

**RESOLUTION 11-14-9 of 2024
OF THE TOWN OF WASHINGTON
AUTHORIZING THE TERMINATION OF THE CONTRACT WITH VAD WITH
RESPECT TO THE SENIOR FACILITY**

Councilmember Robert Audia offered the following resolution, which was seconded by Councilmember Michael Murphy:

WHEREAS, the Town of Washington ("Town") entered into an Agreement dated August 9, 2024 with a contractor known as VAD Construction Corporation, a New York corporation ("VAD"), with an office at 777 Westchester Avenue, Suite 101, White Plains, New York, 10604 ("Agreement"); and

WHEREAS, the Agreement engaged the services of VAD in connection with the renovation of a structure located at the Town Park designated as CDBG Park Improvements Senior Facility Project, 3744 Route 44, Millbrook, New York 12545 (the "Project"); and

WHEREAS, the Agreement required workmanlike services with a Commencement of Work "promptly after the execution of the Agreement and completion thereof by November 4, 2024; and

WHEREAS, VAD was required by the Agreement to provide a performance and bid bond due to the Town by August 19, 2024; and

WHEREAS, VAD has materially breached the Agreement by, without limitation, failing to commence the work in a timely manner, failure to complete the work in a timely manner, and failure to provide the bond(s) in a timely manner; and

WHEREAS, said material breaches place the funding of the project in jeopardy and to continue under contract with VAD will jeopardize the public health safety and welfare and violate the public trust; and

WHEREAS, in order to remedy the material breaches of the Agreement and ensure the completion of the work the Town must engage a different contractor to do the work and ensure no further work is done by VAD in purported furtherance of their obligations under the Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Washington authorizes the Supervisor or his delegatee to terminate the agreement with VAD and send such notice as is necessary under the Agreement to do so.

Supervisor Ciferri: Absent

Councilmember Robert Audia: AYE

Councilmember Michael Murphy: AYE

Councilmember Joseph Rochfort: AYE

DATED: Millbrook, New York

Dated: 11/12/2024

Chrissy Briggs

CHRISSEY BRIGGS, Town Clerk

Town of Washington