

**RESOLUTION  
AUTHORIZING COMMENCEMENT OF PROCEEDINGS  
TO GRANT CONSERVATION EASEMENT WITH RESPECT  
TO PROPERTY IN THE TOWN OF NEW PALTZ KNOWN AS  
MILL BROOK PRESERVE**

At a regular 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 24<sup>th</sup> day of March, 2016, at 7:30 o'clock P.M., Prevailing time.

The meeting was called to order by Council Member Logan, and upon roll being called, the following roll was taken:

	<u><b>Present</b></u>	<u><b>Absent</b></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 Irwin, who moved its adoption, seconded by Council Member Torres with the amendment pending written confirmation from the Town Engineer relative to whether SEQR review is required for this resolution, otherwise the vote becomes null and void; to wit:

WHEREAS, a proposition for the issuance of serial bonds and notes was approved by the voters at the November 7, 2006 general election, which said proposition approved the adoption by the Town Board of the Town of New Paltz authorizing the issuance of not to exceed \$2,000,000.00 serial bonds of the town to finance the costs of the acquisition of parcels of land, or rights or interest in land for the preservation of open space in order to protect, among other things, natural areas, including incidental expenses in connection therewith, in accordance with the authority provided in Section 247 of the General Municipal Law ; and

WHEREAS, both the Town of New Paltz and the Village of New Paltz have adopted the Open Space Plan as well as the Mill Brook Preserve Management Plan; and

WHEREAS, in August, 2010 the Town acquired from Sunset Ridge, LLC approximately 63.2 acres of open space commonly referred to as the “Stoneleigh Woods,” identified on the Town of New Paltz Tax Map as S/B/L 86.2-1-6.100, hereinafter alternatively referred to as “Mill Brook Preserve;” and

WHEREAS, there exists between the Town and Village an Inter-Municipal Agreement (hereinafter referred to as an “IMA”) that established the Mill Brook Preserve, which said IMA provides in its pertinent parts as follows:

“1. Protection of Open Space. The Village and Town agree that the Preserved Property referred to herein shall be protected in perpetuity. To assure this, the parties agree that by not later than June 30, 2016 the Village and Town shall execute Conservation Easements for their respective property. In the event that the CFA Grant is awarded prior to June 30, 2016, the parties agree that the Preserved Property will become Designated Parkland, and no conservation Easements will be required.” and

WHEREAS, the Town intends to fulfill its obligation as part of the IMA to place a Conservation Easement on its portion of the Mill Brook Preserve by the June 30, 2016 deadline; and

WHEREAS, The Wallkill Valley Land Trust (hereinafter referred to as the “WVLT”), a New York not-for-profit corporation, has agreed to hold a Conservation Easement upon the Town’s portion of the Mill Brook Preserve; and

WHEREAS, the WVLT has advised the Town that the expense to place the conservation easement on the Town portion of the Mill Brook Preserve will be approximately \$15,000, which includes drafting of the Conservation Easement, creation of Baseline documentation, funding the WVLT’s monitoring and legal defense fund, obtain a title report, and to pay for other legal, recording and other related costs; and

WHEREAS, the Town owns approximately 7.20 acres of vacant land contiguous with that portion of the Mill Brook Preserve that is owned by the Village (identified on the Town of New Paltz Tax Map as S/B/L 86.8-6-6) which said lands the town acquired in June, 2005 as the result of the approval of a subdivision entitled “Subdivision Prepared for David Lent;” and

WHEREAS, the Town desires to include these approximately 7.20 acres as a part of the Mill Brook Preserve Conservation Easement; and

WHEREAS, the WVLT has agreed that if such 7.20 acres of land are placed under the same Conservation Easement, at the same time, there will be no costs to the town additional to the costs estimated above; and

WHEREAS, the WVLT has agreed to accept \$1,000 by not later than April 11, 2016, and to accept the balance of the costs at the closing, which is anticipated to occur on or about June 30, 2016; and

NOW, THEREFORE, IT IS:

RESOLVED, that the Town Supervisor, together with such legal, engineering and other consultants as the supervisor shall deem necessary, is hereby authorized and directed to have prepared for submission to the town board for further action such agreements, deeds and other proposed documents, acceptable to the parties and to their respective attorneys, as are necessary for the granting by the Town of New Paltz, as Grantor, to the Wallkill Valley Land Trust, as Grantee, of a Conservation Easement with respect to both parcels described in this resolution and to pay to the Wallkill Valley Land Trust the initial sum of \$1,000 by not later than April 11, 2016 in the furtherance of this resolution.

VOTE

	<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.