

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
 Resolution No. 09-04-21
 April 28, 2009

**GOUVERNEUR INDUSTRIAL PARK TREE BORDER PROJECT:
 ACCEPTING TERMS OF SETTLEMENT WITH GARY PECORE**

WHEREAS, on August 30, 2006 the St. Lawrence County Industrial Development Agency (the “Agency”) released a Request for Proposals, seeking proposals for the planting of 30 blue spruce trees along the property edge bordering St. James Catholic Church and the Gouverneur Industrial Park on Factory Street in Gouverneur, New York, and

WHEREAS, the proposal stated that tree survival will be guaranteed for not less than three (3) years, and the contractor will provide all labor, equipment, materials and supplies required to complete the project in a timely and professional manner, and

WHEREAS, on September 28, 2006 the Agency awarded the contract to Miller Farms Adirondack Market, Inc. (the “Contractor”) at a cost of \$7,350.00, and

WHEREAS, a significant number of the trees have since died, and

WHEREAS, as the Agency’s attempts to cause the contractor to fulfill the guarantee have gone unanswered, the Agency initiated legal action against the contractor, and

WHEREAS, the contractor has since contacted the Agency Counsel with an offer to settle the matter under the following terms: Settlement of \$3,500.00 to be paid in three installments of \$1,166.67 each on May 15, June 15 and July 15, 2009, said sum representing legal fees of \$250.00, Sheriff’s service fee of \$61.50, County Clerk’s filing fee of \$185.00 and \$3,003.50 as damages to the Agency,

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Industrial Development Agency accepts the offer described above, and

BE IT FURTHER RESOLVED that the St. Lawrence County Industrial Development Agency officers and staff are, subject to Agency Counsel opinion, each hereby designated, authorized, empowered and directed to execute and deliver any and all agreements and other documents required to effect the transactions contemplated by this resolution.

Move:	Weekes			
Second:	Morrill			
VOTE	AYE	NAY	ABSTAIN	ABSENT
Blevins	X			
Greenwood				X
LaBaff	X			
McMahon	X			
Morrill	X			
Staples	X			
Weekes	X			

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

/s/ *Natalie A. Sweatland*

Natalie Sweatland
 04/28/09