

**VILLAGE OF BREWSTER REDEVELOPER REQUIREMENTS
AND
DESIGNATION PROCEDURES POLICY**

The Village of Brewster (the Village) and Covington Development, LLC (Covington or the Redeveloper) entered into a certain Memorandum of Understanding dated July 22, 2013 (the MOU) which designated Covington as the preferred developer for the Village's urban renewal project described in the MOU and in the Urban Renewal Plan adopted subsequent thereto by the Village Board of Trustees by resolution dated May 18, 2016 (the Urban Renewal Plan or the Project).

The Village desires to proceed with the preparation, negotiation and execution of a land acquisition and development agreement with Covington to implement the September 26, 2016 design development plan (the DDP), entitled Envision Brewster, prepared by Tecton Architects and Covington, without public auction or sealed bids consistent with the applicable provisions of the New York General Municipal Law (GML) including, without limitation, Section 507 thereof. The Village, therefore, has adopted the following rules and procedures for Covington to be designated by the Village as a qualified and eligible sponsor to which the Village may dispose, by sale, lease or other disposition, any land or buildings now owned or hereafter acquired by the Village, including land and buildings acquired by condemnation pursuant to the New York Eminent Domain Procedure Law, in compliance with Article 15 of the GML .

A. Disposition of Village Land to Covington as a Redeveloper Who has Previously Been Identified by the Village

1. The sale lease or other disposition of Village-owned property without auction or bid to a Covington as a Qualified and Eligible Sponsor shall comply with the requirements of the New York GML ' 507(2).
2. Covington shall submit to the Village a comprehensive Redeveloper's Statement for Public Disclosure or such other disclosure statement containing such information as the Village shall reasonably deem necessary so as to evaluate Covington's qualifications, it being acknowledged that the proposed redevelopment plans, namely the DDP, have already been submitted for the Project.
3. The Redeveloper's Statement or other disclosure statement , either via response to specific questions or requests set forth therein or via independent request from the Village Board of Trustees, shall contain such information as the Village reasonably deems necessary, in its sole and absolute discretion, in assisting the Village to determine the ability of the Redeveloper to undertake and complete the proposed project. Such information shall include, but is not limited to: (i) the Redeveloper's financial history demonstrating the financial capability to undertake and complete the project; (ii) the Redeveloper's experience in successfully undertaking and

completing substantial residential and commercial development projects of a size and/or scope deemed comparable by the Village to the proposed redevelopment; and (iii) the proposed redevelopment plans for the use or redevelopment of the Urban Renewal Area or a portion thereof which proposed redevelopment plans shall be in furtherance of the objectives of Articles 15 of the GML.

4. The proposed redevelopment plan shall include a general, conceptual plan conforming to the existing Urban Renewal Plan adopted by the Village for the area in which the proposed project would be developed and shall conform to the Village's zoning, long range planning strategy and/or Comprehensive Plan, either in one phase or in phases.
5. If the Redeveloper is seeking amendments to the existing Urban Renewal Plan, the Zoning Code or the Comprehensive Plan, the Redeveloper shall expressly state what amendment(s) thereto would be required by the development.
6. The Village shall review the Redeveloper Statement or other disclosure statement for completeness and may require additional information from the Redeveloper as necessary, until the Village is satisfied, in its sole and absolute discretion, with the completeness of information.
7. The Village shall make a determination that the Redeveloper fulfills the goals of the Urban Renewal Plan and long range planning strategy of the Village, and of the Village's Comprehensive Plan, as well as other applicable considerations pursuant to state law. The Village Board shall then make a determination approving the Redeveloper as required by the GML.

B. Designation of Redeveloper

Only after identifying a redeveloper, in compliance with the policies and procedures highlighted in either Article I or Article II above, may the Village designate Covington as a Qualified and Eligible Sponsor Pursuant to GML ' 507(2).

C. Covenants Running with the Land and Conditions of Sale

Following such designation, and approval of the Village as necessary, the Village may sell, lease, or otherwise dispose of Village-owned property to the redeveloper approved by the Village as a Qualified and Eligible Sponsor. Such disposition shall be subject to the following terms and conditions.

1. The properties sold, leased or otherwise disposed of shall be in conformance with the objectives of the Urban Renewal Plan.
2. There shall be a requirement, whether as a reversionary interest in the land if disposed of by sale or as a leasehold condition, that the project be completed within a time frame agreed upon by the Village and the Redeveloper.

3. Any land sold, leased or otherwise disposed of to the Qualified and Eligible Sponsor shall contain a covenant running with the land which shall bind the Redeveloper and any successor or assign as well as any leasehold tenants which shall prohibit restrictions in the sale, lease or occupancy of any real property so conveyed on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status.
4. The Village and Redeveloper shall negotiate a sale price which shall be in compliance with the GML.
5. If approved, the Village shall direct publication of a notice of sale in at least one (1) newspaper of general circulation in the Village. The notice shall comply with the GML in all respects.
6. The sale of Village land shall be subject to approval by the Village Board, which approval must follow a public hearing which hearing shall be held not less than ten (10) days after the publication of notice in at least one (1) newspaper of general circulation in the Village.
7. Prior to final steps being taken to dispose of the property, notification of the municipality's intention to dispose of property must also be given to the Commissioner of the Department of Homes and Community Renewal Housing. 9 NYCRR ' 1802.1. Further, where an application for State financial assistance is made, additional submissions to the Housing Commissioner are required prior to disposition of the property. 9 NYCRR ' 1802.2. Alternatively, the Village may elect to follow the State Compliance Certification Procedure, providing for the submission of alternate documents to the Housing Commissioner prior to disposition. 9 NYCRR ' 1802.2(g).

Adopted January 4, 2017 by resolution of the Village Board of Trustees.