

TOWN OF HURLEY
RESOLUTION AUTHORIZING SUPERVISOR TO EXECUTE SETTLEMENT
AGREEMENT WITH SOUTHERN REALTY AND DEVELOPMENT, LLC

Resolution No. _____

Moved By TK

Date: February 27, 2024

Seconded By DD

WHEREAS, the Southern Realty and Development, LLC, ("SRD") submitted an application before the Town of Hurley Planning Board ("Planning Board") for the site plan approval of a drive thru Dunkin'; and

WHEREAS the application was denied by the Planning Board, subject to litigation in the Ulster County Supreme Court and Court of Appeals of the Third Judicial Department, and returned to the Planning Board for review consistent with the appellate court's decision;

WHEREAS the application was approved by the Planning Board on or about August 30, 2023;

WHEREAS, the planning board established an escrow account for the application and requested reimbursement for fees and billing for professional services in excess of Thirty Thousand Dollars (\$30,000);

WHEREAS, SRD objected to the payment of the services as not "reasonable necessary" for the Planning Board to conduct their review; and

WHEREAS, the attorney for the Planning Board has recommended the town accept Five Thousand Dollars (\$5,000) in satisfaction of the entire sum for fees and billing of professional services as of this date; and

WHEREAS, the town attorney, has reviewed the matter and concurs with said recommendation.

THEREFORE, BE IT RESOLVED by the Town Board of the Town of Hurley that the Supervisor is authorized to execute an agreement with Southern Realty and Development, LLC ("SRD") resolving the outstanding fee dispute in connection with SRD's application before the Planning Board. Pursuant to the agreement, the Town accepts Five Thousand Dollars (\$5,000) in satisfaction of all outstanding charges claimed to be owed for fees and professional services. The written agreement shall be submitted by SRD and subject to approval by the town attorney.

	AYE	NAY
Michael Boms, Supervisor	<u>X</u>	_____
Debbie Dougherty, councilperson	<u>X</u>	_____
Diana Cline, councilperson	<u>X</u>	_____
Tim Kelly, councilperson	<u>X</u>	_____
Gregory Simpson, councilperson	<u>ABSENT</u>	_____