

**RESOLUTION R-2017-29
LUZERNE COUNTY COUNCIL**

A Resolution by the Luzerne County Council Approving the Settlement of Pending Arbitration in the matter of Luzerne County v. D.A. Nolt, Inc..

WHEREAS, Section 4.07 B3 of the Luzerne County Home Rule Charter Provides that County Manager shall have the authority to recommend the settlement of litigation involving the County, subject to the approval of County Council; and

WHEREAS, the Luzerne County Manager has recommended settlement of the below named arbitration; and

WHEREAS, Section 2.09 B5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, any recommendation by the County Manager to settle arbitration involving the County; and

WHEREAS, Luzerne County instituted this arbitration action against D.A. Nolt, Inc. in September, 2015, by filing with the American Arbitration Association (AAA No. 01-15-0005-0211); and

WHEREAS, D.A. Nolt, Inc. desires to settle Luzerne County's claims against them;

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves the settlement of pending arbitration for all claims asserted by Luzerne County in the matter of *Luzerne County v. D.A. Nolt, Inc.* for the amount of \$475,000 to be paid into the Luzerne County Capital Fund for improvements, deducting all costs associated with this arbitration first. This settlement is a full and complete settlement of any and all claims Luzerne County has against DA Nolt that arise out of the water infiltration damage to the Courthouse.


This resolution shall become effective six days after adoption.

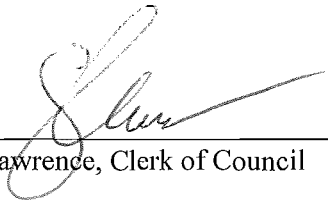
ADOPTED at a meeting of the Luzerne County Council held February 7, 2017.

ROLL CALL VOTE (11-0)

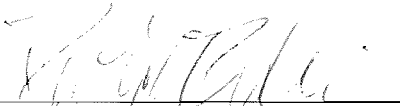
YES: Brominski, Dobash, Haas, Kelleher, McGinley, Schnee, Sorokas, SAUrban, Waitkus, Williams, and Houck

LUZERNE COUNTY COUNCIL

By: 
Linda McClosky Houck, Chair

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
C. David Pedri, Esq., County Manager