

RESOLUTION #1 of 2020
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF MIDDLETOWN
AUTHORIZING THE SUBDIVISION OF PROPERTY FOR THE
COMMUNITY WASTEWATER MANAGEMENT PROGRAM IN THE
HAMLET OF NEW KINGSTON

WHEREAS, the Town Board of the Town of Middletown previously entered into an agreement with the Catskill Watershed Corporation (“CWC”) to participate in the Community Wastewater Management Program, which program will provide for the design and construction of a wastewater management project in the Hamlet of New Kingston (“Project”); and

WHEREAS, the CWC through the program, will provide full funding for the wastewater management project through a block grant; and

WHEREAS, in order to proceed with the planning and permitting for the Project, the Town of Middletown (“Town”) must select and acquire property for use in the construction of the sewer collection system and community septic system; and

WHEREAS, the Town has selected the location which meets specified criteria regarding size, location, elevation, environmental, and availability; and

WHEREAS, the subject property is located off of County Highway 6 in the Town of Middletown, including Tax Parcel No. 241.-1-1.1 (“Property”). The Property will be subdivided. The Town desires to purchase a 21.7 acres portion of the Property, as shown on the attached proposed Subdivision Plat, identified as “Lot 1”; and

WHEREAS, the Town’s special project attorney has determined that under the “balancing of public interests” test adopted by the Court of Appeals in the *Matter of County of Monroe v. City of Rochester*, the Town’s purchase and subsequent subdivision of the Property is immune from the subdivision law. (See *Matter of County of Monroe v. City of Rochester*, 72 NY2d 338 (1988); and

WHEREAS, it is in the interest of the Town to proceed and purchase “Lot 1” as soon as practical so that the Project can proceed as soon as possible.

NOW BE IT RESOLVED:

1. The Town hereby authorizes the subdivision of the Property; and
2. Supervisor Davis is authorized to execute the attached subdivision map and record same with the Delaware County Clerk’s Office.

Whereupon, the Resolution was put to a vote, recorded as follows:

Motion made by: Julia Reischel

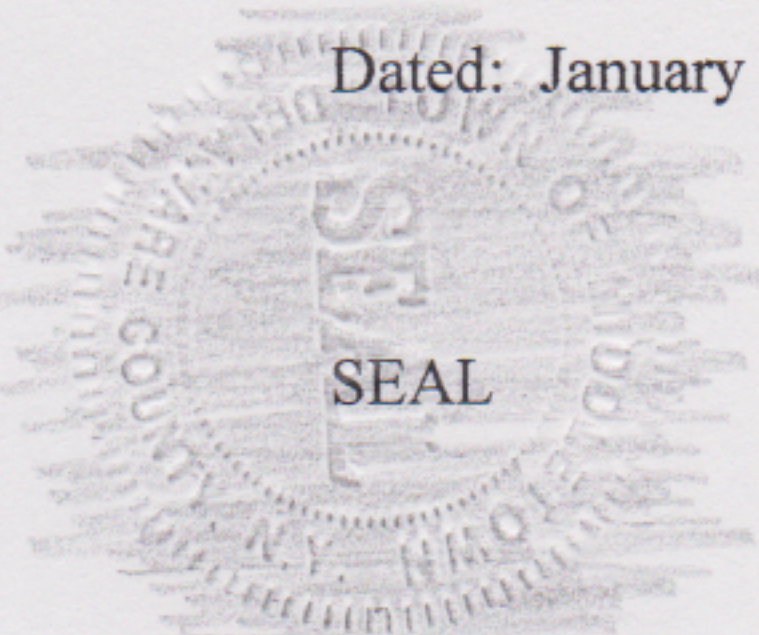
Seconded by: Christopher Dabritz

Resolution adopted by a vote of 5 ayes and 0 nays

I hereby certified that the above resolution was duly adopted by the Town Board of the Town of Middletown at its regular meeting held on January 15th, 2020.

Dated: January 15th, 2019

Patricia F. Kelly
Patricia F. Kelly, Town Clerk
Town of Middletown



STATE OF NEW YORK }
COUNTY OF DELAWARE }
TOWN OF MIDDLETOWN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Middletown at a regular meeting held January 15th, 2020, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Supervisor Davis		<u>Yea/Nay/Abstain</u>
Councilperson Sweeney		<u>Yea/Nay/Abstain</u>
Councilperson Delameter		<u>Yea/Nay/Abstain</u>
Councilperson Reischel		<u>Yea/Nay/Abstain</u>
Councilperson Dabritz		<u>Yea/Nay/Abstain</u>

Dated: January 15th, 2020

Patricia F. Kelly
Patricia F. Kelly, Town Clerk
Town of Middletown

