

TOWN OF COPAKE

RESOLUTION

Number 8 of February 13, 2025

To Request Assemblymember and State Senator Sponsorship of  
Community Preservation Fund Enabling Legislation for the Town of Copake

**WHEREAS**, community preservation funds have been established in various municipalities in the State of New York; and

**WHEREAS**, such community preservation funds have been established for purposes of preserving community character, including through, among other things, preservation of agricultural land, open space, lands of exceptional scenic value, freshwater wetlands and marshes, aquifer recharge areas, undeveloped beach-lands and shoreline, unique or threatened ecological areas, rivers and river areas, forested land, public access to lands for public use, and historic places and registered historic properties, as well as through establishment of parks, nature preserves, and recreation areas, wildlife refuges, and greenbelts; and

**WHEREAS**, such community preservation funds are authorized to receive gifts of interests in lands or monies, and revenues of the municipality from whatever source, including, if authorized, revenues from a real estate transfer tax imposed for such purposes; and

**WHEREAS**, assets held by a community preservation fund may be used in accordance with the authorized purposes of the community preservation fund, including through implementation of a plan for preservation of community character, acquisition of interests or rights in real property for the preservation of community character, establishment of a bank pursuant to a transfer of development rights program, and provision of a management and stewardship program for such interests and rights; and

**WHEREAS**, such community preservation funds have typically included establishment of an advisory board to review and make recommendations on proposed acquisitions of interests in real property using monies from the fund, which board acts in an advisory capacity to the municipal legislative board; adoption of a community preservation project plan that details projects within the municipality that it plans to undertake through the community preservation fund; and authorization to study and consider establishment of a transfer of development rights program; and

**WHEREAS**, State enabling legislation is required to authorize establishment of a community preservation fund in the Town of Copake; and

**WHEREAS**, the Town Board desires to request that its representatives in the Assembly and in the State Senate sponsor enabling legislation that would authorize establishment of a community preservation fund in the Town of Copake; now, therefore,

It is hereby **RESOLVED**, that the Town Board hereby requests that Assemblymember Didi Barrett and State Senator Michelle Hinchey sponsor legislation, to be introduced in the New York State Assembly and New York State Senate, in relation to authorizing the Town of Copake to establish a community preservation fund; and

It is hereby **FURTHER RESOLVED** that the Town Board finds and determines that the Town Board does not have authority to establish a community preservation fund in the absence of enactment of such enabling legislation by the State; and

It is hereby **FURTHER RESOLVED**, that the Town Board authorizes and directs the Town Clerk, the Town Supervisor, and/or their respective designees, to send certified copies of this Resolution to Assemblymember Didi Barrett and State Senator Michelle Hinchey; and

It is hereby **FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Roll Call Vote The foregoing Resolution, offered by Councilperson Morningstar and seconded by Councilperson Gansowski, was duly put to a roll call vote as follows:

Resolution No. 8  
Dated February 13, 2025  
Copake, New York

Roll Call Vote.	Supervisor Wolf	yes
	Councilperson Gabaccia	yes
	Councilperson Gansowski	yes
	Councilperson Haight	yes
	Councilperson Morningstar	yes

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Lynn M. DeRocha, Town Clerk

(seal)

February 13, 2025