



Town of Brookhaven Long Island

Mark Lesko, Supervisor

April 1, 2010

Anthony B. Tohill, Esq.
12 First Street
P.O. Box 1330
Riverhead, NY 11901-0903

Re: Village of Bellport and Caithness Community Benefits Fund

Dear Mr. Tohill:

I am writing you in your capacity as Village Attorney of the Village of Bellport concerning the Town's grant of a distribution of Caithness monies to the Village.

As I explained in our telephone conversation, the agreement which had been forwarded to the Village by the Town is necessary to be signed and accepted by the Village. This is based upon an understanding and agreement reached by the former Deputy Town Attorney and the New York State Comptroller's Office as to how these monies can be used and the requirement that the entities who receive this money allow access to all citizens.

It seems from your letter of March 1st that the Deed had Restricted Covenants in it which limits the use of the Village Center to Village residents. The inability of the Village to allow other citizens in the center makes it impossible for the Town to grant this distribution of Caithness money. This matter has already been discussed with Councilwoman Kepert and the Town will be moving forward to withdraw the offer of these funds.

I am sorry, but there is no way that we can overcome this restriction and it appears that there is no way you can overcome the restriction in the Village's covenants.

Very truly yours,

Robert F. Quinlan
Town Attorney

RFQ:dah

cc: Hon. Constance M. Kepert, Councilwoman

Department of Law

Robert F. Quinlan, Town Attorney

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