



TOWN OF RIVERHEAD

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QUALIFIED & ELIGIBLE PUBLIC HEARING PROTOCOL

- The purpose of the public hearing is for the Board to “vet” the applicant and its ability to complete the urban renewal project being proposed.
- The hearing process will run as followed:
 - Opening statement will be given by special counsel explaining the purpose of the public hearing.
 - Applicant will then make its presentation through speakers, visual presentations and/or submittal of written documentation. Submittals that were made prior to the actual hearing would be made part of the record.
 - The Chair of the Community Development Agency (Town Supervisor) will open the floor to the public to ask questions or make comments. Questions and comments will be limited to the qualifications and ability of the applicant to perform the contract. Comments relating to the wisdom of the project itself are not really pertinent to the issue before the Board at this hearing.
 - Those members of the public that would like to speak will be asked to sign-in by filling out a speaker card and will be called to the podium by name.
 - Persons speaking at this public hearing are respectfully requested to keep their comments brief and to address only those items that pertinent to the matter being considered.
 - The applicant will return to the podium to answer the questions raised by the public.
 - The Board will raise questions to the applicant.
 - The applicant will return to answer the questions posed by the Board.
 - At any time, the Board can recess the hearing to take a break due to its length or need to discuss questions with counsel. The latter would take place in Executive Session.
 - If the Board determines that due to the length of the hearing, or the need for additional information, or any other reason, the hearing can be adjourned. The length of the adjournment is up to the Board and if based on the need for more information from the applicant, the adjournment would usually be for a month so that the requests can be met.
 - When the hearing is concluded, the Board will adopt a motion closing the public hearing. Sometimes the public hearing is closed but the Board allows written submittals to be filed within a specified period of time.



HOW DOES THE BOARD DETERMINE WHETHER THE APPLICANT IS A QUALIFIED AND ELIGIBLE SPONSOR

- What Factors are considered:
 - The State Statute does not define what makes an applicant a qualified and eligible sponsor. This is left to the local urban renewal agencies. The Riverhead CDA has adopted the following rules and procedures. Prior Boards have on occasion not required each and every item depending on the specific circumstances involved (i.e. Rechler was an applicant to purchase 300 acres at EPCAL and since it was well known to the Board for its work and financial ability, much of these requirements were waived).
 - The Rules and Procedures set forth for the review of proposals for the sale or lease of property by the CDA to a person, firm or corporation are established as follows:
 1. The CDA shall ascertain whether the applicant is “qualified and eligible” pursuant to Section 507 (2) (c) of Article 15 of New York State General Municipal Law and in accordance with the following criteria:
 - a. Experience of the individual, firm or corporation with development, construction, management and financing of similar projects in size and scope to the proposed project;
 - b. Demonstrated ability to finance the acquisition and development of specific project proposed including the review by the CDA of pro forma financial statements for the proposed project, including sources and uses of funds, certified personal and corporate financial statements of the applicant sponsor, financial commitments of participating lenders, proposed security for the project and past compliance with municipal laws, rules and regulations.
 - c. Demonstrated integrity and responsibility of the applicant sponsor as determined by the CDA based upon appropriate investigation by the Town Attorney and consistent with case laws as reiterated in the memorandum to Supervisor Phil Cardinale and Town Attorney Dawn Thomas dated March 12, 2004 from Randolph, Mayer, Wilkie Farr & Gallagher, LLP
 - d. Presentation of the applicant sponsor to the public at the prescribed hearing upon due notice at a public meeting of the CDA providing an opportunity for the applicant sponsor to present its proposal and ability to meet the established criteria for designation by the CDA as a “qualified and eligible” sponsor pursuant to Sections 507 (2) (c) of Article 15 of New York State General Municipal Law.