

## **RESOLUTION AND PUBLIC NOTICE**

Res # 2022-\_\_\_\_\_

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the \_\_\_ day of \_\_\_\_\_ 2022, duly adopted, a resolution as follows:

WHEREAS, the Town of Bethlehem entered a 3-month option agreement with Milltowne Plaza, Inc. on June 29<sup>th</sup>, 2022 for the purchase of 307 acres of farmland and open space for \$3,000,000.00 (the "Property"); and

WHEREAS, The Conservation Easement Review Board at its July 18, 2022 meeting unanimously voted to make a positive recommendation for the Town to use the Farms and Forests Capital Reserve Fund in part to fund the Town's acquisition of the Property and to provide a resolution to the Town Board documenting the Property's consistency with the Town's conservation criteria and core Conservation Values; and

WHEREAS, the Town of Bethlehem has completed its due diligence on the Property, including a Phase 1 Environmental Site Assessment; and

WHEREAS, the purchase of the parcels will help preserve community character, including: active working farmland and agricultural soils; locally significant historic and cultural resources; scenic views, vistas, and landscapes; and areas vulnerable to erosion; and

WHEREAS, the parcels include: forests and wetlands adjacent to and containing streams; lands adjacent to nature preserves and recreational facilities; forest and woodlands greater than five acres; and contiguous lands that serve as viable wildlife habitat and travel pathways; and

WHEREAS, the parcels include: lands important for the protection of water quality and the overall health of the Hudson River Estuary ecosystem; and

WHEREAS, the Milltowne Plaza Farmland Preservation project, with land characteristics and conservation values as described above, is consistent with the purpose for which the Farms and Forests Capital Reserve Fund and Parkland Set Aside Fund were established; and

WHEREAS, The Town Board unanimously approved a resolution at its July 27, 2022 meeting (Resolution #2022-036), that the Town Comptroller is authorized to expend up to \$2,200,000 from the Farms & Forest Capital Reserve Fund and \$200,000 from the Parkland Set Aside Fund, subject to mandatory referendum on

November 8, 2022, in addition to \$700,000 from the American Rescue Plan Act funds to purchase the 307 acres (including closing costs); and

WHEREAS, in accordance with Section 10(d) of the attached purchase agreement, the purchaser's obligations under this Agreement are contingent upon the outcome of the required referendum election on November 8, 2022 to authorize the transaction and its financing by the Town;

NOW, THEREFORE, BE IT RESOLVED, in accordance with Section 1.3 of the Option to Purchase Real Property, between The Town of Bethlehem and Milltowne Plaza, Inc., effective June 29, 2022, the Town exercises the option and authorizes the Supervisor and/or Town Attorney to provide notice of this exercise in accordance with Section 3 of the Option.

The motion to adopt the resolution was made by \_\_\_\_\_, was seconded by \_\_\_\_\_ and duly adopted by the following vote:

AYES:

NOES:

ABSENT:

DATED: