



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA SPECIAL MEETING January 25, 2018

**Call to Order** **6:00 PM**  
**Pledge of Allegiance**  
**Town Board Meeting:**

### Members of Town Board

Present Absent

<input type="checkbox"/>	<input type="checkbox"/>	Supervisor J. Conway
<input type="checkbox"/>	<input type="checkbox"/>	Councilor T. Tierney
<input type="checkbox"/>	<input type="checkbox"/>	Councilor H. Kennedy
<input type="checkbox"/>	<input type="checkbox"/>	Councilor R. Matters
<input type="checkbox"/>	<input type="checkbox"/>	Councilor G. Warner

### Schedule of Meeting:

**Open Public Privilege:** NOTE – Each speaker may choose to state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision making process. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

### **Executive Session to discuss a Litigation Issue and a Personnel Issue concerning promotional opportunities in the Police Department**

#### **20-2018 A Resolution Approving a Settlement With Servpro of Southern Saratoga County, Inc and Authorizing the Supervisor to Execute Any Documents Associated With the Settlement**

**WHEREAS**, on March 13, 2015, a sludge spill occurred at the East Greenbush Waste Water Treatment Plant construction site; and

**WHEREAS**, the spill resulted in a substantial volume of sludge being poured into the plant, disrupting the work in progress, and requiring the engagement of a specialist firm to undertake the task of cleaning the Waste Water Treatment Plant; and

**WHEREAS**, on March 13, 2015, the town engaged Servpro of Southern Saratoga County to undertake a complete cleaning and disinfecting of the Waste Water Treatment Plant, which tasks the firm completed as confirmed in testing by industrial hygienists; and

**WHEREAS**, Servpro and the Town agreed that the exact cost of the engagement had to be determined by an initial survey of the work, which survey was never completed because of the emergent condition confronting the Town, and both parties agreed that the exact price of restoring the Town’s property could only be determined as the work progressed; and

**WHEREAS**, at the end of the cleaning of the Waste Water Treatment Plant, Servpro submitted an invoice in the amount of \$104,000.00, while the insurance adjuster representing the Town judged the proper cost to be \$54,000.00; and

**WHEREAS**, several unsuccessful attempts were made to settle the dispute, Servpro filed suit against the Town demanding the payment of \$104,000.00 plus attorneys’ fees and interest; and

**WHEREAS**, after the case proceeded through the discovery phase and the taking of depositions both sides agreed to settle the case and satisfy all claims asserted by Servpro against the Town by the payment of \$89,000.00 to Servpro of Southern Saratoga County, Inc; and

**WHEREAS**, the Town Comptroller confirms that the net financial impact of this resolution is \$89,000.00 from the General Sewer Fund Balance (Footnote: \$29,856.32 of this fund balance was paid for by insurance in 2015 for this portion of the sludge spill initial advance);

Fund	Transfer in	Transfer out
SS 917 – General Sewer Fund (07) Balance		\$89,000.00
81304.07.04 General Sewer Treatment Disposal CE	\$89,000.00	

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves the negotiated settlement and agrees to pay Servpro of Southern Saratoga County, Inc the amount of \$89,000.00 and Servpro of Southern Saratoga County, Inc. will release the Town from all claims made or to be made by the vendor with respect to the sludge spill which occurred on March 13, 2015;

and it is further;

**RESOLVED**, that the Town Board authorizes the Supervisor to execute any and all necessary documents related to this settlement.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

**ADJOURNMENT**

Motion to adjourn by Supervisor Conway and seconded by Councilor Tierney and brought to a vote as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED: