

# KOTFILA & JORDAN

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## SENT VIA EMAIL TO ALL COUNSEL

March 30, 2018

Katherine D. Laughman, Esq.  
KP Law, P.C.  
101 Arch Street, 12<sup>th</sup> Floor  
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Julie Datres, Esq.  
Office of the Attorney General  
1441 Main Street, 12<sup>th</sup> Floor  
Springfield, MA 01103

Patrick Melnik, Sr., Esq.  
110 King Street  
Northampton, MA 01060

**Re: Fondakowski vs. Town of Westhampton, Et. Als.  
Civil Action No. 1780CV00105**

Dear Attorneys Laughmann, Melnik and Datres:

I am authorized me to propose the following settlement agreement on behalf of my client. Mr. Fondakowski wishes to conclude the litigation and is willing to do so in a manner that greatly benefits the taxpayers of Westhampton. It is my client's position the Special Permit was issued as a result of Fraud On The Court.

- 1) Mr. Fondakowski will dismiss his Superior Court lawsuit.
- 2) The Special Permit issued by the Hampshire Superior Court will be deemed null and void by agreement of the parties and withdrawn by motion to the Superior Court.
- 3) The three current members of the Westhampton Select Board will resign by June 1, 2018 and agree to never hold public office in Westhampton.
- 4) Thomas Hathaway and Mark Schwallie will resign from the Planning Board by June 1, 2018 and agree to never hold public office in Westhampton.

- 5) William Tracy will resign from the Westhampton Zoning Board of Appeals and as Town Moderator by June 1, 2018 and agree to never hold public office in Westhampton.
- 6) Patricia Cotton will resign her job as Town Clerk by September 1, 2018.
- 7) Cheryl Provost will resign her job as Assistant Town Clerk by September 1, 2018.
- 8) Thomas Quinlan will resign his job as building inspector by September 1, 2018.
- 9) Mr. Fondakowski agrees to relinquish all rights and causes of action he has against the Town of Westhampton for any matters related to the sawmill prior to March 29, 2018.
- 10) All attorney fees and court costs will be paid by the respective parties with no claim against the other. It is noted that Mr. Fondakowski has incurred approximately \$40,000.00 in legal fees and costs associated with this matter.
- 11) This offer will expire at 12:00 p.m. on April 15, 2018.
- 12) This offer is non-negotiable.

Thank you for your attention to this matter.

Very Truly Yours,

  
Timothy Kotfila, Esq.