



**TOWN OF MILLIKEN  
TOWN BOARD OF TRUSTEES  
AGENDA MEMORANDUM**

<b>To:</b> Mayor Tokunaga and Town Board of Trustees	<b>Meeting Date:</b>
<b>From:</b> Linda Michow, Town Attorney and Kent Brown, Town Administrator	Wednesday, March 9, 2016

Agenda Item #	Action: <b>X</b>	Discussion:	Information:
<b>Agenda Title:</b> Consideration of confidentiality agreement with Stewart Environmental Consultants, LLC and Stewart CMF, LLC, FEI Engineers, Inc. and the Town of Milliken to provide the basis for a proposed Professional Services Agreement to perform a pilot test to be conducted at the Milliken RO Facility			
<b>Attachments:</b> Agreement (to be provided)			

**PURPOSE**

To review and consider for approval a confidentiality agreement proposal between Stewart Environmental Consultants, LLC and Stewart CMF, LLC; FEI Engineers, Inc. and the Town of Milliken.

**BACKGROUND**

Dave Stewart of Stewart Environmental presented a proposal to make improvements to the reverse osmosis plant at the Town Board work session on January 13. An additional meeting was scheduled on January 21 for the Board members that were unable to attend on January 13. An initial proposal was reviewed by staff and Town Attorney. As a result, the proposal was revised to not include the entire project; but, to separate the initial pilot project as a separate agreement. During the discussions regarding an agreement for a pilot test project, the subject of verification was identified. Consequently, Dave Stewart of Stewart Environmental stated that any individual or firm that would review the project and/or results would need to sign a non disclosure/non compete/confidentiality agreement before certain information would be released. After further discussion among staff and legal representatives, this confidentiality agreement has been prepared that would be signed by all three parties that would have access to the privileged and confidential commercial data.

**BUDGET IMPLICATIONS**

n/a.

**RECOMMENDATION**

Staff recommends the Board of Trustees approve the proposed agreement.

**SUGGESTED MOTION**

"I move to approve the confidentiality agreement between Stewart Environmental Consultants, LLC and Stewart CMF, LLC; FEI Engineers, Inc. and the Town of Milliken and authorize the Mayor to sign the agreement."