

**TOWN OF FORESTPORT
SPECIAL MEETING MINUTES RE: TOWN BOARD RESOLUTION
AUTHORIZING SALE OF TOWN PROPERTY & TOWN CLERK PRESENTS
2016 TENTATIVE BUDGET
OCTOBER 5, 2015 @ 6:30 PM
FORESTPORT TOWN HALL
12012 WOODHULL ROAD**

**TOWN OF FORESTPORT
SPECIAL MEETING MINUTES
OCTOBER 5, 2015 @ 6:30 PM**

Members Present

Supervisor Parker Snead
Councilman Charles Scott
Councilman Ronald Scouten
Councilwoman Nancy Kardash
Town Clerk Joan Ingersoll

Members Absent

Councilwoman Joanne Kwasniewski

*Joan Ingersoll, Town Clerk notified the Town Board that there would be no recorded minutes of this special meeting because of problems with the tape recorder.

CALL TO ORDER:

The meeting was called to order by Supervisor Snead at 6:30 pm.

PLEDGE OF ALLIEGENCE:

Recited.

PUBLIC NOTICE:

Supervisor Snead read the legal notice.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF FORESTPORT AUTHORIZING THE SALE OF REAL PROPERTY AND ISSUING NEGATIVE DECLARATION UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY RENEW ACT

Supervisor Snead read the following:

Release:

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW THAT in consideration of the waiver by Raymond E. Randall Jr. (herein called the "Releasee") of his claims against the Town of Forestport, herein called the Releasor") arising out of the Releasee's lease of premises at 11917 North Lake Road, Town of Forestport, NY and in further consideration of Release's executed release of Releasor receipt whereof is hereby acknowledged, Releasor hereby releases and discharges the Releasee, Releasee's heirs, executors, administrators, successors and assigns from all actions, causes of action, suits, debts, dues sums of money, accounts, reckonings, bonds, bills specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgements, extents, executions, claims, and demands whatsoever, in law, or equity, which against the Releasee, the Releasor evet had, now has or hereafter can, shall or may, have

for, upon, or by reason of the above described lease from the beginning of the term thereof to the date of the Release.

Whenever the text hereof requires the use of singular number shall include the appropriate plural number as the text of the within instrument may require.

This Release may not be changed orally.

IN WITNESS WHEREOF, the Releasor has hereunto set Releasor's hand and seal as of the 31st of August, 2015.

Town of Forestport Releasor

By _____
Its Town Supervisor

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW THAT in consideration of the waiver by the Town of Forestport (herein called the "Releasee") of its claims against Raymond E. Randall, Jr. (Releasor") arising out of the Releasee's lease of premises at 11917 North Lake Road, Town of Forestport, NY to the Releasor, and in further consideration of Releasee's executed release of Releasor receipt whereof is hereby acknowledged, Releasor hereby releases and discharges the Releasee, Releasee's successors and assigns from all actions, causes of action, suits, debts, dues sums of money, accounts, reckonings, bonds, bills specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgements, extents, executions, claims, and demands whatsoever, in law, or equity, which against the Releasee, the Releasor ever had, now has or hereafter can, shall or may, have for, upon, or by reason of the above described lease from the beginning of the term thereof to the date of the Release.

Whenever the text hereof requires the use of singular number shall include the appropriate plural number as the text of the within instrument may require.

This Release may not be changed orally.

IN WITNESS WHEREOF, the Release has hereunto set Releasor's hand and seal as of the 22ⁿ day of September, 2015.

Raymond E. Randall, Jr., Releasor

Note: signatures of both parties are on original documents.

Councilwoman Nancy Kardash stated that she was not happy with releasing Mr. Randall from his contract. Supervisor Parker Snead agreed that nobody was.

WHEREAS, the Town has received an offer from JBA, LLC to purchase an 18.601 acre parcel of real property owned by the Town and located on North Lake Road in the Town of Forestport and,

WHEREAS, the Town Board has determined that the real property is surplus property and that its sale to JBA, LLC is in the financial interest of the Town and,

WHEREAS, the Town Board on October 5, 2015 held a public hearing concerning the sale to assess whether the sale of the real property was in the public interest of the residents of the Town and,

WHEREAS, The Town Board believes it should be the lead agency for the review of the sale to JBA, LLC (the "Action") under the New York Environmental Quality Act (SEQRA) since there are no other agencies that have authority to approve the action or are interested in the action and,

WHEREAS, The action appears to be an unlisted Action under SEQRA and the Town Board has caused drafts of Parts 1 and 2 of a short environmental assessment form (SEAF) to be prepared evaluating the environmental effects of the action, it is:

RESOLVED, That the Town Board designates the Town as the lead agency under SEQRA and Part 617 of the regulations implementing SEQRA; and it is further;

RESOLVED, That the Town Board of the Town of Forestport hereby determines that the project is an unlisted action pursuant to Part 617 of the regulations implementing SEQRA; and it is further;

RESOLVED, that the Town Board based on its review of Parts 1 and 2 of the SEAF determines that the project will have no significant adverse impacts on the environment and issues a negative declaration for the project and authorizes the Town Supervisor to execute Parts 1 and 3 of the SEAF; and it is further;

RESOLVED that the Town Supervisor is authorized to execute the sale/purchase agreement with JBA, LLC in the form presented to this special meeting of the Town Board and to execute an early possession agreement in the form presented to this special meeting of the Board allowing JBA, LLC to have early possession of the property pending the Town's compliance with the permissive referendum provisions of Section 90 of the Town Law and it is further;

RESOLVED, That the Town Clerk shall post and publish an abstract of the portion of this resolution authorizing sale of the real property to JBA, LLC in accordance with Town Law Section 90.

A motion was made by Supervisor Snead to accept the foregoing resolution and seconded by Councilman Scouten.

Row call vote:

Supervisor Snead – yes
Councilman Scott – yes
Councilman Scouten – yes
Councilwoman Kardash – yes

A motion was made by Supervisor Snead to sign the Short Environmental Assessment Form Part 1, Project Information and Part 2, Impact Assessment and was seconded by Councilman Scouten. Row call vote:

Supervisor Snead – yes
Councilman Scott – yes
Councilman Scouten – yes
Councilwoman Kardash – yes

A motion was made by Supervisor Snead to sign the Short Environmental Assessment Form Part 3, Determination of Significance and was seconded by Councilman Scott. Row call vote:

Supervisor Snead – yes
Councilman Scott – yes
Councilman Scouten – yes
Councilwoman Kardash - yes

A motion was made by Supervisor Snead to sign the Agreement of Sale and was seconded by Councilman Scott. Row call vote:

Supervisor Snead – yes
Councilman Scott – yes
Councilman Scouten – yes
Councilwoman Kardash – yes

A motion was made by Supervisor Snead to sign the Early Possession Agreement with JBA, LLC beginning October 6, 2015, with actual closing date of December 1, 2015, and was seconded by Councilman Scouten. Row call vote:

Supervisor Snead – yes
Councilman Scott – yes
Councilman Scouten – yes
Councilwoman Kardash – yes

PRESENTATION TO THE BOARD OF THE TENTATIVE 2016 BUDGET

Copies of the 2016 tentative budget was presented to the Board members by the Town Clerk. Supervisor Snead stated it's a tight budget, and we're working with a .73 tax cap.

ADJOURNMENT

A motion was made by Supervisor Snead and seconded by Councilwoman Kardash to adjourn the meeting. Row call vote:

Supervisor Snead – yes
Councilman Scott – yes
Councilman Scouten – yes
Councilwoman Kardash – yes

There being no further business the meeting was adjourned at 7:35 pm.

Respectfully submitted,

Joan M. Ingersoll
Forestport Town Clerk

