

Town of Windsor, County of Broome, State of New York

***A RESOLUTION AUTHORIZING THE AMENDMENT AND
ASSIGNMENT OF A ROAD USE AGREEMENT AND ADDRESSING
SEQRA***

Resolution # 47-2013

PRESENT:

Supervisor Carolyn W. Price
Councilman Timothy J. Bates
Councilman George B. West
Councilman William J. McIntyre
Councilwoman Lesa Hawk-Shuler

At a regular meeting of the Town of Windsor Town Board, held at the Town Hall on 6th day of November 2013, the following resolution was

OFFERED BY: Councilman _____

SECONDED BY: Councilman _____

WHEREAS, in the summer of 2010 the Town of Windsor Town Board (“Town Board”) discussed and authorized a road use agreement with Laser Northeast Gathering Company LLC; such agreement contained specific conditions – including but not limited to a \$2,000,000 bond, consideration and an obligation by Laser to repair;

WHEREAS, during that discussion and ultimate approval, the Town reviewed the action under the State Environmental Quality Review Act; finding it to be an unlisted action under 6 NYCRR 617.2 and finding the action did not result in any significant adverse environmental impacts;

WHEREAS, Laser Northeast Gathering Company LLC is now a subsidiary of Williams Field Services Company, LLC;

WHEREAS, Williams Field Service Company, LLC has expressed the need to amend the Road Use agreement to more clearly reflect the more limited; but inclusive road usage needs of the company and to properly reflect their involvement;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby makes a determination that the road use agreement is an Type II action under 6 NYCRR 617.5 (26); thus requiring no further analysis under SEQRA; and further

RESOLVED, that the Town Board authorizes Town's Legal Counsel to prepare an amendment and assignment of the road use agreement;

RESOLVED, the assignment and amendment to the road use agreement shall be in a form approved by Town's Legal Counsel and contain compensation for the assignment and amendment in amount approved by the Town Board;

RESOLVED, the assignment and amendment to the road use agreement shall also require a new bond in the amount of \$2,000,000 to provide coverage during the 12 month post repair/construction period - as stated in the original road use agreement; this bond is to provide coverage for the road repairs just completed and is to replace the current bond in the Town's possession; such current bond can be surrendered upon receipt of a satisfactory new bond;

RESOLVED, the assignment and amendment to the road use agreement shall also require an additional new bond; in an amount to be set by the Town Engineer; based upon the proposed more limited road usage; and that such new additional bond shall also remain in effect for 12 months post any construction, repair or rehabilitation;

RESOLVED, that any changes in road usage due to any cause including but not limited to modifications to the compressor station and/or pipeline, the addition of new compressors, the addition of any pipeline(s) and the change in capacity in said pipeline(s) shall require that Williams Field Services Company, LLC; (or any successor, assign or related applicant) to contact the Town and seek that the road use agreement be properly amended to reflect changes in road use; including but not limited to potential changes in road use agreement terms, consideration and bond coverage;

RESOLVED, that any modifications in corporate structure, changes in owner, or assignment of ownership of the facilities or those uses covered by or which affect the

road use agreement(s) or road usage; be relayed, as soon as possible, to the Town; and that Williams Field Service Company, LLC and/or any successor assigned or related applicant properly seek the amendment or assignment of the road use agreement so that the proper party be named;

RESOLVED, that this resolution will take effect immediately.

Vote of the Board:

Supervisor Carolyn W. Price
Councilman Timothy J. Bates
Councilman George B. West
Councilman William J. McIntyre
Councilwoman Lesa Hawk-Shuler

Motion Approved.

Resolution Adopted: _____

CERTIFICATION

I, Barbara Rajner Miller, do hereby certify that I am the Town Clerk of the Town of Windsor and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Town Board of the Town of Windsor at a meeting thereof held at the Windsor Town Hall, 124 Main Street, Windsor, NY on November 6, 2013. Said resolution was adopted by the following roll call vote:

Supervisor Carolyn W. Price
Councilman Timothy J. Bates
Councilman George B. West
Councilman William J. McIntyre
Councilwoman Lesa Hawk-Shuler

Dated: _____ 2013

Town of Windsor Seal

Barbara Rajner Miller
Town Clerk of the Town of Windsor