

RESOLUTION #5 OF 2022

**RESOLUTION AUTHORIZING THE TOWN TO ENTER INTO AND
THE SUPERVISOR TO EXECUTE AN OPERATION AND MAINTENANCE
AGREEMENT FOR THE NEW KINGSTON SEWER DISTRICT**

WHEREAS, the City of New York (“the City”), in January 1997, entered a Memorandum of Agreement regarding the City’s watershed protection program by and among the City, the State of New York, the United States Environmental Protection Agency, Catskill Watershed Corporation, the Coalition of Watershed Towns, Putnam County, Westchester County, certain watershed municipalities and certain environmental groups (the “Watershed MOA”); and

WHEREAS, as part of the Filtration Avoidance Determination (“FAD”) issued by the United States Environmental Protection Agency (“EPA”) to the City in November 2002 and consistent with Paragraph 122 of the Watershed MOA, the City agreed to provide funds for the Program to study, design, permit and construct facilities for the collection, treatment and disposal of wastewater in certain communities listed in the New Infrastructure Program (Paragraph 122 of the Watershed MOA) through the Program, including the Town of Middletown; and

WHEREAS, the Town of Middletown (“Town”) entered into an agreement with the Catskill Watershed Corporation (“CWC”) to participate in the Program, providing for the funding for the planning, design, construction and supervision of a sewage collection system and waste water treatment plant for the Hamlet of New Kingston (the “Project”); and

WHEREAS, the CWC, through its engineer, conducted extensive investigation, planning and some design for the Project; and

WHEREAS, by Resolution #14 of 2019, the Town established the New Kingston Sewer District (the “District”); and

WHEREAS, the Town now desires to enter into an agreement between the City and the Town for funding a portion of the System’s operation and maintenance costs pursuant to the Program; and

WHEREAS, the Town’s attorney and the City have negotiated and have reached an agreement on the terms of the Operation and Maintenance Agreement (“Agreement”); and

WHEREAS, it is in the interest of the Town to proceed with execution of the Agreement to fund a portion of the System’s operation and maintenance costs.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD
OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK:**

The Town Supervisor is authorized to execute, on behalf of the Town, the Operation and Maintenance Agreement, in the form attached hereto and incorporated herein, as approved by the attorney for the Town.

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

Motion made by: Nelson Delameter

Seconded by: Brian Sweeney

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 March 9th, 2022.

Dated: March 9th, 2022

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

SEAL

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 March 9th, 2022, 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</u> /Nay/Abstain
Councilperson Sweeney		<u>Yea</u> /Nay/Abstain
Councilperson Delameter		<u>Yea</u> /Nay/Abstain
Councilperson Williams		<u>Yea</u> /Nay/Abstain
Councilperson Dabritz		<u>Yea</u> /Nay/Abstain

Dated: March 9th, 2022

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

SEAL