

RESOLUTION NO. 193

**AUTHORIZING AN AMENDMENT TO AN AGREEMENT REGARDING
SPECIAL COUNSEL FOR THE SEWER DISTRICT'S WASTE HEAT
COGENERATION PROJECT**

Introduced: 6/9/14
By Law Committee:

WHEREAS, The Executive Director of the Sewer District has requested authority to continue retention of special counsel regarding the Waste Heat Co-Generation Project, and

WHEREAS, The Executive Director indicated that the continuity with the current attorney will help assure the County's legal interests remain fully protected to address legal issues pertaining to C.O. Falter Construction Corporation's failure to perform the obligations under the contract regarding the project, and

WHEREAS, This Honorable Body has a well-established record of pursuing legal remedies in cases where the contractor has failed to perform and the tax payers are not realizing the benefits of the bargain, and

WHEREAS, This Legislative Body completely supports the Executive Director in his pursuit of a legal remedy against C.O. Falter for their failure to perform as promised, and

WHEREAS, The Executive Director has requested authorization increase the amount of the agreement from \$90,000 to \$150,000 in order to move forward with this phase of the litigation, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Breakell Law Firm, LLC, 10 Airline Drive, Albany, NY in an amount up to \$150,000 on behalf of the Sewer District for this phase of litigation against C.O. Falter Construction Corporation regarding the Waste Heat Co-Generation Project, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Adopted by unanimous vote. 6/9/14