

A. CONVOCAATION:

1. The Canadice Town Board Special Meeting was held on November 2, 2020 at 8:00 am at the Canadice Town Hall.

2. Roll call showed the following-

- Present: Supervisor Kristine Singer
- Councilman Mark Statt
- Councilman Teryl Gronwall
- Councilwoman Kate Crowley
- Absent Councilman John O’Connor

Others Present: One (1) guest/resident attended the Special Meeting.

3. Salute to the Flag.

B. PRIVILEGE OF THE FLOOR: There was no one to be heard.

C. UNFINISHED BUSINESS:

1. **Resolution Number 75 of 2020** – Amending Agreement For Legal Services From Chalifoux Law, PC Councilman Statt motioned, Councilman Gronwall seconded, and it was unanimously carried to approve the resolution.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

WHEREAS, the Town of Canadice awarded a contract to Chalifoux Law, PC to provide Legal services for the Water District No. 1 project, with subsequent amendments increasing the contract to \$108,548.00, and WHEREAS, the Town has incurred additional costs for Legal services for negotiating easements and addressing other issues related to the project.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Canadice hereby authorizes an increase of \$5,952.00 in the budget for the Legal services from Chalifoux Law (from \$108,548.00 to \$114,500.00), with a corresponding decrease in the contingency.

RESOLVED, that certified copies of this resolution be sent to Kathy Dear from LaBella and Associates, to Chalifoux Law, PC and retain a copy in the project records.

2. **Resolution Number 76 of 2020** – Approval Of Pay Application No. 24 For Fineline Pipeline, Inc. Councilman Gronwall motioned, Councilman Statt seconded, and it was unanimously carried to approve the resolution.

*Supervisor Singer described the purpose of this resolution and how it would be used. Mr. Mark Malmendier discussed with Supervisor Singer what some of the items that are left to be completed might be.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

WHEREAS, this Board authorized the construction of Canadice Water District No. 1; and WHEREAS, bids were solicited and received for said project; and WHEREAS, Fineline Pipeline was awarded the bid in the amount of \$4,691,805.00 with a substantial

completion time frame of 330 days; and
 WHEREAS, Change Orders 1 – 12 approved by this Board have modified the contract to be \$4,781,172.35 with substantial completion to be 458 days; and
 WHEREAS, the project received NYS Department of Health approval as of July 27, 2020, the milestone for substantial completion; and
 WHEREAS, the Contractor and Engineer have reviewed the contract and made adjustments for final quantities and item costs resulting in a reduction of \$24,929.40 in the contract price; and
 WHEREAS, Fineline Pipeline, Inc. submitted their final Pay Application No. 24 which was approved by the project engineer; and
 WHEREAS, this pay application with all change orders and final quantities adjusted authorizes the release of retention in the amount of \$293,939.88; and
 WHEREAS, due to the time over run of the project liquidated damages have been assessed using the retainage and an offset to that amount; and
 WHEREAS, work on the punch list has not been completed, final expenses have not been determined and liquidated damages assessments could be reinstated, the final payment will not be made at this time; and
 WHEREAS, this Board approves the transfer of the retainage amount to liquidated damages and contingency to allow for transfers to cover expenses attributed to the time over run; now, therefore, be it
 RESOLVED, that this Board approves Pay Application No. 24 releasing the retainage and transferring it to liquidated damages or contingency until all costs for the project have been accounted for and paid; and, be it further
 RESOLVED, that final adjustments for any payment due Fineline Pipeline, Inc. will be made when all project costs have been identified and paid with any balance remaining released at that time; and, be it further
 RESOLVED, that certified copies of this resolution be sent to Kathy Dear from LaBella and Associates, to Fineline Pipeline, Inc. and retain a copy in the project records.

D. EXECUTIVE SESSION:

Councilman Statt motioned, Councilman Gronwall seconded, and it was unanimously carried to adjourn the special meeting at 8:15 am to go into executive session to discuss a personnel issue of certain individuals.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

Councilman Gronwall motioned, Councilman Statt seconded, and it was unanimously carried to adjourn the executive session at 10:00 am and resume the meeting.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

E. ADJOURNMENT:

Councilman Statt motioned, Councilman Gronwall seconded, and it was unanimously carried to adjourn the meeting at 10:01 am.

APPROVED Ayes 4 Singer, Statt, Gronwall, Crowley
 Nays 0

Respectfully submitted, _____ Eileen Schaefer, Town Clerk