

RESOLUTION #9 OF 2022

**RESOLUTION AUTHORIZING THE APPOINTMENT OF COUGHLIN & GERHART, LLP,
AS ATTORNEYS FOR THE TOWN, TO REPRESENT THE TOWN
IN A PROCEEDING PURSUANT TO CPLR ARTICLE 78**

The Town Board of the Town of Middletown in regular session duly convened does hereby resolve as follows:

WHEREAS, Frank DePinto has filed a proceeding against the Town pursuant to Article 78 of the Civil Practice Law and Rules (CPLR) to challenge a Small Claims Assessment Review (SCAR) hearing officer's determination, which upheld the Town's assessed valuation of real property he owns with a street address of 1835 Big Red Kill Road, Fleischmanns, New York, and designated as Tax Map No: 264.-3-40; and

WHEREAS, the said proceeding is a litigation matter outside the scope of work contemplated by the legal services retainer agreement between the Town and its Attorneys, Coughlin & Gerhart, LLP.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Middletown does hereby authorize and direct the Town Supervisor to retain Coughlin & Gerhart, LLP, in regards to the said proceeding and authorizes said attorneys to represent the Town in said proceeding, including settlement negotiations, petitions, motions and appeals therefrom, and be it further

RESOLVED, that Coughlin & Gerhart, LLP shall be compensated for legal services rendered in said proceeding at the rate of \$225.00 per hour for partners, \$200.00 per hour for associates, \$170.00 per hour for paralegals and shall be reimbursed for any costs and disbursements they incur on behalf of the Town in connection with said proceeding. Any requests for payment pursuant to this Resolution shall be in the form of an itemized voucher to be submitted to the Town Board for its review, audit and approval; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

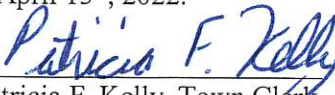
Motion made by: Nelson Delameter

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 April 13th, 2022.

Dated: April 13th, 2022


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 April 13th, 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		Yea/Nay/Abstain
Councilperson Sweeney		Yea/Nay/Abstain
Councilperson Delameter		Yea/Nay/Abstain
Councilperson Williams		Yea/Nay/Abstain
Councilperson Dabritz		Yea/Nay/Abstain

Dated: April 13th, 2022


Patricia F. Kelly, Town Clerk
Town of Middletown

