

RESOLUTION NO. 2018243

RE: SETTING A PUBLIC HEARING WITH RESPECT TO
AWARDING A MATCHING GRANT TO ASSIST IN THE
ACQUISITION OF AN OPEN SPACE PARCEL LOCATED
ADJACENT TO THE HISTORIC KIMLIN CIDER MILL
OWNED BY CIDER MILL FRIENDS IN THE TOWN
OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK

Legislators BORCHERT, ROMAN, SAGLIANO, HORTON, JOHNSON, TRUITT, and BOLNER offer the following and move its adoption:

WHEREAS, the County is considering a recommendation of the Dutchess County Planning Board (Resolution No. 01/2018) for an award in an amount not to exceed \$40,000 in grant funds available through the Dutchess County Partnership for Manageable Growth Program (the "Program"), and

WHEREAS, this award shall be used to partially fund the purchase of an open space parcel, to be owned by the Cider Mill Friends, (hereinafter referred to as the "CMF") on approximately 1+/- acres of property, (Tax Grid Number: 134689-6160-02-722792-0000) located adjacent to the historic Kimlin Cider Mill on Cedar Avenue, in the Town of Poughkeepsie, Dutchess County, New York, and

WHEREAS, as a result of the CMF's organizing efforts and an application to the Program, Dutchess County shall contribute up to \$40,000, Jane W. Nuhn Charitable Trust shall contribute up to \$40,000 with the CMF providing the remainder of the required funding, for a total contribution of up to \$101,800, and

WHEREAS, the subject property will be preserved as open space and provide for reasonable access to this site and the adjacent historic Kimlin Cider Mill, and

WHEREAS, the CMF shall grant the County a conservation easement to ensure the preservation of the property as publicly-accessible open space and shall assume primary responsibility to monitor the easement and provide the County with an annual report, and

WHEREAS, the Dutchess County Planning Board Resolution recommending support for the acquisition of this open space by CMF through a matching share grant of up to \$40,000, through the Program is attached, and

WHEREAS, the Program and General Municipal Law §247 require a public hearing on acquisition of such an open space parcel and placement of such an easement prior to final authorization thereof, now, therefore, be it

RESOLVED, that this Legislature shall conduct a public hearing on the 9TH day of October, 2018 at 7 P.M., in the Legislative Chambers, County Office Building, 22 Market Street, Poughkeepsie, New York on the proposed award of up to \$40,000 in matching grant funds through the Dutchess County Partnership for Manageable Growth Program to partially fund the purchase of an open space parcel of approximately 1+/- acres of Property, (Tax Grid No. 134689-6160-02-722792-0000), which is located adjacent to the historic Kimlin Cider Mill on Cedar Avenue in the Town of Poughkeepsie, Dutchess County, New York, Jane W. Nuhn Charitable Trust shall contribute up to \$40,000 with the CMF providing the remainder of the required funding, for a total project cost of \$101,800, and be it further

RESOLVED, that the Clerk of the Legislature is directed and empowered to give notice of said hearing pursuant to law.

CA-154-18
LDF/kvh
G-0179
08/13/18
Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 12th day of September 2018, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 12th day of September 2018.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 0

Total Current Year Revenue \$ 0
and Source

Source of County Funds (check one): Existing Appropriations, Contingency,
 Transfer of Existing Appropriations, Additional Appropriations, Other (explain).

Identify Line Items(s):

H0476.8020.3006.7016 - Acquisition of Open Space, consisting of +/- 1 acre, known as Cider Mill Friends Lot 1

Related Expenses: Amount \$ 0
Nature/Reason:

Anticipated Savings to County: \$ 0

Net County Cost (this year): \$ 0
Over Five Years: \$ 0

Additional Comments/Explanation:

Dutchess County has awarded \$40,000 in matching funds from the Dutchess County Partnership for Manageable Growth Program to assist the Cider Mill Friends of Open Space and Historic Preservation in the purchase of an approximately 1-acre parcel, located adjacent to the historic Kimlin Cider Mill (already owned by the Cider Mill Friends). The not to exceed cost of the acquisition of the parcel is a \$101,800 with Jane W, Nuhn Charitable Trust and the Cider Mill Friends providing the remainder of the required funding.

The source of County funds is Capital Account H0476, bonds approved by Dutchess County Legislature Resolution No. 2014323 to support the Partnership for Manageable Growth (PMG) Program.

Prepared by: Brad Barclay, Department of Planning and Development

DUTCHESS COUNTY PLANNING BOARD
RESOLUTION NO 01/2018

RECOMMENDING FOUR APPLICATIONS FOR CONSIDERATION THROUGH THE PARTNERSHIP FOR MANAGEABLE GROWTH (PMG) PROGRAM

WHEREAS, by Resolution No. 990382, Dutchess County established the Open Space and Farmland Protection Matching Grant Program and authorized the Dutchess County Planning Board to review applications for and recommend awards of said funds; and

WHEREAS, by Resolution No. 201276, Dutchess County revised the Matching Grant Program to create the Dutchess County Partnership for Manageable Growth and to increase potential matching grant awards from a maximum of one third to a maximum of one half of the total cost of the acquisition of development rights on farmland; and

WHEREAS, by Resolution No. 2015183, Dutchess County revised the Partnership for Manageable Growth, as follows: (a) funding clarification; (b) removal of the requirement that the County be "last in" for funding; (c) addition of a preliminary review option; (d) clarification of differences between "open space" and "farmland protection" projects; (e) stipulation that there will be no retroactive funding; (f) passive recreation only; and (g) establishment of criteria for the Municipal Planning Grants; and

WHEREAS, by Resolution No. 2017212, Dutchess County authorized the issuance of \$1,000,000 Serial Bonds of the County of Dutchess to pay the cost of the acquisition of parcels of land, or rights or interests in such land, for passive park purposes and the preservation of Open Space and Farmland in and for said county.

WHEREAS, IN 2018 the Dutchess County Planning Board received three applications for matching grant funds submitted by the Dutchess Land Conservancy for the acquisition of agricultural conservation easements on a total of 554 acres; and

WHEREAS, the total cost of the three farm conservation easements, including the administrative costs associated with finalizing the acquisitions, are estimated to be \$3,511,790; and

WHEREAS, the owners of the properties have signed letters of intent stating their interest in selling the development rights on the properties and granting a conservation easement restricting or limiting future non-farm development on said property; and

WHEREAS, the properties are included in an Agricultural Priority Area identified in the 2015 County Agricultural and Farmland Protection Plan; and

WHEREAS, IN 2018 the Dutchess County Planning Board received an application for matching grant funds submitted by the Cider Mill Friends of Open Space & Historic Preservation for the acquisition of a 1 acre, open space parcel, adjacent to the historic (c. 1880) Kimlin Cider Mill; and

WHEREAS, the total cost of the open space acquisition, including the administrative costs associated with finalizing the acquisition, is estimated to be \$101,800; and

WHEREAS, the owner of the property has signed a letters of intent stating their interest in selling the property and the Cider Mill Friends would grant a conservation easement restricting future development on said property and allowing public access (subject to reasonable regulation); and

WHEREAS, the adjacent Kimlin Cider Mill (owned by the Cider Mill Friends) is a Town of Poughkeepsie Landmark and is listed on the National Register of Historic Places; and

WHEREAS, the Board finds that each of the four applications met or exceeded the program criteria; and

WHEREAS, the Board has reviewed the four applications based on the program criteria, toured the sites and subsequently prioritized the projects as shown in Attachment A; therefore be it

RESOLVED, that the Dutchess County Planning Board recommends that up to \$1,042,500 of the total project costs described above, be awarded for the acquisition of an open space parcel and development rights on the farms, based on the following contingencies:

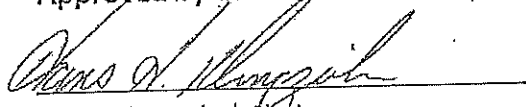
- 1) Completion of administrative tasks including but not limited to survey, title search, and base line documentation pursuant to negotiation of an appropriate conservation easement;
- 2) Negotiation of an agricultural conservation easement conveying the development rights on the Farm property to the appropriate land conservancy, with such rights in New York State, Dutchess County, and the Town as appropriate for program purposes and restricting future use of the property under easement to agriculture-related uses; or

Negotiation of the sale of the open space parcel to the applicants and negotiation of a conservation easement on the property restricting future development on said property and allowing public access (subject to reasonable regulation) to be conveyed to Dutchess County;
- 3) Development of a Monitoring Agreement between Dutchess County and the appropriate land conservancy for the purpose of enforcing the provisions of the conservation easement acquired with Partnership for Manageable Growth Program funds;
- 4) Completion of review and approval of the proposed acquisition by the Dutchess County Legislature in its capacity as Lead Agency under the State Environmental Quality Review Act (SEQRA), and be it further

RESOLVED, that an implementation team consisting of representatives from the appropriate land conservancy, the landowners, the Dutchess County Attorney's Office, the Dutchess County Department of Planning and Development, and others as appropriate to complete administrative tasks associated with the acquisition, will be established for the purpose of completing the acquisition.

	Yes	No	Absent
Hans Klingzahn, Chair	<u>X</u>	_____	_____
James Nelson, Vice Chair	<u>X</u>	_____	_____
Gary Baright	_____	_____	<u>X</u>
Colleen Cruikshank	<u>X</u>	_____	_____
Michael Dupree	<u>X</u>	_____	_____
Hans Hardisty	_____	_____	<u>X</u>
Edward P. Hauser	<u>X</u>	_____	_____
J. Patrick Lambert	<u>X</u>	_____	_____
Warren Temple Smith	<u>X</u>	_____	_____
Jill Way	_____	_____	<u>X</u>
John Weisman	<u>X</u>	_____	_____
Frederick Wilhelm	_____	_____	<u>X</u>
J. Randall Williams	<u>X</u>	_____	_____

Approved by the Dutchess County Planning Board


 Hans Klingzahn, Chair

March 14, 2018
 Date

