

RESOLUTION #4 OF 2023

**RESOLUTION AUTHORIZING THE TOWN TO ENTER INTO AGREEMENT
AND RELEASE TO RESOLVE NOTICE OF CLAIM**

WHEREAS, the Town is undertaking the construction of a community septic system to provide sewer service to parcels within the New Kingston Sewer District in the Town of Middletown (the "Sewer District"); and

WHEREAS, the owner of property located at 27 Issac Birdsall Lane, New Kingston, New York 12455 and known as Tax Parcel No. 240.-2-11.1 has filed a Notice of Claim against the Town, dated November 29, 2022, alleging economic damages arising from its' construction contractor's use of the subject property ("Notice of Claim"); and

WHEREAS, the parties now wish to resolve the Notice of Claim in a manner that is mutually agreeable to all parties; and

WHEREAS, a proposed Settlement Agreement and Release to Resolve Notice of Claim ("Settlement and Release Agreement") has been prepared by the Town's Special Counsel for the Sewer Project; and

WHEREAS, it is in the interest of the Town to proceed with execution of the Settlement and Release Agreement to resolve the Notice of Claim.

**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 Settlement and Release Agreement, in the form attached hereto and incorporated herein, as approved by the Town's Special Counsel.

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

Motion made by: Nelson Delameter

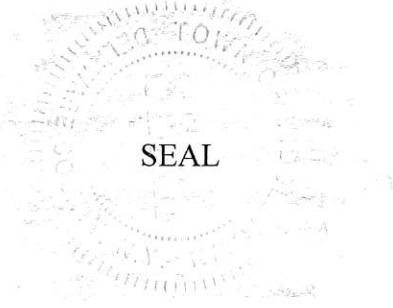
Seconded by: Brian Sweeney

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 8th, 2023.

Dated: March 8th, 2023

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 8th, 2023, 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 8th, 2023

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



SEAL