

Resolution 2017-18: 51
Escrow Agent Services – Monroe High School Phase 2

By Board Member Jones

WHEREAS, the Rochester School Facilities Modernization Program Act (“the Act”) established the Rochester Joint Schools Construction Board (“RJSCB” or “Board”), a seven voting member board consisting of equal representation by the City of Rochester (“City”) and the Rochester City School District (“District”), as well as a member jointly selected by the City and the District; and

WHEREAS, under the Act, the RJSCB has certain enumerated powers to act as agent for the District, the City, or both; and

WHEREAS, the authorizing legislation for Phase 2 of the Rochester Schools Modernization Program (“RSMP”) was signed into law by the Governor of the State of New York on December 17, 2014; and

WHEREAS, the Amended Act authorized up to 26 projects in Phase 2 of the RSMP including a District Wide Technology program which involves technology upgrades and infrastructure work at several of the possible projects; and

WHEREAS, the RJSCB purchased a comprehensive Builder’s Risk Insurance policy for Phase 2 of the RSMP, which includes Builder’s Risk and Existing Structure coverage, from Travelers Casualty Company of America (“Travelers”); and

WHEREAS, Phases 2a and 2b are currently underway for the Monroe High School project; and

WHEREAS, on or about August 14, 2017, the Program Manager discovered a water related casualty loss at Monroe High School, and a claim was thereafter made on the Travelers Builder’s Risk policy; and

WHEREAS, the RJSCB has taken measures to mitigate and remediate the losses, and Travelers has authorized the RJSCB to engage consultants, contractors and vendors to do so; and

WHEREAS, Travelers has advised the Program Manager that an escrow account should be established to pay consultants, contractors and vendors and other casualty loss expenses with the proceeds from the Travelers Builder’s risk policy; and

WHEREAS, the RJSCB has determined to enter into an escrow agreement with Bond, Schoeneck & King, PLLC, its Phase 2 general counsel, and Travelers to allow for the payment of the Monroe High School project casualty loss related expenses incurred by the RJSCB with proceeds from the Travelers Builder’s Risk policy.

THEREFORE, BE IT RESOLVED:

1. That the RJSCB hereby approves Bond, Schoeneck & King, PLLC to act as escrow agent in connection with the Builder’s Risk Insurance Policy funds paid by Travelers resulting from the casualty loss at Monroe High School; and
2. The RJSCB’s Chair is hereby authorized, in the name and on behalf of the RJSCB, to execute an escrow agreement with Travelers and Bond, Schoeneck & King, PLLC that is consistent with this approval and in an acceptable form to the Chair.

Second by Board Member Richards
Approved 6-0 with Member Cruz away