

**Public Hearing
Conservation Easement Applications**

A public hearing on Conservation Easement Applications was held Monday April 24, 2006 at 7:40 p.m. at the Town Hall 7340 South Broadway with the following in attendance:

Deputy Supervisor Bill O’Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Absent: Town Clerk Susan McCann
Supervisor Marirose Blum Bump

Deputy Supervisor O’Neill called the meeting to order at 7:40 p.m. with the reading of the Conservation Easement application of Bernard and Marion Bucharay. Deputy O’Neill asked if there were any comments.

Marcy Appell inquired about procedure – will there be a contract with the Town or will there be a Conservation Easement.

Councilwoman Crane responds that it will be an easement.

Marcy Appell asks if it will be filed with the county and one with the property.

Councilwoman Crane – will be applied for the amount of the term - all applications were for 15 years.

Deputy Supervisor O’Neill – the application itself is the conservation easement. It’s a contract between the applicant and the Town Board

Marcy Appell – it will have to go to a Land Trust.

Robert McKeon – our program was modeled after a program where the easements were actually done in house and not filed at the County level.

Marcy Appell - then how would the easement be picked up by a purchaser?

Robert McKeon – it should be part of our mapping obligations to make that available to landowners.

Councilman Ramsey asks if there is no obligation to file with the County.

Robert McKeon – that’s right.

Marcy Appell – there is no way that you can track the easement if not filed with the County.

Councilman Ross – property could be bought without realizing there is an easement.

Councilwoman Crane- The tracking of the easement is not adequate

Councilman Ramsey – if someone buys the property with a 15 year easement, the County doesn’t know there’s an easement on it, property bought in good faith, and new owner finds there’s an easement later on. How would we handle that?

Deputy Supervisor O’Neill – has to be recorded. cited: “the foregoing restrictions shall commence immediately upon recording of this instrument by the parties”. Recording would mean with the County Clerk.

Robert McKeon – does not require to be recorded with the County Clerk. Title Search would not pick up, disclosure typically by the seller.

Councilman Ramsey – new buyer purchases property 3, 5, 10 years down the road does not know there is an easement, has the right to do what he wants since easement is not in his name contractually.

Councilman Ross – Then why don't we have the Public Hearing then do some housekeeping on this.

Deputy Supervisor O'Neill - this would be recorded as a limitation on the property.

Councilman Ross – if we grant the easement our Assessor gets that to the County real property and tax and when they send the bill everything should be on that.

Robert McKeon – that would be a mechanism. Not fool proof – an Agricultural Assessment or a forestry provision is not recorded with the deed either.

Marcy Appell – if someone is buying a 40 acre piece of property with the idea of breaking it up for their children...it's a legal impediment.

Councilman Ramsey read paragraph 2 – does state that it is recorded at the County.

Councilwoman Crane – can't imagine anyone making a purchase without asking the tax implications.

Marcy Appell – If people come from out of town they may not know. They don't know they need a building permit.

Councilwoman Bordewich – cannot rely on sellers to disclose. Everybody will go to the deed – are obligated to record the deed.

Councilman Ross we do our homework and figure out how to file it with the County and how much it will cost to file.

Deputy Supervisor O'Neill – recording means it's made a record – a public record for people

Councilwoman Bordewich – who is responsible for the recording? Is Frank?

Marcy Appell – owners should record.

Councilwoman Crane – some applications have no signatures or the amount of years they are applying for. Do not have very many valid applications. We need to know that they are willing before we say yea or nay. How do we take these seriously without signatures?

Councilman Ross – Application should go directly to the Assessor.

Robert McKeon – the Easement is the application- they are expressing their willingness to join the program. Not notarized until agreed.

Councilman Ross – at time of submission should be signed by applicant.

Councilman Ramsey suggests we proceed with applications.

The Boucharrays need a signature page.

Public Hearing concluded at 8:05 p.m. with the notation that we need to explore the signature page.

**Public Hearing
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Public Hearing on the Conservation Easement application of Franca Cooper opened at 8:05 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read Public Notice. The following were in attendance:

Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Town Clerk Susan McCann
Supervisor Marirose Blum Bump

Absent:

Missing signature page and missing the number of years requested. Robert McKeon said that everyone applied for 15 years.

Public Hearing on application of Franca Cooper closed at 8:05.

Robert McKeon suggests opening all public hearings and closing at the same time in case of comments.

Councilman Ross – agrees to close at end.

**Public Hearing
Conservation Easement Applications**

Public Hearing on the Conservation Easement application of James Eng opened at 8:11 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read Public Notices for both parcels owned by James Eng. The following were in attendance:

Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Town Clerk Susan McCann
Supervisor Marirose Blum Bump

Absent:

Councilman Ramsey – should have a separate application for each property.

Councilwoman Bordewich – see this as one piece.

Councilman Ross – two parcels one piece, if backs out would have to pay a penalty.

**Public Hearing
Conservation Easement Applications**

A Public Hearing on the Conservation Easement application of Robert Fennell opened at 8:15 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read the Public Notice for the parcel owned by Robert Fennell. The following were in attendance.

Deputy Supervisor Bill O'Neill

Absent: Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Town Clerk Susan McCann
Supervisor Marirose Blum Bump

Councilman Ross – application has no term and no signature. Our Assessor does not agree with this Conservation Easement. We have document to prove that. The same with the Cooper application. Board grants the easement, assessor sets the rate.

Marcy Appell – were all applicants properly notified?

Councilwoman Crane – no one instructed the Town Clerk to notify every applicant individually.

Councilman Ramsey – this is new experience for all of us.

**Public Hearing
Conservation Easement Applications**

A Public Hearing on the Conservation Easement application of Ann Gourlay Gabler and Mirko Gabler opened at 8:23 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read the Public Notice for the parcel owned by the Gablers. The following were in attendance:

Absent: Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Town Clerk Susan McCann
Supervisor Marirose Blum Bump

No signature on application.

As per Town Board will continue with all applications, will discuss and close at the end.

**Public Hearing
Conservation Easement Applications**

A Public Hearing on the Conservation Easement application of Theresa Haney and Pepi Diaz-Salazar opened at 8:25 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read the notice for the parcel owned by Theresa Haney and Pepi Diaz-Salazar. The following were in attendance:

Absent: Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Town Clerk Susan McCann
Supervisor Marirose Blum Bump

As per Town Board will continue with all applications, will discuss and close at the end of meeting.

**Public Hearing
Conservation Easement Applications**

A Public Hearing on the Conservation Easement application of Ron & Roberta Odom opened at 8:26 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read the notice for the parcel owned by Ron & Roberta Odom. The following were in attendance:

Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Absent: Town Clerk Susan McCann
Supervisor Marirose Blum Bump.

As per Town Board will continue with all applications, will discuss and close at the end of meeting.

**Public Hearing
Conservation Easement Applications**

A Public Hearing on the Conservation Easement application of Joyce Riffenburg opened at 8:27 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read the notice for the parcel owned by Joyce Riffenburg. The following were in attendance:

Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Absent: Town Clerk Susan McCann
Supervisor Marirose Blum Bump

Councilman Ramsey - Needs exact property size.

Councilman Ross – some old deeds still say plus and minus – can't require applicants to get a survey.

As per Town Board will continue with all applications, will discuss and close at the end of meeting.

**Public Hearing
Conservation Easement Applications**

A Public Hearing on the Conservation Easement application of Stephen B. Schreiber opened at 8:27 p.m. at the Town Hall 7340 South Broadway. Deputy Supervisor O'Neill read the notice for the parcel owned by Stephen B. Schreiber. The following were in attendance:

Deputy Supervisor Bill O'Neill
Councilman James Ross
Councilwoman Sue Crane
Councilwoman Jean Bordewich
Councilman Harold Ramsey
Deputy Town Clerk Claire Horst
Absent: Town Clerk Susan McCann
Supervisor Marirose Blum Bump

Application needs signature.

Mr. Schreiber – didn't sign application on purpose – will sign if he gets a good discount on his taxes. He presented map of his property as well as photographs. Three acres off of Saw Mill Road – can get \$185,000 per building lot. Thought it might be time to sell some property. What can the Town Board do to the County and the County to the state to get taxation away from property. He wants to see what the offer is. He won't tie up his land for a little tax reduction.

Deputy Supervisor O'Neill – legitimate applications technically speaking they should be signed and notarized, but the process is that the application is made and the Town Board will consider it.

Councilman Ross – our application looks more like an agreement than an application.

Public Hearing Conservation Easement Applications

A Public Hearing on the Conservation Easement application of Larry Thetford opened at 8:27 p.m. Deputy Supervisor O'Neill read the notice for the parcel owned by Larry Thetford. The following were in attendance:

	Deputy Supervisor Bill O'Neill
	Councilman James Ross
	Councilwoman Sue Crane
	Councilwoman Jean Bordewich
	Councilman Harold Ramsey
	Deputy Town Clerk Claire Horst
Absent:	Town Clerk Susan McCann
	Supervisor Marirose Blum Bump

Councilman Ramsey questions if we should close the Public Hearings.

Deputy Supervisor O'Neill – there was a recommendation to keep them open.

Councilwoman Crane – We should have two distinct documents.

Councilwoman Bordewich – question about the amount of reduction.

Frank Orlando (Assessor) 75% of the loss in value – will see if he can wait until July until the final roll comes through. Any changes have to be made by the Board of Assessment.

Councilwoman Bordewich – has no problem approving the applications subject to discussion with the landowners. If they are willing to sign, she's willing to vote to approve all of them. If they have a problem with it, then they don't have to sign it.

Al Trezza – recommends accepting all applications without signatures, than if they choose to accept the offer, they sign in front of a Notary Public.

Councilwoman Bordewich – how do you feel there is no loss in value of the two properties?

Frank Orlando - Looks at property as it is right now, then looks based on years of doing easement work, what the market would pay. In those two instances doesn't see a change in value.

Councilwoman Crane – Regarding the Conservation Easement Code – Recording Agreement cites: if such proposal is adopted by the Town Board it should be executed by the owner or owners in written form, adopted and provided by the town suitable for recording in the Dutchess County.

Al Trezza – the document is in recordable form. It is up to the Town to determine if they want to record these documents.

Councilwoman Crane – why would they not?

Al Trezza – about \$36.00 to record.

Councilman Ross – if we vote to grant these easements – vote to grant all as is - send to applicants for proper signature and Notary. They should know what their reduction is.

Councilman Ramsey – they should talk to assessor and pay the recording fee. Applicants can choose to accept or to back out.

Al Trezza offered to draft the letter advising the Conservation Easement applicants of Town Boards acceptance. Will tell what the reduction in assessment is, and also approximate savings. Have applicants return paperwork by May 15. Will need fresh copy of the easement to go with the letter. The notarized application can be accepted.

On a motion of Councilman Ramsey, seconded by Councilman Ross the Public Hearings were closed at 9:15 p.m.

Adopted	Ayes 4	Ross, Crane, Bordewich, Ramsey
	Nays 0	

Councilman Ross moved to accept all applications as they previously discussed with our attorney drafting a letter to be sent to each and every one of them by the end of this week for their notarized signatures if they so chose to go along with it. Enclosed with that will be a copy of the Assessors expected reduction in assessed value, seconded by Councilwoman Crane, unanimously approved at 9:20 p.m.

Respectfully submitted

Claire Horst, Deputy Town Clerk