

**TOWN BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

RESOLUTION # 2019-28

**ESTABLISHING A FARMS AND FORESTS CAPITAL RESERVE FUND under
Section 6-c OF THE GENERAL MUNICIPAL LAW.**

WHEREAS, the Town of Bethlehem, Albany County, New York (the "Town"), is a distinctive community in which active farms and working forests create a diverse landscape alongside thriving businesses and vibrant hamlets; and

WHEREAS, many of the Town's cherished green spaces, particularly agricultural lands, are at risk of being changed forever by development; and

WHEREAS, the Town of Bethlehem wants to provide landowners with alternatives to development that meet each landowner's personal and financial needs; and

WHEREAS, to balance growth and conservation, the Town will need to be financially prepared to support conservation projects - both land purchases and purchases of conservation/agricultural easements - in partnership with interested and willing landowners; and

WHEREAS, the 2018 Bethlehem Open Space and Farmland Conservation Opinion Survey showed that respondents overwhelmingly supported the conservation of open space and farmland in town; and

WHEREAS, the Town's Comprehensive Plan (2005), Recommendations on Open Space Needs and Opportunities (2009), Agricultural and Farmland Protection Plan (2009), Open Space Plan-Conservation Criteria (2017), and Open Space and Farmland Conservation Opinion Survey (2018) all recommended that the Town take action toward funding open space and farmland protection; and

WHEREAS, residents in community forums for the Town's Comprehensive Plan Update (2018 and 2019) expressed a strong desire to protect farms and open spaces as vital aspects of the Town's community character; and

WHEREAS, to support the conservation of farms, forests, and other green spaces, the Town needs sources of ongoing, sustainable funding. This funding can be provided in part through the creation of a Farms & Forests Capital Reserve Fund; and

WHEREAS, a Farms & Forests Capital Reserve Fund is authorized pursuant to Section 6-c of the General Municipal Law specifically to provide for funding for the purchase of land or land rights (conservation/agricultural easements).

NOW, THEREFORE, BE IT RESOLVED

That the Town Board of the Town of Bethlehem hereby establishes the creation of a Farms &

Forests Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law; and

BE IT FURTHER RESOLVED,

The Comptroller is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Comptroller may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Bethlehem. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Comptroller shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund, and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a schedule detailing such transactions, as requested; and

BE IT FURTHER RESOLVED,

The Comptroller shall deposit into the Farms & Forests Fund unassigned funds in the General Operating Fund, based on the fund balance as a percentage of the most recent budget, according to the formula set forth below:

| Fund Balance Over | Capital/Farms & Forest Fund |
|-------------------|-----------------------------|
| 20% | 100/0 |
| 21% | 50/50 |
| 22% | 100/0 |
| 23% | 50/50 |
| 24% | 50/50 |
| 25% | 50/50 |
| 26% and Above | 0/100 |

BE IT FURTHER RESOLVED,

the purpose of the Farms & Forests Fund is to allow the Town to:

1. purchase development rights (also known as agricultural or conservation easements) and or land from interested and willing landowners;
2. keep farmland affordable/accessible to new/future farmers;
3. provide an option to landowners that may be interested in selling their land, or their development rights, for conservation purposes;
4. provide financial support as a partner with non-profit land conservation organizations such as Mohawk Hudson Land Conservancy, Open Space Institute, Scenic Hudson, etc. by helping them invest in Bethlehem conservation purchases;

5. leverage outside funding sources, including State and Federal grants, by providing local match;
6. accept monetary donations from the public to the fund, thus providing residents who do not own large parcels a way to contribute to land conservation exclusively in the Town of Bethlehem; and
7. pay for costs associated with open space conservation transactions including, but not limited to, land appraisals, title searches, land surveys, and environmental assessments.

and

BE IT FURTHER RESOLVED,

Use of the Farms & Forests Fund will be guided based on the following procedures:

1. Submittal of a Conservation Project Landowner Application by an interested landowner to the Town Planning Department, with assistance provided by the Town Planning Department staff, and with the Town's Conservation Easement Review Board serving as an advisory body;
2. Application of the Conservation Project Evaluation Criteria, which includes the 25-point Conservation Criteria Assessment established in the Town's Open Space Plan (2017), in conjunction with other relevant factors;
3. Evaluation of whether the proposed Conservation Project would protect at least one of the four Conservation Values categories from the Town's Open Space Plan (2017) (1. Community Character; 2. Recreation and Greenways; 3. Forests, Fields, and Wildlife Ecosystems; 4. Natural Water Systems - streams, wetlands, and the Hudson River);
4. Exploration of partnerships and outside funding sources and grants to leverage the Town's Farms & Forests Fund;
5. Consideration of project readiness, project costs, and support/consistency with local plans; and
6. Recommendation provided from the Conservation Easement Review Board prior to Town Board consideration of Fund use.

and

BE IT FURTHER RESOLVED,

expenditures made from the Fund would be subject to permissive referendum; and

BE IT FURTHER RESOLVED,

members of the public may make tax deductible charitable donations to this Fund under section 170(c)(1) of the Internal Revenue Code:

1. donations received into this Fund cannot be used for any purpose other than the purpose, stated above, of the Farms and Forests Fund; and
2. donations received into this Fund would not be subject to permissive referendum.

and

BE IT FURTHER RESOLVED,

the Town may not solicit gifts or conduct fund-raising activities for this Fund. However, a

separate entity, such as a land trust or citizens group, may solicit gifts and conduct fund-raising activities where proceeds are donated to this Fund; and

BE IT FURTHER RESOLVED,

that except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c.

On a motion by Councilwoman Cunningham, seconded by Councilman Coffey and a vote of 5 for

and 0 against, and 0 absent, this RESOLUTION was adopted on September 25, 2019