

# Warren County Board of Supervisors

## RESOLUTION NO. 321 OF 2019

**RESOLUTION INTRODUCED BY SUPERVISORS LOEB, LEGGETT, SOKOL, HYDE, MAGOWAN, HOGAN, WILD, DRISCOLL AND DICKINSON**

### **RATIFYING THE ACTIONS OF THE COUNTY ATTORNEY IN COMMENCING LITIGATION AGAINST DAVID DECKER**

WHEREAS, an Agreement dated August 21, 2001, between local governments, New York State agencies, and other cooperating parties with an interest in the protection of the Lake George Watershed, was executed to manage and provide oversight to water quality issues in the Lake George Watershed; and

WHEREAS, the Lake George Watershed Conference maintained the duty to facilitate coordination of members' efforts, including acting as trustee for reimbursement payments between municipal organizations within the Lake George Watershed, and

WHEREAS, in August of 2008 Warren County (hereinafter "the County") submitted project expenses from the Valley Woods Road/Finkle Brook retaining wall (hereinafter "the Project ") to David Decker, Director of the Lake George Watershed Conference, with a reimbursement request of One Hundred Fifty-Two Thousand Five Hundred Dollars (\$152,500), and

WHEREAS, the Town of Queensbury was to pay One Hundred Thousand Dollars (\$100,000) towards the Project, and the Town of Bolton was to pay Fifty Two Thousand Five Hundred Dollars (\$52,500) towards the project, and

WHEREAS, the Town of Queensbury paid David Decker Fifty Thousand Dollars (\$50,000) on September 9, 2008 and Fifty Thousand Dollars (\$50,000) on November 4, 2008 as reimbursement for the Project, and

WHEREAS, on April 18, 2009, David Decker executed payment from the Watershed Conference to the County for Fifty Thousand Dollars (\$50,000), and the County booked this as revenue on April 22, 2009, and

WHEREAS, the Town of Bolton has reimbursed the County the entire amount of Fifty Two Thousand Five Hundred Dollars (\$52,500), and

WHEREAS, Fifty Thousand Dollars (\$50,000) is still due from David Decker for the Project, and

WHEREAS, it was necessary to commence litigation against David Decker prior to the July 19, 2019 Board of Supervisors meeting, now, therefore be it

RESOLVED, that the actions of the County Attorney, be, and hereby are, ratified with regard to commencing litigation against David Decker.