TOWN OF WINDSOR, COUNTY OF BROOME, STATE OF NEW YORK A RESOLUTION CONSENTING TO THE ALTERATION AND CORRESPONDING DISCONTINUANCE OF A PORTION OF PAGE ROAD RESOLUTION #29-2023

PRESENT: Supervisor Mark Odell Deputy Supervisor Daniel Colwell Councilman Gary M. Hupman Councilman Timothy Harting Councilman Daniel R. Price

At a Regular meeting of the Town of Windsor Town Board, held at the Town Hall on the 4th day of October, 2023, the following resolution was:

Offered By: Second By:

WHEREAS, we, the members of the Town Board of the Town of Windsor, Broome County, New York, (the "Town"), have reviewed the application of the Upper New York Annual Conference of the United Methodist Church ("Applicant"), which requests the alteration and discontinuance of specifically-described portions of Page Road, a Town highway that has heretofore been constructed in said Town; and

WHEREAS, it appears that there are no other persons, corporations or other entities, other than the Applicant and the County of Broome, New York, owning any premises through which the portions of said Town Highway sought to be altered and discontinued pass, or to which it is adjacent, and

WHEREAS, the County of Broome is aware of the Applicant's request, and has consented in writing to the same; and

WHEREAS, it further appears that the portion of said Town Highway sought to be discontinued has become unnecessary and is useless as a public thoroughfare; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act ("SEQRA"), after consideration of said application, it was determined by the Town Board that discontinuance of the portion of the highway described in the application is an Unlisted Action, as defined under said regulations, and after a review of the Short Environmental Assessment Form, that consent to the discontinuance would not have any significant adverse effects upon the environment and therefore a negative declaration was issued.

NOW, THEREFORE, BE IT RESOLVED, that after due deliberation, the Town Board of the Town of Windsor, pursuant to section 171 of the New York State Highway Law, hereby consents in writing to the alteration and discontinuance of the portions of Page Road specifically described in Applicant's application; and be it further

RESOLVED, that the Town Supervisor and/or Highway Superintendent, as applicable and/or required by law, are authorized to execute any and all documentation required to carry out the alteration and discontinuance of the said portions of Page Road specifically described in Applicant's application;

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

I, Elizabeth Pfister, 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 Town Hall, 124 Main Street, Windsor, NY on the 4th day of October, 2023. Said resolution was adopted by the following vote:

Supervisor Mark Odell	VOTED
Deputy Supervisor Daniel Colwell	VOTED
Councilman Gary M. Hupman	VOTED
Councilman Timothy Harting	VOTED
Councilman Daniel R. Price	VOTED

Motion Resolution Adopted:

Town of Windsor Seal

Elizabeth Pfister, Town Clerk Town of Windsor

ORDER OF THE TOWN OF WINDSOR HIGHWAY SUPERINTENDENT PURSUANT TO NEW YORK STATE HIGHWAY LAW § 171

IN THE MATTER OF THE APPLICATION OF THE UPPER NEW YORK ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH TO ALTER AND DISCONTINUE CERTAIN PORTIONS OF PAGE ROAD IN THE TOWN OF WINDSOR, BROOME COUNTY, NEW YORK

WHEREAS, by application dated ______ 2023, the Upper New York Annual Conference of the United Methodist Church ("Applicant") applied for the alteration and discontinuance of certain portions Page Road, a Town Highway in the Town of Windsor, as specifically described in said application; and

WHEREAS, there is attached to said application a release from all damages executed by an authorized agent of Applicant, the record owner of lands taken or affected by the alteration and corresponding discontinuance applied for therein, and of lands through which the said portions of the highway sought to be altered and discontinued pass, or to which it is adjacent; and

WHEREAS, the County of Broome, New York ("County"), which is also the record owner of lands taken or affected by the applied for alteration and discontinuance, has similarly executed a release from all damages resulting from the same; and

WHEREAS, a majority of the Town Board of the Town of Windsor has consented to said course alteration and discontinuance via resolution dated October 4th, 2023; and

WHEREAS, it appears that the Applicant and the County are the only persons/entities owning any land abutting on or adjacent to the portions of said Town Highway sought to be altered and discontinued, and that no claim for damages have been made; and

NOW, THEREFORE, in accordance with the power and discretion vested in me by section 171 of the New York State Highway Law, and after due deliberation of the matter, I hereby determine that:

- (1) the portion of Page Road for which Applicant seeks a course alteration should be so altered in the best interest of the motoring public;
- (2) The separate portion of Page Road for which Applicant seeks a discontinuance should be so discontinued, inasmuch as it has become useless as a public thoroughfare as a result of the corresponding course alteration; and so, it is hereby

ORDERED, that the said portions of said Town Highway as hereinafter described (and as described in Applicant's application), be, and the same hereby is, altered and discontinued.

LEGAL DESCRIPTION PORTION OF PAGE ROAD TO BE ALTERED:

LEGAL DESCRIPTION OF PORTION OF PAGE ROAD TO BE DISCONTINUED:

Town of Windsor, N.Y., , 2023.

Michael Kithcart, Highway Superintendent Town of Windsor



State of New York County of Broome Government Offices

Broome County Attorney's Office Jason T. Garnar, County Executive · Robert G. Behnke, County Attorney

June 22, 2023

Nicholas S. Cortese, Esq. Coughlin and Gerhart, LLP 99 Corporate Drive PO Box 2039 Binghamton, NY 13902

Re: Page Road Town of Windsor

Dear Nick:

Enclosed please find the executed release regarding Page Road. If you require anything further, please feel free to contact me.

Very Truly Yours,

Robert G. Behnke County Attorney

RGB/ams Enclosure

RELEASE FROM ALL DAMAGES PURSUANT TO HIGHWAY LAW § 171

KNOW ALL MEN BY THESE PRESENTS:

Jason T. Garnar, is the County Executive of the County of Broome ("County"), and has been duly authorized to execute this Release on the County's behalf. The County is the record owner of certain lands affected by an alteration in the course of certain portions of the Town Highway known as Page Road, located in the Town of Windsor, Broome County, New York, and a discontinuance of a separate portion of the same Town Highway, which alteration and discontinuance are more specifically described and depicted in the documentation attached hereto.

In consideration for the Town of Windsor's voluntary assumption of all maintenance and repair obligations in the areas described in the attached documentation, Jason T. Garnar as County Executive of the County, does hereby consent that the aforesaid portions of such Town Highway be so altered and discontinued and does hereby forever release the Town of Windsor, New York, and its officers, agents and employees from all claims of any type or nature for damages, injunctive or other equitable relief, costs, expenses or attorney fees arising from the alteration and corresponding discontinuance of the portion of Page Road specifically depicted and described in the attached documentation.

Dated Me f, 202

Jason T. Garnar of Broome County Broome County Executive

STATE OF NEW YORK)) SS: COUNTY OF BROOME)

On the H day of H in the year 2023, before me, the undersigned, personally appeared **Jason T. Garnar**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his/her capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

PETER J ROSEBOOM Notary Public, State of New York No. 01R05058867 Qualified in Broome County) My Commission Expires 4/15/2

Notary Public





