



Old South Haven Presbyterian Church

South Country & Beaver Dam Roads

P. O. Box 203

Brookhaven, NY 11719-0203

Sean Moran,
Clerk of Session
(631) 286-1306

Thomas J. Philipp,
Pastor
(631) 286-0542

Richard Thomas,
Treasurer
(631) 286-3178

July 20, 2010

Ms. Connie Kepert
One Independence Hill
Farmingdale, NY 11738

Dear Councilwoman Kepert:

Last night at the Session (Board) meeting of Old South Haven Presbyterian Church, the July 6 e-mail of James J. Kevins to Dr Richard Thomas, President of our Religious Corporation, indicating that he had received the most recent materials he had requested of the Church and then indicated:

The Town Attorney's office is reviewing these documents and reviewing the facts and circumstances by which the Caithness grant was made, deliberated on by the Caithness Advisory Committee, and adopted by the Town Board. We are also reviewing statutory and decisional case law before further action. I will advise you when the review has been completed.

I shared with the Session my frustration and indeed my anger with the manner in which this entire matter has been handled, and, particularly the work of the legal staff. Mr. Kevins is the third or fourth lawyer of the Town of Brookhaven's legal staff to whom we have had to respond.

You will recall that it was on June 20, 2009, thirteen months ago, that a letter was sent to you requesting an appointment because the original proposal we submitted was not approved. We were informed that the Caithness Advisory Committee had the misconception that government funds can not be used to preserve a religious structure in use. Before we met with you and Ms. Annette Eaderesto, Assistant Town Attorney, Dr. Thomas sent to your office documentation that clearly showed that programs currently exist that do use government funds for exactly that purpose. Your legal counsel who met with us in your office was not the same legal counsel (Mr. James Burke) who submitted to the Advisory Committee the opinion that led to our original proposal being turned down. When we met with you, Ms. Eaderesto suggested an alternative approach for us to use. We rewrote our proposal, setting out in priority order, and at a much reduced financial request, and resubmitted it. We then had an appointment with Chrystine Brown of the Purchasing Division of the Town of Brookhaven, and followed up with the request she made in terms of submitting bids for the various projects. She was most helpful and we met the requests made of us.

On June 14, 2010 we received from Mr. Kevins an "Agreement Between the Town of Brookhaven and Old Southaven [*sic*] Presbyterian Church" for the disbursement of Caithness Community Benefit Funds. When we read the proposed agreement we were shocked to see it was based on the first proposal and not the revised proposal. I consider it almost unbelievable that this would take place, be passed on to the Town Board and agreed to by them. We probably could have just signed the Agreement and let the "chips fall where they may," but we could not do so in good conscience. Furthermore, we knew that in signing we put the Town in jeopardy for the release of

funds if, and at such time, that the books of the Town are audited. Once again we requested an appointment to address this serious matter.

The Agreement sent to us not only had the wrong proposal attached, it had much more serious problems. The Agreement implied that we proposed to use the monies *for purposes that never appear anywhere in any of the documents we have provided the Caithness Citizens Advisory Committee*. The Agreement we were sent implied that a "meeting room" would be "built with Caithness Community Benefit Funds," and that the funds would be used to construct "the Church's Community Room." The term "Community Room" never appeared in any of the documents we sent to the Caithness Citizens Advisory Committee, and we certainly never requested any Caithness Benefit Funds to *build* one.

The Caithness CAC approved Caithness funding for preserving and restoring an historic structure, the South Haven 1828 Meeting House. The CAC never approved any funding for "building a Community Room" at Old South Haven Presbyterian Church. So it was very surprising to see that we were being asked to sign an Agreement affirming that we were going to build one. It was Yaphank Presbyterian Church that received approval for \$120,000 to build a Community Room. (Since the Rev. Ralph Wright's retirement as Pastor of the Yaphank Congregation as of June 30, I have been appointed the Moderator of the Yaphank Session and, therefore, am well aware of this Agreement). Since another "preservation and restoration of historic sites" proposal was approved — the grant to the Fire Place History Club to repair, restore, and preserve grave stones in historic cemeteries in Brookhaven hamlet, there was an existing Agreement that the Law Department might appropriately have used as a model.

Without hesitation I state that Old South Haven Presbyterian Church has become the victim of errors and inept handling of our proposal by the Town Assistant Attorneys and legal staff. Needless to say the Session of the Congregation, members of the Congregation, and increasingly members of the Brookhaven and Bellport communities, feel we have been badly treated, and particularly when we have carefully documented everything we have submitted, and honored every request made of us. I feel particularly concerned for Dr. Richard Thomas and John Deitz who have given an enormous amount of time to this matter, have met every request that has been made by your legal staff, and have tried to correct misconceptions of your staff.

Mr. Kevins e-mail stated "I will advise you when the review has been completed." There is other work that has been started on the historic meeting house, for which we are using our own funds, which cannot go forward without first completing the work priorities spelled out in our proposal. A longer delay could put that work in serious jeopardy. We cannot just sit around and wait for the completion of a review, which may entail not just our proposal but a review of monies already expended to other funded projects through Caithness monies.

I await your response.

Sincerely,

(Rev.) Thomas J. Philipp
Pastor, Old South Haven Presbyterian Church

cc. Members of the Old South Haven Presbyterian Church
Thomas Williams