



YATES COUNTY LEGISLATURE  
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Penn Yan, New York 14527  
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Leslie Church  
Chairwoman

Emilee D. Miller  
Clerk

Date: 6/20/23

TO: Department Heads  
Legislators  
Press  
Public

FROM: Emilee D. Miller, Clerk of the Yates County Legislature

RE: Special/Emergency Legislative Meeting

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### NOTICE

The Yates County Legislature will meet on June 23, 2023 at 1:30 p.m. in the Legislative Chambers located at 417 Liberty St., Penn Yan, NY 14527 to discuss the Unsuitable Soils issue at the New Highway, Office of Emergency Services / Public Health Facility.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/83648989036?pwd=cXZkTVExZkpDUGdzMlpPdTJKRjBEZz09>

Webinar ID: 836 4898 9036

Passcode: 367551

Or One tap mobile:

+16465588656,,83648989036# US (New York)

+16469313860,,83648989036# US

Or join by phone:

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US: +1 646 558 8656 or +1 646 931 3860

**Resolution No. 315-23**

**Date: 6/23/23**

**Motioned By: Banach**

**Seconded By:**

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**AUTHORIZATION TO PROCEED WITH THE REMOVAL & REPLACEMENT  
OF ADDITIONAL UNSUITABLE SOILS  
(DiFiore Construction, Inc. T&M Not to Exceed)**

WHEREAS, Resolution No. 200-23 authorized a contract with DiFiore Construction, Inc. for the Sitework Construction services on the Yates County Highway, Office of Emergency Services and Public Health Facility Project; and

WHEREAS, this contract includes a unit price for the removal and replacement of Unsuitable Soils at a unit price of \$70.00 per cubic yard; and

WHEREAS, the original contract documents identified the removal of approximately 3,000 cubic yards of unsuitable soils at various locations throughout the project site; and

WHEREAS, during the excavation and mass cut activities, DiFiore Construction and CME Associates have identified areas where additional unsuitable soil removals will be required; and

WHEREAS, the Highway Superintendent is requesting authorization to direct DiFiore Construction, Inc. to proceed on a Time and Material basis for the additional removal and replacements required at the previously identified unit price for a sum not to exceed \$300,000; and

WHEREAS, DiFiore Construction, Inc., CME Associates and Watchdog Building Partners will collectively identify the additional cubic yardage of unsuitable soil materials removed

NOW, THEREFORE, BE IT RESOLVED, that DiFiore Construction, Inc. is authorized to proceed with the identified additional scope of work; and be it further

RESOLVED, that the necessary funds for this change will be allocated from the project contingency line item; and be it further

RESOLVED, the Chairwoman of the Legislature is authorized to execute the appropriate documents to affect the above amendment upon determination of the final cubic yardage removed and the final dollar amount; and be it further

RESOLVED, that copies of this resolution be provided to C & S Engineers, Inc., the Office of Emergency Services Director, the Highway Superintendent, the Director of Public Health, the Director of Finance, the Building Maintenance Supervisor, the County Administrator, Watchdog Building Partners and DiFiore Construction, Inc.