

**TOWN OF EAST HAMPTON  
COMMUNITY PRESERVATION FUND**

Financial Statements and Supplementary Information  
with Independent Auditor's Reports

For the Year Ended December 31, 2022

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
December 31, 2022

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## INDEPENDENT AUDITOR'S REPORT

The Honorable Supervisor and Town Board  
Town of East Hampton  
East Hampton, New York

### **Opinion**

We have audited the accompanying financial statements of the Town of East Hampton Community Preservation Fund, as of and for the year ended December 31, 2022, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Town of East Hampton Community Preservation Fund as of December 31, 2022, and the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### **Basis for Opinion**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of East Hampton, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### **Emphasis of Matter**

As discussed in Note 1, the financial statements present only the Community Preservation Fund and do not purport to, and do not, present fairly the financial position of the Town of East Hampton, as of December 31, 2022, and the changes in its financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

### **Responsibilities of Management for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town of East Hampton Community Preservation Fund's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of East Hampton Community Preservation Fund's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### **Other Matters**

#### *Supplementary Information*

Management is responsible for the other information included in the annual report. The other information comprises the supplementary sections but does not include the basic financial statements and our auditor's report thereon. Our opinions on the financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated April 15, 2023, on our consideration of the Town of East Hampton Community Preservation Fund's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town of East Hampton Community Preservation Fund's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town of East Hampton Community Preservation Fund's internal control over financial reporting and compliance.

*Cullen & Danowski, LLP*  
April 15, 2023

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
BALANCE SHEET  
December 31, 2022

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**ASSETS**

Cash and Cash Equivalents	\$ 70,832,503
Accounts Receivable	4,000
Due from Other Governments	4,696,245
Pledge Receivable	870,033
Prepaid Expense	<u>8,508</u>
<b>Total Assets</b>	<u><u>\$ 76,411,289</u></u>

**LIABILITIES AND FUND BALANCE**

LIABILITIES:

Account Payable	\$ 804,419
Deferred Revenues	870,033
Due to Other Funds	<u>5,265</u>
<b>Total Liabilities</b>	1,679,717

FUND BALANCE:

Restricted for:	
Community Preservation	<u>74,731,572</u>
<b>Total Liabilities and Fund Balance</b>	<u><u>\$ 76,411,289</u></u>

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
For the Year Ended December 31, 2022

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**REVENUES**

Real Estate Transfer Taxes:	
2% Real Estate Transfer Tax	\$ 52,444,595
2% Real Estate Transfer Tax (Co-op Sales)	840,080
Real Estate Transfer Taxes	<u>53,284,675</u>
Use of Money and Property	378,208
Donation - Land Acquisition	1,043,300
Miscellaneous	<u>666</u>
<b>Total Revenues</b>	<u><u>54,706,849</u></u>

**EXPENDITURES**

General Governmental Support:	
Real Estate Purchases	47,513,869
Acquisition Management	213,447
Management and Stewardship Fees	578,786
Water Quality Improvement	3,533,034
Outside Professional Fees	11,000
General Governmental Support	<u>51,850,136</u>
Debt Service	
Principal	1,689,194
Interest and Administrative Fees	270,504
Debt Service	<u>1,959,698</u>
<b>Total Expenditures</b>	<u><u>53,809,834</u></u>
Net Change in Fund Balance	897,015
Fund Balance, Beginning of Year	<u>73,834,557</u>
Fund Balance, End of Year	<u><u>\$ 74,731,572</u></u>

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
**NOTES TO FINANCIAL STATEMENTS**

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**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The Town of East Hampton Community Preservation Fund (Community Preservation Fund) was created pursuant to Section 64-e of New York State Town law. Established in 1998, and extended through December 31, 2050, by voter-approved referendum in 2016, the Community Preservation Fund began collecting revenue in 1999. It is a special revenue fund of the Town of East Hampton, New York (Town) and prepares and records its accounting transactions on the modified accrual basis of accounting, which is more fully described in Note 1.C. These financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) for governmental units. The Governmental Accounting Standards Board (GASB) is the standard-setting body for establishing governmental accounting and financial reporting principles. Significant accounting principles and policies used by the Community Preservation Fund are as follows:

**A. Organization and Background**

As described above, the Community Preservation Fund is a special revenue fund of the Town and operates pursuant to the various provisions of New York State statutes and provisions of Town law. The Community Preservation Fund is governed by the Town Board.

The Community Preservation Fund is supported by revenues from a 2% real estate transfer tax imposed by the Town pursuant to Article 31-D of New York State Tax Law. The authority to levy and collect the tax expires on December 31, 2050. This revenue is used to help protect and preserve the community character through the acquisition of interests or rights in real property within the Town and villages including the purchase and/or preservation of historic lands and buildings, parks and recreations properties, open space and forestlands, wetlands, beaches and shoreline, and farmland. A maximum of 20% of the fund annually, may be used for water quality improvement projects. The Town has also authorized the issuance of bonds to advance its purchasing ability, which are expected to be supported by future revenues of the Community Preservation Fund through the year 2050. Upon completion of the Community Preservation Project Plan, any remaining funds will be applied to reduce any bonded indebtedness or other obligations incurred.

**B. Basis of Presentation**

These financial statements only report the operations and related transactions of the Community Preservation Fund; whereby the audited financial statements of the Town of East Hampton include all Town funds. Additionally, the audited financial statements of the Town of East Hampton would include all non-current assets and non-current liabilities for all Town funds.

**C. Basis of Accounting and Measurement Focus**

These financial statements are accounted for on the modified accrual basis using the current financial resources measurement focus. Revenues are recognized when measurable and available. "Measurable" means the amount of the transaction can be reasonably determined, and "available" means the related cash resources are collectible within the current period or within the first 60 days of the following year. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in the fund. Proceeds of general long-term debt are reported as other financing sources.



**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
(Continued)

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**D. Real Estate Transfer Tax**

In November 1998, the residents of the Town approved a 2% real estate transfer tax, which became effective on April 1, 1999. The transfer tax receipts are recorded in the Community Preservation Fund. Transfer tax receipts are used for the purchase and/or preservation of historic lands and buildings, parks and recreations properties, open space and forestlands, wetlands, beaches and shoreline, and farmland. In November 2016, the residents of the Town approved an extension of the transfer tax through December 31, 2050, and authorized the use of a portion of the funds for water quality improvement projects. The tax applies to sales of vacant land in excess of \$100,000 and sales of improved land in excess of \$250,000. Conveyance of real property for open space, parks, or historic preservation to any not-for-profit, or tax exempt organization, operating for conservation, environmental or historic preservation purposes, and first time home buyers who meet income and purchase price thresholds are exempt from this tax. During the year ended December 31, 2022, the Community Preservation Fund recorded receipts of \$53,284,675 from the real estate transfer tax.

**E. Interfund Transactions**

The operations of the Community Preservation Fund may include transactions with other funds within the Town. These transactions may be temporary in nature, such as with interfund borrowings with other Town funds.

**F. Cash and Cash Equivalent**

Cash and cash equivalents consist of funds deposited in demand accounts, time deposit accounts, and certificates of deposit.

**2. DEPOSITS WITH FINANCIAL INSTITUTIONS AND INVESTMENTS**

The Town's investment practices are governed by state statutes and Town policy. Community Preservation Fund monies must be deposited in Federal Deposit Insurance Corporation (FDIC) insured commercial banks or trust companies located within the state. Permissible investments include obligations of the U.S. Treasury and U.S. Agencies, repurchase agreements and obligations of New York State or its localities. Collateral is required for demand and time deposits and certificates of deposit not covered by FDIC insurance. Obligations that may be pledged as collateral are obligations of the United States and its Agencies and obligations of New York State and its municipalities. Investments are stated at fair value.

Custodial credit risk is the risk that in the event of a bank failure, the Town may be unable to recover deposits or collateral securities that are in possession of an outside agency. GASB directs that deposits be disclosed as exposed to custodial credit risk if they are not covered by depository insurance and the deposits are as follows:

- A. Uncollateralized,
- B. Collateralized by securities held by the pledging financial institution, or
- C. Collateralized by securities held by the pledging financial institution's trust department or agent but not in the Town's name.

At December 31, 2022, all deposits were covered by FDIC insurance or fully collateralized by securities pledged on the Town's behalf.

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
(Continued)

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**3. DUE FROM OTHER GOVERNMENTS**

At December 31, 2022, the Community Preservation Fund was due \$4,696,245 from Suffolk County, related to unremitted real estate transfer taxes.

**4. PLEDGE RECEIVABLE**

At December 31, 2022, the Community Preservation Fund was due \$870,033 from several donors, related to the acquisition and preservation of specific properties. This amount is directly related to the deferred revenues which will be recognized as collected.

**5. INTERFUND RECEIVABLES, PAYABLES AND TRANSFERS**

At December 31, 2022, the Community Preservation Fund had obligations of \$5,265 due to other funds representing expenditures made by other funds on behalf of the Community Preservation Fund.

**6. REAL ESTATE PURCHASES**

The Community Preservation Fund acquires interests or rights in real property for the preservation of community character within the Town based on the community preservation project plan, which is filed with the commissioner of environmental conservation, the commissioner of agriculture and markets and the commissioner of the office of parks, recreation and historic preservation. The real estate purchases are \$47,513,869 for the year ended December 31, 2022.

**7. ACQUISITION MANAGEMENT**

Acquisition management represents the cost associated with research and plan development for potential real estate purchases. The acquisition management costs are \$213,447 for the year ended December 31, 2022.

**8. MANAGEMENT AND STEWARDSHIP FEES**

In accordance with the Section 64-e of the Town Law, the Community Preservation Fund provides a management and stewardship program for all parcels acquired under the community preservation project plan. The management and stewardship fees are \$578,786 for the year ended December 31, 2022.

**9. WATER QUALITY IMPROVEMENT**

Water quality improvements represents the costs associated with water quality improvement projects within the Town of East Hampton. Water quality improvements are \$3,533,034 for the year ended December 31, 2022.

**10. COMMITMENTS**

All fund balance is classified as restricted in the Community Preservation Fund. Included in restricted fund balance are commitments in the form of encumbrances. Encumbrances in the fund amounted to \$4,896,941 as of December 31, 2022.

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
(Continued)

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**11. CONTINGENCIES**

The Community Preservation Fund financial information to be included in the Town's December 31, 2022 audited financial statements may be different from these financial statements due to timing.

**12. INDEBTEDNESS**

As noted in Note 1 A, the Community Preservation Fund may borrow money in order to acquire land and other interests in real property. See the supplementary information accompanying these financial statements which summarize the amounts outstanding as of December 31, 2022, and the future debt service requirements on these borrowings.

**13. SUBSEQUENT EVENTS**

Management has evaluated events subsequent to December 31, 2022, and through April 15, 2023, the date on which the financial statements were approved for issuance.

On March 2, 2023, as per voter approved referendum on November 8, 2022, the Town of East Hampton amended Chapter 112 "Community Preservation". §112-2-20 Imposition of real estate tax was amended to change the tax rate from 2% to 2.5%, where the additional 0.5% is to be deposited into a fund for Community Housing purposes as authorized under Chapter 162 "Supplemental Real Estate Transfer Tax for Community Housing". Such tax shall apply to any conveyance occurring on or after April 1, 2023, with exceptions. In addition, §112-2-40 "Additional exemptions" has been amended to increase the exemption amount from \$250,000 to \$400,000 on the consideration of the conveyance of improved real property or interest therein. There will be no change to the \$100,000 exemption on the consideration of the conveyance of unimproved real property or interest therein. Also, there is no exemption on conveyances of \$2,000,000 or greater for both improved and unimproved real property or interest therein.

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
**SCHEDULE OF REAL ESTATE PURCHASES**  
For the Year Ended December 31, 2022

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	Balance December 31, 2021	Additions	Balance December 31, 2022
Real Estate Purchases	<u>\$ 453,177,666</u>	<u>\$ 47,513,869</u>	<u>\$ 500,691,535</u>

**TOWN OF EAST HAMPTON**  
**COMMUNITY PRESERVATION FUND**  
**SCHEDULE OF RELATED OUTSTANDING DEBT**  
December 31, 2022

Description	Issue Date	Final Maturity	Interest Rate	Outstanding at December 31, 2022
Refunding Serial Bond, 2014	July 2014	2033	4.25%-5.15%	\$ 2,220,000
Refunding Serial Bond, 2015	May 2015	2026	2.13%-5.00%	<u>6,717,741</u>
				<u>\$ 8,937,741</u>

The following is a summary of debt service requirements:

Fiscal Year Ending December 31,	Principal	Interest	Administrative Fees	Total
2023	\$ 1,770,806	\$ 183,079	\$ 5,124	\$ 1,959,009
2024	1,849,355	121,806	4,674	1,975,835
2025	1,890,645	83,887	4,212	1,978,744
2026	1,931,935	43,790	3,736	1,979,461
2027	195,000	20,711	3,250	218,961
2028-2032	1,065,000	33,017	8,422	1,106,439
2033	<u>235,000</u>			<u>235,000</u>
Total	<u>\$ 8,937,741</u>	<u>\$ 486,290</u>	<u>\$ 29,418</u>	<u>\$ 9,453,449</u>



**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING  
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS  
PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

The Honorable Supervisor and Town Board  
Town of East Hampton  
East Hampton, New York

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the Town of East Hampton Community Preservation Fund (Community Preservation Fund), as of and for the year ended December 31, 2022, and the related notes to the financial statements and have issued our report thereon dated April 15, 2023 .

**Report on Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Community Preservation Fund's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Community Preservation Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the Community Preservation Fund's internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Community Preservation Fund's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Cullen & Danowski, LLP*

April 15, 2023

