

the Town of Duanesburg to sign a negative declaration determination of non-significance; and (c) authorizes the Town Clerk of the Town of Duanesburg to file the negative declaration determination of non-significance in the Town Clerk's Office.

7. This resolution shall take effect immediately.

Town Board of the Town of  
Duanesburg, Schenectady  
County, New York

By: \_\_\_\_\_  
Town Clerk

**Motion carried 5 ayes Council-members White, Potter, Carlson, Frisbee and Supervisor Merrihew.**

**Resolution #213-08-** Council-member Frisbee motioned, seconded by Council-member White;

RESOLUTION FOR TOWN BOARD CONSENT TO THE  
TOWN SUPERINTENDENT OF HIGHWAYS OF THE  
TOWN OF DUANESBURG TO MAKE AN ORDER LAYING  
OUT THE LANDS OF DELEVAN ROAD EXTENSION  
AS A TOWN HIGHWAY

WHEREAS, Kevin A. Chesnut and Jan Chesnut residing at 6792 Western Turnpike, Delanson, New York 12053(the "Developer") developed the Delevan Road Subdivision, (the "Project") in the Town of Duanesburg; and

WHEREAS, as part of the Project, the Developer constructed a road known as Delevan Road Extension; and

WHEREAS, the Developer desires to dedicate Delevan Road Extension to the Town of Duanesburg; and

WHEREAS, on August 25, 2008, John M. McDonald Engineering P.C., in its capacity as Town designated Engineer, acknowledged in writing that it has made periodic inspections of the construction of Delevan Road Extension, which inspections have been documented through written reports submitted to the Duanesburg Town Clerk, and further certified in writing that Delevan Road Extension has been completed in general compliance with the Town of Duanesburg Street and Road Ordinance; and

WHEREAS, the Developer has submitted a Short Environmental Assessment Form, and the Town Board of the Town of Duanesburg, as lead

agency, has made a determination of non-significance pursuant to the State Environmental Quality Review Law; and

WHEREAS, the Developer has submitted for review proposed forms of: a Road Dedication and Release; an Order Laying out the Public Road; a Town Board Consent; a Deed and related recorded documents; a survey certified to the Town of Duanesburg; and a commitment for title insurance naming the Town of Duanesburg as insured; and

WHEREAS, the Town of Duanesburg Highway Superintendent has inspected the road and has indicated his approval of the same; and

WHEREAS, the Developer has agreed to indemnify the Town of Duanesburg for the cost of completion of, and for all required repairs to Delevan Road Extension made by the Town of Duanesburg on or before December 11, 2011, and has agreed to provide to the Town of Duanesburg an escrow of \$10,000.00 for a period of three (3) years to guaranty said indemnification obligations, all as set forth in an indemnification agreement and an escrow agreement of even date herewith; and

WHEREAS, the attorney for the Town of Duanesburg, has approved the form of the proposed documents; and

WHEREAS, the Town Board of the Town of Duanesburg believes it is in the best interests of the Town of Duanesburg to accept dedication of Delevan Road Extension as a Town road; and

WHEREAS, the Developer has acknowledged responsibility to pay all fees and expenses incurred by the Town in connection with the road dedication, including but not limited to attorneys' fees, title insurance premiums, and County Clerk recording fees;

NOW, THEREFORE, it is resolved, that on this 11th day of December, 2008, that the Town Board of the Town of Duanesburg hereby gives consent to the Town Superintendent of Highways of the Town of Duanesburg to make an order laying out the lands described in the dedication and release dated the 11th day of December, 2008, for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto; and

IT IS FURTHER RESOLVED, that the Town Supervisor of the Town of Duanesburg is hereby authorized to execute the Town Board consent, and any and all other documents necessary or required in connection with the acceptance of Delevan Road Extension for dedication as a Town road.

Town Board of the Town of  
Duanesburg, Schenectady  
County, New York

By: Paul M. Henon  
Town Clerk

**Motion carried 5 ayes, Council-members Frisbee, White, Potter, Carlson and Supervisor Merrihew.**

**Resolution # 214-08-Council-member Carlson motioned, seconded by Council-member Frisbee to schedule the end of the year meeting for December 30<sup>th</sup> at 7PM. Motioned carried 5 ayes, Council-members Carlson, Frisbee, White, Potter and Supervisor Merrihew.**

**Resolution #215-08-Council-member Potter motioned, seconded by Council-member White to schedule the Organizational Meeting for January 1, 2009 @ 6:30 PM. Motion carried 5 ayes, Council-members Potter, White, Frisbee, Carlson and Supervisor Merrihew.**

**Resolution #216-08-Council-member Potter motioned, seconded by Council-member White a motion authorizing the Supervisor to sign a letter designating the Duanesburg Planning Board as Lead Agency for Ventura Duanesburg, LLC. Motion carried 5 ayes, Council-members Potter, White, Carlson, Frisbee and Supervisor Merrihew.**

**Resolution #217-08-Council-member Carlson motioned, seconded by Council-member Frisbee a motion authorizing the Supervisor to write a letter to the Planning Board offering the Town Boards comments for the coordinated review of Ventura Duanesburg, LLC. Motion carried 5 ayes, Carlson, Frisbee, White, Potter and Supervisor Merrihew.**

**Resolution #218-08- Council-member White motioned, seconded by Council-member Frisbee a motion authorizing the Supervisor to sign escrow agreement with Ventura Duanesburg, LLC. Motion carried 5 ayes, Council-members White, Frisbee, Potter, Carlson and Supervisor Merrihew.**

**Resolution #219-08-Council-member Frisbee motioned, seconded by Council-member White a motion authorizing the Supervisor to sign the Animal Protective Foundation contract for 2009 and 2010. Motion carried 5 ayes, Council-members Frisbee, White, Potter, Carlson and Supervisor Merrihew.**

**Announcements:**

Supervisor Merrihew: I wrote a letter to Kathleen Rooney County Manager asking her to please explain what is going on with the exorbitant costs associated with the election expense. When the towns took care of the election expense, 2005