

**FEBRUARY 4, 2014
CDA RESOLUTION LIST:**

CDA

- Res. #4** Authorizes the Town Board, on Behalf of the Town of Riverhead and Community Development Agency, to Retain the Services of Harris Beach for the Express Purpose of Implementation of a Finance Plan (loan) to Assist the Town in Addressing Projected Budget Shortfalls and Negotiations with Designated Developers/Investors in Reference to Redevelopment at EPCAL

TOWN BOARD RESOLUTION LIST:

- Res. #68** Riverhead Water District 2013 Capital Projects Closure
- Res. #69** Authorizes Attendance at the Government Finance Officers' Association Annual Conference
- Res. #70** Water District Budget Adjustment
- Res. #71** Appoints Member to the Planning Board of the Town of Riverhead (Stanley Carey)
- Res. #72** Appoints a Call-In Crossing Guard (Marianne Lynn)
- Res. #73** Appoints a Part-Time Crossing Guard (Madeline Galka)
- Res. #74** Appointment of Part-Time Recreation Aides/Volleyball Attendants and Officials to the Recreation Department
- Res. #75** Ratifies the Authorization of a License with Pictometry International Corp.
- Res. #76** Authorizes Attendance at the 2014 Training School and Annual Meeting Held by the Association of Towns
- Res. #77** Authorizes the Supervisor to Execute an Agreement Authorizing the Town to Accept Funds from Suffolk County Office for the Aging to Supplement the Town's Residential Repair Program for the Elderly
- Res. #78** Authorizes Financial Administrator to Establish and Fund Imprest Account Related to Third Party Administrator Processing and Payment of Worker's Compensation Claims and Related Medical Claims

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 4

AUTHORIZES THE TOWN BOARD, ON BEHALF OF THE TOWN OF RIVERHEAD AND COMMUNITY DEVELOPMENT AGENCY, TO RETAIN THE SERVICES OF HARRIS BEACH FOR THE EXPRESS PURPOSE OF IMPLEMENTATION OF A FINANCE PLAN (LOAN) TO ASSIST THE TOWN IN ADDRESSING PROJECTED BUDGET SHORTFALLS AND NEGOTIATIONS WITH DESIGNATED DEVELOPERS/INVESTORS IN REFERENCE TO REDEVELOPMENT AT EPCAL

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, in 2011, New York State adopted a law, General Municipal Law §3-c, prohibiting local government's adoption of a budget that requires a tax levy that exceeds the prior year's levy by more than 2 percent, or the rate of inflation, whichever is less, unless the governing board first adopts a local law to override the tax levy limitation; and

WHEREAS, the law referred to above allows local governments and school districts to override the annual levy cap for one fiscal year only (no permanent "opt out") and if override is successful, the amount levied becomes the base for the next fiscal year; and

WHEREAS, the Town of Riverhead, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York duly organized and existing pursuant to the laws of the State of New York, and the Town of Riverhead Community Development Agency, a New York Public Benefit Corporation dedicated to promoting, sponsoring and overseeing economic development within the Town, have spent considerable time and effort to develop a revised land use plan, associated zoning, updated market assessment, and subdivision plan for the former Calverton Naval Weapons Industrial Reserve Plant (hereinafter "EPCAL"); and

WHEREAS, by Resolution # 5, adopted on May 7, 2013, the Town Board, acting as governing body of the Town of Riverhead Community Development Agency, accepted for SEQR purposes the Full Environmental Assessment Form (EAF) Part I, the Alternative Subdivision Sketch C for EPCAL and the draft scope of issues necessary for the anticipated Supplemental Generic Environmental Impact Statement (SGEIS) for that portion of land within EPCAL owned by the Community Development Agency evidencing the Town and Community Development Agency's commitment and progress for redevelopment of EPCAL ; and

WHEREAS, due to projected budget shortfalls for 2015 and potential budget shortfalls beyond 2015, due in large part to financing of debt associated with the Town

Landfill; Town's desire to continue to maintain the level of government services; Town's desire to adhere to the goal of General Municipal Law 3-c (2% Property Tax Cap Law), to wit: provide meaningful tax relief to the families, homeowners and business in the Town of Riverhead; and Town and Community Development Agency anticipated ability to bring to fruition economic development within the eight to sixteen months, the Town and Community Development Agency seek to secure a short term loan secured by a portion of property located within EPCAL; and

WHEREAS, Harris Beach, PLLC and its subsidiaries provide a full range of legal and professional services and have extensive experience related to tax increment financing and PILOT increment financing for state and local governments embarking on significant economic development projects, such as EPCAL.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as governing body of the Community Development Agency, does hereby authorize the Supervisor to execute an agreement with Harris Beach, PLLC for services necessary to secure a short term loan collateralized and/or secured by property owned by the Community Development Agency located within EPCAL in an amount not to exceed six million dollars and services related to lease, sale, increment financing be it related to specific projects or infrastructure subject to the following: (1) an agreement between Harris Beach and Community Development Agency which includes (a) a restriction that fee for legal services related to short term loan collateralized and/or secured by property located within shall not exceed municipal rate of \$275.00 per hour (b) professional liability insurance equal to the amount of any such loan or financing secured for the Community Development Agency, (c) authorization, via Town Board resolution, for all such other tasks and/or assignments related to negotiation and/or preparation of documents for development projects and/or infrastructure improvements within EPCAL (d) the fees for all such other tasks and/or assignments outlined in 1 (c) shall not be borne by the Town of Riverhead and instead the fees for such services will be made the responsibility of any development project/lessee/purchaser of lands within EPCAL, and (e) such other terms deemed necessary and appropriate by the Office of the Town Attorney and (2) any monies secured as a result of the short term loan shall be apportioned between the Town's 2015 and 2016 annual budgets to extent required to limit a property tax increase over the 2% Property Tax Cap Law; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Harris Beach, PLLC, and a copy to Christine Kempner, Community Development Agency Director, and Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage and if needed, a certified copy of same may be obtained from the Town Clerk's office.

There was a motion to consider resolution # 4 by Councilman Wooten, seconded by Councilman Gabrielsen. Motion carried by unanimous vote. Immediately thereafter there was a motion to put to vote.

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted