

RESOLUTION NO. 2019-07
BOROUGH OF CLARKS SUMMIT

A RESOLUTION OF THE BOROUGH OF CLARKS SUMMIT
AUTHORIZING THE PAYMENT OF \$10,000 FOR PURPOSES OF
SETTLEMENT UPON RECEIPT OF A SETTLEMENT AGREEMENT AND
RELEASE

WHEREAS, the Borough of Clarks Summit (the "Borough") is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and

WHEREAS, Valvano Construction initiated a civil action on August 20, 2010 docketed to 10 CV 5888 and named the Borough, Lackawanna County Department of Planning (the "County") and Midatlantic Engineering as Defendants; and

WHEREAS, this action related to an unpaid balance of \$108,735.55 owed to Valvano Construction pursuant to a contract between Valvano Construction and the County for the installation of sidewalks in the Borough; and

WHEREAS, the sidewalk project was brought to the Borough by the County in 2009 pursuant to a grant the County received; and

WHEREAS, the County subsequently lost the previously available funds and did not pay Valvano Construction as anticipated by their contract; and

WHEREAS, the Borough was named in the action for having received the benefit of the side walk paving; and

WHEREAS, the Borough was prepared to proceed to Trial prior to reaching an acceptable settlement resolution wherein the County would pay the majority of the settlement amount; and

WHEREAS, Valvano Construction agreed to settle the matter for a total amount of \$55,000.00; and

WHEREAS, the Borough's portion of that settlement was agreed to be \$10,000.00; and

WHEREAS, the Borough now seeks to finalize that settlement.

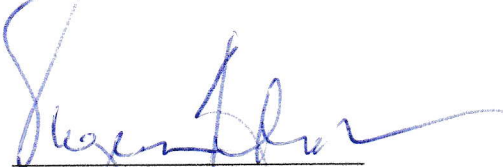
NOW, THEREFORE BE IT RESOLVED, that upon receipt of a fully executed Settlement Agreement and general release executed by the Plaintiff and approved by the Borough solicitor, the Council of the Borough of Clarks Summit directs the Borough Manager to release \$10,000.00 for purposes of satisfying its portion of the

settlement in the matter docketed to 10 CV 5888 in exchange for the claims made against the Borough being withdrawn with prejudice.

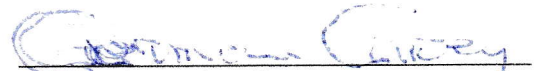
RESOLVED by the **Council of the Borough of Clarks Summit** this 6th day of March, 2019.

ATTEST:
SUMMIT

BOROUGH OF CLARKS




Virginia Kehoe
Borough Manager



Germaine Carey
Council President

Approved this 6th day of
March 2019



Herman Johnson
Mayor