

6/12/08

TOWN OF RIVERHEAD

Adopted

Resolution 500

OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE TO AMEND THE TOWN LAW IN RELATION TO THE PECONIC BAY COMMUNITY PRESERVATION FUND

COUNCILWOMAN BLASS offered the following resolution, was seconded by COUNCILMAN DUNLEAVY :

WHEREAS, New York State Assembly Bill 10724A/Senate S.8111a, attached herewith, has been introduced in the New York State Assembly which would provide additional fiscal oversight and controls to the Peconic Bay region community preservation fund to insure that the original intent of the law, which is the acquisition of interests in land to protect community character, is achieved; and

WHEREAS, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation; and

WHEREAS, the Town recognizes the need to provide additional fiscal oversight and controls to the Peconic Bay region community preservation fund to insure that the original intent of the law, which is the acquisition of interests in land to protect community character, is achieved.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature to provide additional fiscal oversight and controls to the Peconic Bay region community preservation fund; and be it further

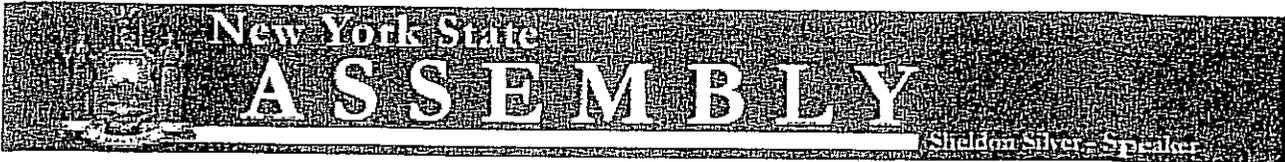
RESOLVED, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932, and copies to the Office of Accounting and the Office of the Town Attorney.

THE VOTE

Buckley	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Wootert	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED



Tuesday, June 10, 2008

Bill Summary - A10724

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A10724 Summary:

BILL NO A10724A
SAME AS Same as Uni. S 8111-A
SPONSOR Thiele
COSPNSR Alessi
MLTSPNSR

Am'd S64-e, Town L

Relates to the Peconic Bay community preservation fund; institutes a series of fiscal oversight measures.

A10724 Actions:

BILL NO A10724A
04/28/2008 referred to local governments
06/05/2008 amend and recommit to local governments
06/05/2008 print number 10724a

A10724 Votes:

A10724 Memo:

BILL NUMBER:A10724A

TITLE OF BILL: An act to amend the town law, in relation to the Peconic Bay community preservation fund

PURPOSE OR GENERAL IDEA OF BILL: to provide additional fiscal oversight and controls to the Peconic Bay region community

preservation fund to insure that that the original intent of the law, which is the acquisition of interests in land to protect community character, is achieved

SUMMARY OF SPECIFIC PROVISIONS: Amends Section 64-e of the Town Law (Peconic Bay region community preservation fund) as follows:

1. Provides that where a town acquires interests in land by incurring indebtedness under the local finance law, that a report is made indicating how such indebtedness will be re-paid by the fund. Such report shall provide an estimate of available revenues during the period of indebtedness and other liabilities incurred against those revenues. The town supervisor must certify that there will be sufficient revenue in the fund to re-pay the indebtedness in its entirety.
2. Expressly states what preliminary and incidental costs related to an acquisition may be charged to the fund.
3. Provides that each town may establish a management and stewardship plan for lands acquired by the fund. Funds for management and stewardship may only be expended for projects included in the plan. The plan may enumerate projects for up to a three year period and shall include a description of each project and an estimated cost. Said plan must be approved by local law.
4. Expressly states which projects are eligible for funding under the management and stewardship program. Such projects include:
 - a. projects which protect or enhance the natural, scenic, and open character of the land
 - b. accessory structure which promote public access such as trails, boardwalks, bicycle paths, and parking areas,
 - c. restoration of lands to their natural state,
 - d. initial restoration of historic buildings and structures
5. Expressly states employees, operation and maintenance, and any expense not specifically permitted are prohibited.
6. Allows the towns to enter into inter-municipal agreements for the following purposes:
 - a. to acquire lands where there is a regional benefit pursuant to a state or federal regional plan,
 - b. to establish an office to render legal opinions relating to the administration of the fund,
 - c. to perform an independent audit of the fund
 - d. to hire employees to implement the fund,
7. Requires each town to annual perform an independent audit of the fund. The audit shall be submitted to the State Comptroller and shall be made available to the public.

8. States that salaries for employees and independent contractors may only be deducted from the fund if their job responsibilities are directly dedicated to implementing the provisions of the CPF

JUSTIFICATION: The Peconic Bay region community preservation fund was enacted by the State Legislature in 1998. It has been in effect for nearly ten (10) years. It has been one of the most successful land preservation programs in the nation. More than \$500 million has been collected in revenue and nearly 10,000 acres have been protected.

Upon, the 10th anniversary of the program, it is important to examine at the record of the fund, and seek ways to improve its administration. In the Peconic Bay region, a task force was created to review the towns' experience with the law and suggest ways to improve its operation.

In addition, the State of New York, having authorized the 2% real estate transfer tax, which finances this fund, has a strong state concern in insuring that the fund is administered effectively and efficiently. It is noted that several other regions of the state have also recently gained authority from the State Legislature to implement similar fund. Other requests are pending. The State has an interest in insuring that this successful program continues to meet its objectives.

The legislation accomplishes these goals by instituting a series of fiscal oversight measures and financial controls to insure that the original intent of the law is met and that these revenues are utilized exclusively to advance to dedicated purpose of protecting community character.

PRIOR LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

Contact Webmaster

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