

RESOLUTION

**FIRST AMENDMENT TO IMA REGARDING SALE OF WATER
BETWEEN TOWN AND VILLAGE OF NEW PALTZ
(Back Up Water Supply)**

At a meeting of the Town Board of the Town of New Paltz, Ulster County, New York, held at the Town Hall, in New Paltz, New York, in said Town on the ____ day of _____, 2016, at _____ o'clock P.M., Prevailing time.

The meeting was called to order by Supervisor Bettez, and upon roll being called, the following roll was taken:

	<u>PRESENT</u>	<u>ABSENT</u>
Supervisor Neil Bettez	_____	_____
Council Member Jeffrey Logan	_____	_____
Council Member Daniel Torres	_____	_____
Council Member Marty Irwin	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____

The following resolution was offered by Council Member _____ who moved its adoption, seconded by Council Member _____, to wit:

WHEREAS, on or about the 4th day of May, 2015, the Parties hereto entered into an Intermunicipal Agreement entitled "Intermunicipal Agreement Regarding the Sale of Water between the Village and Town of New Paltz" (the "IMA"); and

WHEREAS, after due consideration the Parties have further agreed to make amendments to certain provisions of said IMA for their mutual benefit; and

WHEREAS, the Parties, after negotiating in good faith, have agreed to enter into a first amendment to the IMA to extend the length of the term of that agreement as was specifically set forth in paragraph 11 of said IMA as heretofore executed; and

WHEREAS, the Town acknowledges that the IMA referred to in this resolution includes a covenant and agreement that the City of New York, ("NYC") acting by and through the City of New

York Department of Environmental Protection (“DEP”), is a third-party beneficiary of said IMA and that the IMA cannot be amended by the Parties without the prior written consent of NYC and that such consent has been requested;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor of the Town of New Paltz is hereby authorized to execute and acknowledge on behalf of the town a “First Amendment to the Intermunicipal Agreement Regarding the Sale of Water Between the Village and Town of New Paltz” in the form attached; and it is further

RESOLVED that the supervisor is hereby authorized to sign on behalf of the town such other and further instruments as are necessary to give full force and effect to the purposes and intents of this resolution; and it is further

RESOLVED that the foregoing resolution is adopted subject to the written consent to the proposed amendment by the City of New York, (“NYC”) acting by and through the City of New York Department of Environmental Protection (“DEP”).

The foregoing resolution was duly put to a vote which resulted as follows:

<u>VOTE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Supervisor Neil Bettez	_____	_____	_____
Council Member Jeffrey Logan	_____	_____	_____
Council Member Daniel Torres	_____	_____	_____
Council Member Marty Irwin	_____	_____	_____
Council Member Julie Seyfert-Lillis	_____	_____	_____

The resolution was thereupon duly adopted.