

**RESOLUTION NO. 9 OF 2023**

**RESOLUTION AUTHORIZING THE TOWN TO ACCEPT OPERATING AGREEMENT FOR THE NEW KINGSTON SEWER DISTRICT**

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

**WHEREAS**, the New York City Department of Environmental Protection (“NYCDEP”) will issue a Certificate of Functional Completion when the community septic system for the Sewer District has been deemed complete and operational; and

**WHEREAS**, the Town will be responsible for the operation and maintenance of the community septic system for the Sewer District once NYCDEP has issued the Certificate of Functional Completion; and

**WHEREAS**, the Town has received a proposal from LVDV Operations, Inc., dated July 20, 2023 (the “Proposal”), to provide professional contract operator services for the New Kingston Sewer District; and

**WHEREAS**, the Town Supervisor has requested that the New Kingston Sewer District attorney ( the “Sewer Attorney”) prepare an agreement (the “Operating Agreement”) consistent with the terms and conditions of the New Kingston Operation and Maintenance Agreement with NYCDEP for the retention of LVDV Operations, Inc to operate the sewer system consistent with the terms of the Proposal.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Supervisor is authorized to execute, on behalf of the Town, the Operating Agreement for contract operator services for the New Kingston Sewer District prepared by the Sewer Attorney.

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

Motion made by: Brian Sweeney

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 October 11<sup>th</sup>, 2023.

Dated: October 11<sup>th</sup>, 2023

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 October 11<sup>th</sup>, 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: October 11<sup>th</sup>, 2023

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

