

Res # 2022- 035

RESOLUTION RESCINDING RESOLUTION #2022-027 THAT WAS ADOPTED ON JUNE 22, 2022 IN CONNECTION WITH THE PROPOSED PURCHASE OF OPEN SPACE IN GLENMONT AND SELKIRK.

WHEREAS, the Town has a one-time opportunity to purchase more than 300 acres of historic farmland; and

WHEREAS, the farmland is being offered to the Town at a sale price of \$3,000,000 despite the recent independent assessment of \$4,000,000;

WHEREAS, at its June 6, 2022 meeting, the Bethlehem Town Board passed Resolution #2022-027 providing for the use of \$2,200,000 of funding from the Town's Farm's and Forest capital reserve fund; and

WHEREAS, on July 21, 2022 the Town of Bethlehem received a petition with 973 signatures calling for a permissive referendum on the capital reserve Resolution; and

WHEREAS, NYS Town Law §91 regarding permissive referenda requires that a special election be held not less than 90 days nor more than 105 days from the date of a petition's submission; and

WHEREAS, this window would have the permissive referendum special election held between October 19, 2022 and November 3, 2022; and

WHEREAS, a special election held in April 30, 2013 regarding the Highway Superintendent position saw participation by only 5,055 voters; and

WHEREAS, it is the obligation of the Town Board to make elections as accessible as possible to as many voters as possible; and

WHEREAS, per the Albany County Board of Elections, general elections held in November have significantly higher participation rates than special elections, with 12,286 Bethlehem residents voting in the 2021 general elections, 22,114 voting in the 2020 general election, 10,396 voting in the 2019 general election, 16,488 voting in the 2018 general election, 11,653 voting in the 2017 general election, and 17,496 voting in the 2016 general election; and

WHEREAS, it is estimated that significantly more voters would participate in the November general election on the referendum versus voting in a special election; and

WHEREAS, a special election would be managed entirely by the Town of Bethlehem; and

WHEREAS, running the special election held in 2013 regarding the Highway Superintendent position cost the Town of Bethlehem an estimated \$10,000; and

WHEREAS, general elections held in November are managed entirely by the Albany County Board of Elections at no cost to the Town of Bethlehem; and

WHEREAS, per Town Law §§ 90-94, Town Boards can shift the required date for special referenda by withdrawing the initial resolution, and then reintroducing the resolution within 90 and 105 days of the next general election; and

WHEREAS, the Bethlehem Town Board can schedule a referendum for the November 8, 2022 general election by introducing and passing a capital reserve funding resolution with a referendum requirement at their July 27, 2022 regular meeting.

NOW, THEREFORE, the Bethlehem Town Board hereby rescinds Resolution 2022-027, and it further

RESOLVES that it will, at its July 27, 2022 meeting, introduce and pass a resolution similar to the June 22, 2022 Resolution, but will include a provision calling for a referendum to be held during the November 8, 2022 general election on the use of reserve funds in order to make the referendum accessible to more Bethlehem voters and to save the Town thousands in special election administration costs.

On a motion by Councilmember Coffey, seconded by Councilmember Becker and approved with the following vote:

**AYES: SUPERVISOR VANLUVEN, COUNCILMEMBER BECKER, COUNCILMEMBER COFFEY
COUNCILMEMBER CUNNINGHAM, COUNCILMEMBER DECANCIO**

NOES: NONE

ABSENT: NONE

DATED: JULY 27, 2022

RESOLUTION # 2022-036

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 27th day of July, 2022 duly adopted a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is in the public interest to preserve 307 acres of historic farmland in the town; and

WHEREAS, the 307 acres is divided amongst 9 parcels as identified in the attached agreement; and

WHEREAS, the property has been generously offered to the Town by the current landowner at a discount of \$1 million from the appraised value of the property; and

WHEREAS, in recognition of these needs, the remaining funds for such purposes are available from the American Rescue Plan Act (ARPA) held in the Town's operating funds, as well as within both the combined Farms and Forest and Parkland Setaside Reserve Funds; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to approve the project as described above; and

BE IT FURTHER RESOLVED, the Town will apportion \$700,000 from ARPA funding which was provided to the Town by the Federal Government and will modify the 2022 Adopted Budget for revenue account 110-0000-415.47-85 as well as the equipment expenditure category in department 1940 - Land Acquisition; and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend \$2,200,000 from the Farms and Forest Fund and \$200,000 from the Parkland Setaside Fund to purchase the 9 parcels, subject to a mandatory referendum on November 8, 2022.

The motion to adopt the resolution was made by Councilmember Cunningham, was seconded by Councilmember Coffey and duly adopted by the following vote:

AYES: Supervisor VanLuven, Councilmember Becker, Councilmember Coffey, Councilmember Cunningham, Councilmember DeCancio

NOES: none

ABSENT: none

DATED: July 27, 2022