



**RESOLVED**, that the Town Supervisor is hereby authorized to sign the change order authorizing the contract amendment approving the installation of the Clarifier Drives at the Waste Water Treatment Plant.

The foregoing resolution was duly moved by Supervisor Langley and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**87-2015      A Resolution to Approve the Amendment to the Contract via Change Orders Requesting an Additional 151 days be Added to Phase 2 for the Waste Water Treatment Plant Project**

**WHEREAS**, Regulatory agency approval required that a portion of the out fall line be replaced in order to meet new capacity demands. This was above the original scope of the project. The new sewer lines will have to be installed under an existing AMTRAK rail line. Finalizing the approval and work itself has and will require time, and,

**WHEREAS**, there was also a spill of sludge at the site, causing delays due to clean up and disinfection as the contractors were not allowed entry into areas of work, and,

**WHEREAS**, new work was introduced to the contract including new clarifier drives, new underground piping, etc all which require more contract time to complete, and

**WHEREAS**, the following contractors require the additional 151 days to complete the project, pushing the completion date of Phase 2 to November 25, 2015, and

**WHEREAS**, this change order does not require additional funds, just a time increase; and

**WHEREAS**, the Town Comptroller hereby confirms that this will not have an impact on the 2015 Town Budget now, therefore, be it

**RESOLVED**, that

*U.W. Marx Construction – Contract #1 – General Construction - Change Order #3*

*Stilsing Electric – Contract #2 – Electrical Construction – Change Order #2*

*Family Danz Heating and AC – Contract #3 HVAC Construction – Change Order #2*

*Tri Valley Plumbing and Heating – Contract #4 – Plumbing Construction – Change Order #2*

Are all granted an additional 151 days to complete Phase 2 of the Waste Water Treatment Plant Upgrade Project by November 25, 2015 at no additional cost to the Town of East Greenbush, and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to sign the change orders authorizing the time extension and amendment to the original contract.

The foregoing resolution was duly moved by Supervisor Langley and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**88-2015      A Resolution Authorizing the Contract with Delaware Engineering for Professional Engineering Services to Provide Engineering Services and Support for Damage Associated with the Sludge Spill**

**WHEREAS**, the Sludge Spill at the Waste Water Treatment Plant caused damage to existing aspects in the building that were not part of the current upgrade, and pieces of equipment that were part of Delaware's Engineering's design; and

**WHEREAS**, Delaware Engineering has presented a proposal to provide engineering services during the assessment and implementation of the work that is needed to be done to fix the damage caused by the sludge overflow; and

**WHEREAS**, the scope of the work would include analyzing existing and new plant equipment and the recommendation to replace said equipment. Contractors on site will be asked to assess damage as well, and give approximate costs of labor to replace equipment, and what they may need to temporarily shut down to facilitate the work. These labor costs, work procedures, and possible process interruptions will be analyzed and reviewed prior to implementation; and

**WHEREAS**, Delaware Engineering has intimate knowledge of the plant and there is need for this work to be performed regardless of the occurrence of the spill; and

**WHEREAS**, Delaware Engineering will conduct this scope of work on a time and materials basis based on the Delaware Engineering 2015 Fee Schedule and that the intent is that all of the costs incurred by the Town are to be repaid through the insurance reimbursement; and

**WHEREAS**, Delaware Engineering would provide services detailed within the Scope of Services and the Cost of Services to the Town in support of the remediation work associated within the spill, as presented in the proposal dated May 29, 2015, will not exceed \$77,810 without prior authorization by the Town's insurance and approved by the Town Board, and; the intent is that all of the costs incurred by the Town are to be repaid through the insurance reimbursement; and

**WHEREAS**, the Comptroller states that any impact is limited by Town's insurance claim which is still open or instead covered by Sewer fund balance for the portion of the current proposal estimate limit denied by insurance; now, therefore, be it

**RESOLVED**, that the Town Supervisor is authorized to sign the contract with Delaware Engineering to provide Engineering Services and Support for the damage associated with the sludge spill upon review and approval from the Town Attorney;

The foregoing resolution was duly moved by Supervisor Langley, and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**89-2015      A Resolution Authorizing the Contract with The Chazen Companies Engineering for Professional Engineering Services to Provide Engineering Services and Support for Damage Associated with the Sludge Spill**

**WHEREAS**, the Town recognizes that since 2013, Chazen has provided construction oversight and inspection services to the Town for the upgrade of the Town's Waste Water Treatment Plant pursuant to EFC funding and the terms of the contract dated January 16, 2013. This experience makes Chazen fully qualified and knowledgeable with the facility, the

construction contracts that were awarded for the improvements and the contractors providing those services; and

**WHEREAS**, on March 12, 2015, a waste water spill occurred inside the Waste Water Treatment Plant causing significant damage to both existing equipment and equipment installed as part of the approved upgrade project. Besides the damage to the interior of the plant, sludge flowed out of the waste water treatment plant onto the site; and

**WHEREAS**, Chazen would provide services detailed within the Scope of Services and the Cost of Services to the Town in support of the remediation work associated within the spill, as presented in the proposal dated May 28, 2015, will not exceed \$245,000 without prior authorization by the Town's insurance and approved by the Town Board, and; the intent is that all of the costs incurred by the Town are to be repaid through the insurance reimbursement; and

**WHEREAS**, the Comptroller states that any impact is limited by Town's insurance claim which is still open or instead covered by Sewer fund balance for the portion of the current proposal estimate limit denied by insurance; now, therefore, be it

**RESOLVED**, that the Town Supervisor is hereby authorized to enter into the agreement with The Chazen Companies for the work related to the Waste Water Treatment Plant Sludge Spill upon review and approval from the Town Attorney.

The foregoing resolution was duly moved by Councilperson Malone and seconded by Supervisor Langley and brought to a vote resulting as follows:

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**90-2015      Resolution Approving U.W. Marx's Proposal to Complete Rework at the Waste Water Treatment Plant Due to the Sludge Spill, and Authorizing the Supervisor to Execute Documents Necessary for the Work and to Approve Payment for Said Work**

**WHEREAS**, on March 12, 2015, there was a sludge spill at the Waste Water Treatment Plant construction site; and

**WHEREAS**, the Sludge Spill resulted in substantial damage to the work in progress which has been performed by the contractor under the Waste Water Treatment Plant Upgrade Project Contract #1 ó General Construction; and

**WHEREAS**, it is anticipated that the costs of repairing these damage will be covered by the Town's insurance carrier; and

**WHEREAS**, U.W. Marx has submitted a proposal for rework to be completed at the Waste Water Treatment Plant as a result of this spill in the amount of \$209,663.85, that includes time, labor and materials, and the Town has been advised by its engineering consultants that the proposal is reasonable; and

**WHEREAS**, the Comptroller states that this work is covered in the insurance claim and insurance adjusters report for the three main contractors; and now, therefore, be it

**RESOLVED**, that the UW Marx proposal for rework is accepted by the Town; it is further

**RESOLVED**, that the Supervisor is authorized to execute documents necessary for this work, may approve the payment of bills for such work, upon approval of the Town's project engineering consultants, and the provision of funds from the Town's insurance company.

The foregoing resolution was duly moved by Supervisor Langley and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**91-2015 Resolution Approving Stilsing Electric’s Proposal to Complete Rework at the Waste Water Treatment Plant Due to the Sludge Spill, and Authorizing the Supervisor to Execute Documents Necessary for the Work and to Approve Payment for Said Work**

**WHEREAS**, on March 12, 2015, there was a sludge spill at the Waste Water Treatment Plant construction site; and

**WHEREAS**, the Sludge Spill resulted in substantial damage to the work in progress which has been performed by the contractor under the Waste Water Treatment Plant Upgrade Project Contract #2- Electrical; and

**WHEREAS**, the costs of repairing the damage will be covered by the Town’s insurance; and

**WHEREAS**, Stilsing Electric has submitted a proposal for rework to be completed at the Waste Water Treatment Plant as a result of this spill in the amount of \$297,010.18, that includes time, labor and materials, and the Town has been advised by its engineering consultants that the proposal is reasonable; and

**WHEREAS**, the Comptroller states that this work is covered in the insurance claim and insurance adjusters report for the three main contractors; and now, therefore, be it

**RESOLVED**, that the Stilsing Electric proposal for rework is accepted by the Town; it is further

**RESOLVED**, that the Supervisor is authorized to execute documents necessary for this work, may approve the payment of bills for such work, upon approval of the Town’s project engineering consultants, and the provision of funds from the Town’s insurance company.

The foregoing resolution was duly moved by Councilperson Malone and seconded by Supervisor Langley and brought to a vote resulting as follows

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**92-2015 Resolution Approving Family Danz’s Proposal to Complete Rework at the Waste Water Treatment Plant Due to the Sludge Spill, and Authorizing the Supervisor to Execute Documents Necessary for the Work and to Approve Payment for Said Work**

**WHEREAS**, on March 12, 2015, there was a sludge spill at the Waste Water Treatment Plant construction site; and

**WHEREAS**, the Sludge Spill resulted in substantial damage to the work in progress which has been performed by the contractor under the Waste Water Treatment Plant Upgrade Project Contract #3 - HVAC; and

**WHEREAS**, the costs of repairing these damage will be covered by the Town's insurance carrier; and

**WHEREAS**, Family Danz has submitted a proposal for rework to be completed at the Waste Water Treatment Plant as a result of this spill in the amount of \$60,147.30, that includes time, labor and materials, and the Town has been advised by its engineering consultants that the proposal is reasonable; and

**WHEREAS**, the Comptroller states that this work is covered in the insurance claim and insurance adjusters report for the three main contractors; and now, therefore, be it

**RESOLVED**, that the Family Danz proposal for rework is accepted by the Town; it is further

**RESOLVED**, that the Supervisor is authorized to execute documents necessary for this work, may approve the payment of bills for such work, upon approval of the Town's project engineering consultants, and the provision of funds from the Town's insurance company.

The foregoing resolution was duly moved by Supervisor Langley and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**93-2015      A Resolution Approval of the Anjo Construction LTD Payment for Work Completed as a Result of the Sludge Spill at the Waste Water Treatment Plant**

**WHEREAS**, Resolution 47-2015 authorized emergency remediation services for the Waste Water Treatment Plant and Payment therefore, and Anjo Construction LTD., was not named originally as a contractor completing remediation work; and

**WHEREAS**, Anjo Construction contained and performed the clean-up of the sludge spill outside of the Administration Building at the Waste Water Treatment Plant at a cost of \$20,089.43; and

**WHEREAS**, the Comptroller states that insurance claim proceeds have been received by the Town for cleanup, and that they are sufficient to pay this claim; now, therefore, be it;

**RESOLVED**, that the Supervisor is authorized to pay Anjo Construction in the amount of \$20,089.43 upon approval by the Insurance Company for the remediation of the sludge spill at the Waste Water Treatment Plant.

The foregoing resolution was duly moved by Councilperson Malone and seconded by Supervisor Langley and brought to a vote resulting as follows:

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**94-2015      Authorizing the Technical Services Change Order for Construction Services Contract Extension to the November 25, 2015 at the East Greenbush Waste Water Treatment Upgrade Project**

**WHEREAS**, Chazen has submitted to the Town a Technical Services Change Order (TSCO) with the intent to capture costs associated with construction inspection and construction

administrations services which are necessary due to the extension of the project schedule to November 25, 2015; and

**WHEREAS**, this extension is due to several circumstances including the addition of the off-site railroad work, replacement of the secondary clarifier drives, and the sludge spill that occurred on March 12, 2015. Based on the circumstances, an additional 21 weeks of construction are anticipated at this time; and

**WHEREAS**, no costs associated with the sludge spill remediation are included in this TSCO, the only additional costs are proposed below:

Task	Task Description	Current Budget and Type		Change and New Budget	
		Lump Sum	Time & Materials	Increase	New Budget
004	Construction Administration	\$98,800	--	\$8,000	\$106,800
005	Construction Inspection		\$463,500	\$70,000	\$533,500
RE	Reimbursable Expenses	--	\$20,600	\$2,000	\$22,600
<b>SUBTOTAL</b>				<b>\$80,000</b>	

And

**WHEREAS**, approval of the increased project budget is subject to Environmental Facilities Corporation (EFC) approval; and

**WHEREAS**, the Town Comptroller hereby confirms that this will not impact the 2015 Town Budget inasmuch as no disbursement by the Town shall occur unless and until EFC approves the expenditures; now, therefore, be it

**RESOLVED**, that the Supervisor is authorized to sign the Technical Services Change Order for Construction Services and Contract Extension to November 25, 2015 in relation to the Waste Water Treatment Plant Upgrade.

The foregoing resolution was duly moved by Supervisor Langley and seconded by Councilperson Malone and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

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## ADJOURNMENT

Motion to adjourn by Supervisor Langley seconded by Councilperson Matters and brought to a vote as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Councilperson Malone	VOTED