm remains responsible for the temporary protection of the hazardous materials located at the site until coordinated with the Seneca County Codes Office to provide protection to the community for the contaminants that are currently exposed.

The FLRLBC has paid \$28,850 under that initial contract, and will pay up to \$35,000 approved under Change Order #1 with proper invoicing and documentation. FLRLBC will withhold \$9,000 from original contract as filling, grading, and seeding the site will not be completed.

Please contact our office if you have any questions.

Sincerely,

Joseph P. McGrath

JM/dke

cc: Seneca County Attorney
Chairman, FLRLBC