January 2, 2018

The Organizational Meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 2nd day of January, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen James Colligan, Paul D. Shepherd, and Albert K. Dickson, and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs, Town Attorney Robert J. DeStefano, Jr. and approximately fifty persons were also present.

The Supervisor called the meeting to order at 1:00 p. m.

Salute to flag.

Town Justice Mary Faith Westervelt administered the oath of office to the following newly elected Town Officials: Town Supervisor Gary Gerth, Town Clerk Dorothy S. Ogar, Councilwoman Amber Brach-Williams, Councilman Albert Dickson, Superintendent of Highways Jay L. Card, Jr., and Assessors Patricia Castoldi and Craig Wood.

At 1:10 p.m., the Supervisor declared a recess to allow for a reception in honor of the newly installed Town Officials.

The Supervisor reconvened the Organizational Meeting at 1:32 p. m.

RESOLUTION NO. 1

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the regular meetings of the Town Board of the Town of Shelter Island will be held at 4:30 p. m. in the Shelter Island Town Hall, Shelter Island, New York on the following dates: January 19, February 9, March 2 and 23, April 13, May 4 and 25, June 15, July 6 and 27, August 17, September 7 and 28, October 19, November 9 and 30, and December 14, 2018, and

BE IT FURTHER RESOLVED, That work sessions of the Town Board of the Town of Shelter Island will be held at 1 p. m. in the Shelter Island Town Hall, Shelter Island, New York on the following dates: January 9, 16, 23 and 30, February 6, 13, 20 and 27, March 6, 13, 20, and 27, April 3, 10, 17 and 24, May 1, 8, 15, 22, and 29, June 5, 12, 19 and 26, July 3, 10, 17, 24, and 31, August 7, 14, 21, and 28, September 4, 11, 18, and 25, October 2, 9, 16, 23, and 30, November 7 (Wednesday), 13 and 27, December 4, 11, and 18, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 2

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized to temporarily invest Town funds not needed for immediate expenditure in certificates of deposit or special time deposit accounts in banks or trust companies of this state for highway, general and federal funds, and

BE IT FURTHER RESOLVED, That Chase Bank and Bridgehampton National Bank shall be the official depositories for general, highway and federal funds, and

BE IT FURTHER RESOLVED, That Supervisor Gary J. Gerth Councilwoman Amber Brach-Williams, and Councilmen Paul D. Shepherd, James Colligan and Albert Dickson of the Town of Shelter Island are hereby authorized to sign documents, including checks, for the Town of Shelter Island, and

BE IT FURTHER RESOLVED, That Judy Meringer, Barbara Bloom and Kathleen Sullivan are hereby authorized to make transfers of Town funds amongst the designated banks.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 3

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the designation of two newspapers as the official papers of the Town is required by statute, and

"Whereas", the Shelter Island Reporter has a paid circulation in the Town of Shelter Island in excess of 2,000 weekly; said circulation being larger than any other newspaper having general circulation in the Township, and Newsday also has a large circulation in the Town, now, Therefore

BE IT RESOLVED, That the Shelter Island Reporter and Newsday are hereby designated as the official newspapers of the Town of Shelter Island for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 4

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Section 29 of the Town Law, the Supervisor shall prepare and file with the Town Clerk within thirty days after the expiration of each fiscal year, an annual financial report accounting for all monies received and disbursed by him, and

"Whereas", pursuant to Subsection 10-a of Section 29, the Town Board may determine, by resolution, that the Supervisor shall submit to the Town Clerk within sixty days after the close of the fiscal year, a copy of the report to the state comptroller, now, Therefore

BE IT RESOLVED, That the Supervisor shall submit to the Town Clerk within sixty days after the close of the fiscal year, a copy of the report to the state comptroller required by section thirty of the general municipal law.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 5

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Town officials and employees will be reimbursed, subject to audit, at the rate of $.545 per mile for their mileage on Town business for the year 2018, and

BE IT FURTHER RESOLVED, That Town officials and employees will be reimbursed, subject to audit, for actual and necessary expenses incurred attending training programs and professional meetings which will enhance their job skills, and

BE IT FURTHER RESOLVED, That a request by a Town employee or official for such meetings or travel must receive the prior approval of the Supervisor.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 6

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Supervisor Gary Gerth, Councilmen Paul D. Shepherd, James Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams are hereby appointed to serve as Police Commissioners for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 7

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Association of Towns of the State of New York has scheduled meetings for newly elected and appointed officials to be held in Albany, New York on January 10 through 12, 2018, and

"Whereas", two Shelter Island Town officials have indicated their desire to attend these meetings, now, Therefore

BE IT RESOLVED, That the expenses of one Town Board Member and the Town Attorney attending these meetings shall be a Town charge, and

BE IT FURTHER RESOLVED, That the daily food allowance is hereby set at $75.00 per day per official, and

BE IT FURTHER RESOLVED, That the transportation allowance for Town officials is hereby set at $.545 per mile.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 8

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Michelle Congdon is hereby appointed to serve as part time Court Clerk for the year 2018 at the rate of $18.77 per hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 9

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit

BE IT RESOLVED, That Councilwoman Amber Brach-Williams is hereby appointed to serve as Deputy Supervisor for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 10

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Judy Meringer is hereby appointed to serve as Confidential Secretary to the Supervisor for the year 2018, for 30 hours per week, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 11

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Judith Lechmanski is hereby appointed to serve as Clerk in the Receiver of Taxes Office for the year 2018 at the rate of $21.82 per hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 12

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Craig Wood is hereby appointed to serve as Tax Administrator and Chairman of the Board of Assessors for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 13

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Judith Lechmanski is hereby appointed to serve as Provisional Assessment Clerk to the Board of Assessors for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 14

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the rate of pay for Deputy Town Clerk Cass is hereby set at $27.46 per hour for the year 2018.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 15

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following persons are hereby appointed to serve in the following designated positions; said appointments are for terms to run coterminously with the term of Town Clerk:

Dorothy S. Ogar to serve as Registrar of Vital Statistics
Sharon O. Jacobs to serve as Deputy Registrar of Vital Statistics
Linda D. Cass to serve as Subregistrar of Vital Statistics, and
Alexandra M. Binder to serve as Subregistrar of Vital Statistics.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 16

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Robert J. DeStefano, Jr. is hereby appointed to serve Town Attorney for the years 2018 and 2019, to be paid as per the 2018 and 2019 budgets.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 17

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Jay L. Card, Jr. is hereby appointed to serve as Commissioner of Public Works for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 18

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That John Cronin is hereby appointed to serve as part time Town Engineer for the year 2018, to be paid an amount not to exceed $60,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 19

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Debra Speeches is hereby appointed to serve as Confidential Secretary to the Superintendent of Highways, Commissioner of Public Works and Landfill for the year 2018 for 38 hours per week, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 20

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Linda D. Cass is hereby appointed to serve as part time Town Custodian for the year 2018 at the rate of $25.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 21

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as part time Town Custodian at the rate of $25.00 per hour for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 22

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Tracy Gibbs is hereby appointed to serve as part time Town Custodian at the rate of $25.00 per hour for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 23

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Deborah Brewer is hereby appointed to serve as part time Town Custodian at the rate of $25.00 per hour for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 24

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Arthur Bloom is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 25

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Amanda Gutiw is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 26

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit

BE IT RESOLVED, That Deborah Brewer is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 27

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That Catherine Rasmussen is hereby appointed to serve as Detention Attendant for the year 2018, to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 28

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit

BE IT RESOLVED, That Mariana Koehler Torrealba is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 29

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Jose Manuel Payano Cruz is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 30

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That James Richardson is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 31

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Taylor Rando is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 32

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Albert L. Labrozzi, Jr. is hereby appointed to serve as Bay Constable for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 33

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Peter Vielbig is hereby appointed to serve as Bay Constable for the year 2018 to be paid at the rate of $27.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 34

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That John Mahoney is hereby appointed to serve as Bay Constable for the year 2018 to be paid at the rate of $26.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 35

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Glenn Kehl is hereby appointed to serve as part time Police Officer for the year 2018 at the rate of $22.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 36

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Catherine Rasmussen is hereby appointed to serve as School Crossing Guard for the year 2018 to be paid as per agreement.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 37

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Beau Payne is hereby appointed to serve as Animal Control Officer for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 38

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Jack H. Thilberg is hereby appointed to serve as EMS Director for the Town of Shelter Island for the year 2018, to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 39

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That David W. Clark is hereby appointed to serve as Safety and Training Officer for the Shelter Island Highway Department for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 40

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following is a salary chart for the part time and seasonal laborers of the Shelter Island Highway Department/Public Works and Landfill Departments for the year 2018:

| | |
|---|---|
| Summer Interns | $18.50 per hour |
| Year 1 laborers | $20.50 per hour |
| Year 2 laborers | $21.50 per hour |
| Year 3 laborers | $22.00 per hour |
| Year 4 laborers | $22.50 per hour, and |
| Year 5 laborers | $23.00 per hour. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 41

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the rate of pay for part time Highway Department employees with a CDL license is hereby set at $22.00 per hour for the year 2018 for the operation of snowplows during weather emergencies.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 42

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That William Clark, III is hereby appointed to serve as Town Historian for the year 2018 to be paid as per the 2018 budget.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 43

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Loretta Gilman Fanelli is hereby appointed to serve as Senior Citizens Aide II for the year 2018, to be paid at the rate of $24.97 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 44

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That David Binder is hereby appointed to serve as part time Clerk Typist in the Senior Services Office at the rate of $17.95 per hour for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 45

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit

BE IT RESOLVED, That Marissa Fanelli is hereby appointed to serve as part time Senior Services Clerk Typist in the Senior Services Office at the rate of $17.95 per hour for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 46

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as part time Therapeutic Activities Worker for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 47

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Donna King is hereby appointed to serve as part time Therapeutic Activities Worker for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 48

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the rate of pay for Therapeutic Activities Workers for the year 2018 is hereby set at $20.67 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 49

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Bruce Jernick is hereby appointed to serve as Maintenance Mechanic II for the year 2018 at the rate of $24.30 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 50

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Ron Lucas is hereby appointed to serve as part time Residential Repair Mechanic at the rate of $18.27 per hour for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 51

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Karin Bennett is hereby appointed to serve as Minibus Driver for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 52

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Emily Hallman is hereby appointed to serve as Minibus Driver for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 53

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Garth Griffin is hereby appointed to serve as Bus Driver for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 54

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Ron Lucas is hereby appointed to serve as Minibus Driver for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 55

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Donna King is hereby appointed to serve as Mini Bus Driver for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 56

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the rate of pay for minibus drivers is hereby set at $20.67 for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 57

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Angela Corbett is hereby appointed to serve as Cook for the Nutrition Program for the year 2018, to be paid at the rate of $20.83 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 58

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Lewis, to wit:

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as Cook for the year 2018 at the rate of $20.62 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 59

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Michelle Donohue is hereby appointed to serve as part time Cook for the Nutrition Program for the year 2018 at the rate of $20.62 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 60

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Alison Binder is hereby appointed to serve as Food Service Worker for the year 2018 at the rate of $15.34 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 61

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Christopher Corbett is hereby appointed to serve as Food Service Worker (dishwasher) at the rate of $15.34 per hour

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 62

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Robert Andrew is hereby appointed to serve as Food Service Worker for the year 2018 at the rate of $15.34 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 63

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Cori Cass is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 64

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Deborah Brewer is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 65

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Michael Bunce is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 66

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Catherine Davidson is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 67

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Kelci McIntosh is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 68

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Garth Griffin is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 69

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Julia Weisenberg is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 70

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Janine Mahoney is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 71

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the rate of pay for Recreation/FIT Aides for the year 2018 is hereby set at $16.99 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 72

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Kelci McIntosh is hereby appointed to serve as Assistant Recreation Leader for the year 2018 at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 73

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Catherine Davidson is hereby appointed to serve as Assistant Recreation Leader for the year 2018 at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 74

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Deborah Brewer is hereby appointed to serve as Assistant Recreation Leader for the year 2018 at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 75

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Callie Atkins is hereby appointed to serve as Dance Instructor for the year 2018 at the rate of $30.00 per session.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 76

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Emily Bohach is hereby appointed to serve as FIT Manager for the year 2018 at the rate of $24.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 77

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby approve the following fees for the fitness center, and ballfields membership fees for use of the fitness equipment and facilities for the year 2018, as follows:

| | |
|---|---|
| FIT day membership | $15.00 per day, |

| | |
|---|---|
| Single fitness room membership | $235.00 per year, |
| Family fitness room membership | $365.00 per year, |
| Full time College Student membership | $100.00 per year, and |
| Volunteers, EMTS & Active Military | $175.00 per year. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 78

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Peter Miedema is hereby appointed to serve as Recreation Specialist Instructor for the year 2018 at the rate of $30.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 79

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Arthur P. Bloom is hereby appointed to serve as Fire Marshal for the year 2018 for up to but not exceeding ten hours per week at the rate of $25.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 80

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 2018 A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period January 1, 2018 through March 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 81

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Chief of Police James J. Read, Jr. is hereby appointed to serve as Emergency Management Coordinator for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 82

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Frederick C. Ogar is hereby appointed to serve as Fire Inspector for the year 2018, to be paid at the rate of $19.67 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 83

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,800.00 from the 2018 A8160.484 Landfill office and miscellaneous account to Creative Information Systems, 27 Lowell Street, Suite 402, Manchester NH 03101 for the scale software support and maintenance for the period January 1, 2018 through December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a vacancy exists on the Planning Board, and

"Whereas", the Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Marcus Kaasik is hereby appointed to serve as a member of the Planning Board for a term to expire on December 31, 2022.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Correspondence included the following:

1. A letter from Dorothy S. Ogar, Town Clerk, stating that she has appointed the following persons to serve in the Town Clerk's Office for terms to run coterminously with the term of office of Town Clerk:

| | |
|---|---|
| Sharon O. Jacobs | Deputy Town Clerk #1 |
| Alexandra M. Binder | Confidential Deputy Town Clerk, and |
| Linda D. Cass | Part time Deputy Town Clerk. |

On motion of Councilwoman Brach-Williams and seconded by Councilman Colligan, the meeting was adjourned at 2:08 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

January 19, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 19th day of January, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, and one person were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

RESOLUTION NO. 85

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mr. Barry W. Ryder was employed by the Shelter Island Town Highway Department for over 32 years, and

"Whereas", Barry retired from the Shelter Island Highway Department on January 1, 2018, and

"Whereas", Barry was very dedicated to his Highway Department position and was respected by all his co-workers, and

"Whereas", Barry was an avid hunter and also served as a member and chief of the Shelter Island Fire Department, and

"Whereas", Barry very sadly passed away on January 8, 2018, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island, on behalf of all the citizens of Shelter Island, hereby extends a formal expression of their deep sorrow at the loss of Mr. Barry Ryder, and does hereby record in the Town Board Minutes, the passing of a person who was very dedicated to this Town in many, many ways, helping to keep it the special place that it is, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to forward a certified copy of this resolution to Mr. Barry Ryder's family as an expression of the

Shelter Island Town Board's heartfelt sympathy for a person who worked very hard and diligently for the Town for many years.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Councilwoman Brach-Williams presented the following financial report for the month of December, 2017:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
DECEMBER 2017

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen Checking | 2,505,627.61 | 508,770.09 | 1,817,333.81 | 1,197,063.89 | 775,554.94 |
| HwyChecking | 227,568.13 | 292,577.84 | 239,750.04 | 280,395.93 | |
| T&Achecking | 198,348.52 | 35,252.42 | 28,783.09 | 204,817/85 | 15,509.30 |
| T&A Savings | 12,226.69 | 0.29 | | 12,226.98 | |
| Hwy Cap Res | 334,008.64 | 22,508.15 | | 356,516.79 | |
| WNW Supply | 34,904.63 | 8,855.82 | 5,422.10 | 38,338.35 | 110,755.43 |
| Taylor'sIsland | 43,605.70 | 5.54 | | 43,611.24 | |
| Comm Preser | 4,538,998.67 | 134,970.14 | 229.76 | 4,673,739.05 | 3,610,764.18 |
| Waterways | 282,366.81 | 2,300 | 50 | 284,616.81 | |
| Reserve Fund | 722,038.46 | 5,558.65 | | 727,597.11 | |
| Bridge St Esc | 0 | 0 | 0 | 0 | 355,607.48 |
| Environ Fund | 15,750.00 | | | 15,750.00 | |
| FIT Ctr Reser | 18,164.65 | | | 18,164.65 | |
| Ambul. Reser | 301,768.14 | 17.87 | | 301,786.01 | |
| Ambul Train | 29,335.14 | 0.7 | | 29,335.84 | |
| TOTALS | 9,264,711.79 | 1,010,817.51 | 2,091,568.80 | 8,183,960.50 | 4,868,191.33 |

RESOLUTION NO. 86

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That James J. Read, III is hereby appointed to serve as Assistant Recreation Leader for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Alison Binder is hereby appointed to serve as Therapeutic Activities Worker for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 88

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Douglas Matz as a member of the EMS Advisory Board expired on December 31, 2017, and

"Whereas", on December 8, 2017, Mr. Matz was reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2019, and

"Whereas", Mr. Matz has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Mr. Matz continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Douglas Matz is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2019.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 89

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Joann Kirkland is hereby appointed to serve as Clerk Typist to the following committees: Planning Board, Zoning Board of Appeals, Waterways Management Advisory Council and Water Advisory Committee for the year 2018 for 19 hours per week at the rate of $21.50 per hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 90

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Bethany Ortmann is hereby appointed to serve as Provisional Superintendent of Recreation for the year 2018.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 91

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Town Attorney Robert J. DeStefano, Jr. is hereby designated to represent the Town of Shelter Island Community Preservation Fund Advisory Opinions Bureau (CPF AOB).

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 92

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the amount of $410.00 received from New York Municipal Insurance Reciprocal to the refund from prior years account, and the amount of $3,947.91 received from New York State Unemployment to the 2017 unemployment insurance account.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 93

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $330.00 from the 2018 A1355.491 Assessors' service contracts account to Apex Software, P. O. Box 100145, San Antonio, Texas 78201-1445, for the annual sketching software service for the period 2-1-2018 through 2-1-2019.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 94

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $245.00 to the Postmaster from the 2018 A1330.414 Receiver of Taxes postage account for the purchase of 500 $.49 stamps.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 95

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,375.00 from the 2017 A1330.476 Receiver of Taxes software account to Business Automation Services, Inc., 661 Plank Road, Clifton Park, NY 12065 for the annual software support, maintenance fee for the period December 1, 2017 through November 30, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 96

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $595.00 from the 2018 A3510.484 Animal Control Officer's office and miscellaneous account to Chase Card Services for the registration fee for Animal Control Officer Beau Payne to attend the National Animal Control & Humane Officer Academy March 5 - 9, 2018 in Providence, Rhode Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 97

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Association of Towns meetings are to be held in New York City on February 18, 19, 20, and 21, 2018, and

"Whereas", it is required by the Association of Towns to register persons who anticipate attending the Association of Towns' meeting in New York City in February 2018, and

"Whereas", certain Town officials have expressed their desire to attend said meetings, now, Therefore

BE IT RESOLVED, That the expenses of two Building Inspectors, the Town Attorney, one Town Justice, the Building Permits Examiner, three Councilpersons, two Planning Board members, one Deputy Town Clerk attending these meetings shall be a Town charge, and

BE IT FURTHER RESOLVED, That Councilwoman Brach-Williams is hereby authorized to represent the Town of Shelter Island in voting in the Association meeting, and

BE IT FURTHER RESOLVED, That the daily food allowance is hereby set at $80.00 per day per official, and

BE IT FURTHER RESOLVED, That the transportation allowance for Town officials is hereby set at $23.00 for each way per official for bus fare and $4.00 additional per official for ferry fare.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 98

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following fee schedule for the Planning Board Site Plan application is hereby adopted:

1. New Site Plan applications
    a. $500. flat fee
    b. Plus $0.25 for each gross square foot of structures (covered or enclosed spaces).
    c. Plus $0.10 for each gross square foot of disturbed areas.
2. Amended Site Plan applications
    a. $150. flat fee
    b. Plus $0.25 for each gross square foot of structures (covered or enclosed spaces) in excess of original submission.
3. Administrative Site Plan applications
    a. $150. flat fee.

Note: Gross square footage of structures includes buildings, sheds, garages, etc.

Gross square footage of disturbed areas includes all other areas affected by the proposed

work including patios, decks, driveways, parking areas, and all areas wee the existing soil is disturbed.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 99

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the work session of the Town Board scheduled for Tuesday, February 20, 2018 is hereby rescheduled to be held at 1 p. m. on the 21st day of February, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 100

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,350.00 from the 2018 A3989.400 NIMS contractual account to Emergency Communications Network, 780 West Granada Blvd., Suite 200, Ormond Beach, Florida 32174 for unlimited CodeRed system service plan for the period January 9, 2018 through January 8, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 101

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Resolution No. 359 - 2001, dated June 8, 2001, the Town Board authorized eligible employees who wish to waive his/her rights to medical insurance coverage provided by the Town of Shelter Island, by applying in writing, and

"Whereas", applications have been filed by Gary J. Gerth, Barbara Jean Ianfolla, Judith Meringer, Barbara A. Bloom, Patricia Castoldi, Mary Faith Westervelt, Jennifer Beresky, Annmarie Seddio, James Colligan, Kenneth Lewis, Bethany Ortmann, Andrew Graffagnino, Kevin Springer, and Robert J. DeStefano, Jr., now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the payment of salary compensation to the aforementioned applicants pursuant to said Resolution No. 359 of 2001 for the year 2018.

Vote: 3 in favor 1 abstain 1 opposed (Councilman Colligan abstained, Councilman Shepherd voted nay)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 102

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town of Shelter Island hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

2018 Standard Work Day Elected and Appointed Positions

| Title | Standard Work Day |
|---|---|
| <u>Elected Positions</u> | |
| Town Clerk | 6 |
| Supervisor | 6 |
| Town Council | 6 |
| Town Justice | 6 |
| Assessors | 6 |
| Receiver of Taxes | 6 |
| Highway Superintendent | 8 |
| | |
| <u>Appointed Positions</u> | |
| Town Attorney | 6 |

| | |
|---|---|
| Member, Zoning Board of Appeals | 6 |
| Member, Planning Board | 6 |
| Deputy Town Clerk | 6 |
| Confidential Secretary to Supervisor | 6 |
| Confidential Secretary to Highway Superintendent | 7.5 |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 103

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Community Housing Board has requested that the membership of said Board be increased from the present five members to seven members, now, Therefore

BE IT RESOLVED, That the Town Board does hereby call for a public hearing to be held at 4:40 p. m., prevailing time, on the 9th day of February, 2018, in the Shelter Island Town Hall, Shelter Island, New York for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled INCREASE OF MEMBERSHIP OF COMMUNITY HOUSING BOARD, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

Section 1. The last sentence of Article III section 51-5. A is hereby amended to read as follows: The Community Housing Board shall be composed of seven members with the following initial terms and thereafter to be four year terms: two members for one year, one member for two years, two members for three years and two members for four years.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 104

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transferals of 2017 funds are hereby approved:

$317.00 from the A1010.475 Town Board drug and alcohol testing account and dispersed as follows:
$256.00 to the A1015.403 Media technician account,
$46.00 to the A1015.404 Media technician account, and
$15.00 to the A1330.484 Receiver of Taxes office and miscellaneous account;
$1,553.00 from the A1110.499 Justice Court stenographer account and dispersed as follows:
$1,060.00 to the A1220.412 Supervisor payroll services account, and
$493.00 to the A1220.484 Supervisor office and miscellaneous account;
$50.00 from the A1330.200 Receiver of Taxes equipment account, and
$87.58 from the A1330.414 Receiver of Taxes postage account to the A1330.484 Receiver of Taxes office and miscellaneous account;
$314.00 from the A1490.412 Public Works Town dock maintenance account to the A1490.409 Public Works beaches and parks account;
$144.00 from the A1490.419 Public Works generator maintenance account to the A1490.420 Public Works signs and signals account;
$1,078.00 from the A1490.421 Public Works Congdon's Creek dock account to the A1490.484 Public Works office and miscellaneous account;
$168.00 from the A1490.424 Public Works fuel depot account to the A1490.418 Public Works gas allowance account;
$86.00 from the A1490.425 Public Works non highway tree maintenance account to the A1490.479 Public Works boat maintenance account;
$273.00 from the A1620.424 Buildings fuel account and dispersed as follows:
$91.00 to the A1620.276 Buildings computer equipment account,
$170.00 to the A1620.476 Buildings computer services account, and
$12.00 to the A1620.483 Buildings telephones account;
$1,500.00 from the A3120.111 Police Department personal services account to the A3120.110 Police Department personal services account;
$1,000.00 from the A3120.117 Police Department personal services account,
$400.00 from the A3120.278 Police Department first aid supplies account,
$2,000.00 from the A3150.100 Jail personal services account,

$400.00 from the A3150.400 Jail expenses account, and
$1,400.00 from the A3120.486 Police Department car gas and oil account to the A3120.270 Police Department car equipment account;
$348.67 from the A3510.200 ACO equipment account to the A3510.491 ACO 4 poster maintenance account;
$2,500.00 from the A4540.428 Ambulance communications account and dispersed as follows:
$1,500.00 to the A4540.445 Ambulance utilities account, and
$1,000.00 to the A4540.484 Ambulance office and miscellaneous account;
$473.50 from the A5010.440 Superintendent of Highways training account and dispersed as follows:
$426.00 to the A5010.400 Superintendent of Highways office and miscellaneous account, and
$47.50 to the DA5130.283 Highway Machinery truck purchase account;
$400.00 from the A6772.440 Nutrition Program maintenance account and dispersed as follows:
$300.00 to the A6772.400 Nutrition Program food account, and
$100.00 to the A6772.484 Nutrition Program supplies and rent account;
$350.00 from the A6776.408 Silver Circle maintenance account to the A6776.445 Silver Circle utilities account;
$434.00 from the A6777.408 Senior Center maintenance account to the A7620.400 Adult Recreation account;
$1,640.00 from the A7320.200 Youth Center equipment account and dispersed as follow:
$1,304.00 to the A7020.484 Recreation office and miscellaneous account, and
$336.00 to the A7310.400 Youth Recreation account;
$118.00 from the A7320.408 Youth Center maintenance account, and
$1,650.00 from the A7320.424 Youth Center fuel and heat account to the A7310.400 Youth Recreation account;
$1,111.00 from the A8160.103 Landfill seasonal personal services account to the A8160.119 Landfill part time personal services account;
$1,070.00 from the A8160.114 Landfill personal services account to the A8160.484 Landfill office and miscellaneous account;
$26.00 from the A8160.117 Landfill personal services account to the A8160.105 Landfill hazmat personal services account;
$496.00 from the A8160.128 Landfill hazmat overtime account to the A8160.129 Landfill double time account;
$200.00 from the A8160.408 Landfill maintenance account to the A8160.200 Landfill miscellaneous equipment account;
$69.00 from the A8160.437 Landfill contingency account to the A8160.434 Landfill hazardous carting fees account;
$1,168.00 from the A8160.441 Landfill brush grinder rental account to the A8160.438 Landfill crushed concrete account;
$6,000.00 from the A8160.451 Landfill C&D hauling account to the A8160.434 Landfill hazardous waste carting fees account;
$1,085.00 from the A8510.412 Taylor's Island dock repairs account to the A8510.484 Taylor's Island office and miscellaneous account;
$30.00 from the B3620.485 Building Inspector car maintenance account to the B3620.484 Building Inspector office and miscellaneous account;
$2.00 from the B3621.490 Building Permits Examiner training and education account to the B3621.484 Building Permits Examiner office and miscellaneous account;
$75.00 from the B8010.440 Zoning Officer education and training account to the B8010.484 Zoning Officer education and training account;
$150.00 from the B8012.484 Zoning Board of Appeals office and miscellaneous account to the B8012.440 Zoning Board of Appeals legal notices account;
$2,040.00 from the DA5130.441 Highway machinery fuel account to the DA5140.447 Highway Brush and Weeds outside contractors account;
$3,250.00 from the DB5110.146 Highway Repair & Improvements personal services account and
$2,025.00 from the DB5110.147 Highway Repair & Improvements personal services account to the DB5110.482 Highway Repair & Improvements MS4 account;
$1,179.00 from the DB5110.159 Highway Repair & Improvements overtime account,
$1,991.00 from the DB5110.160 Highway Repair & Improvements double time account, and
$200.00 from the DB5110.480 Highway Repair & Improvements MS4 account to the DB5110.441 Highway Repair & Improvements fuel account; and

$1,890.00 from the DA5142.447 Highway Snow Removal account and dispersed as follows:
$73.00 to the DA5130.246 Highway Machinery equipment account,
$90.00 to the DM5130.447 Highway Machinery oil and grease account,
$115.00 to the DA5130.482 Highway Machinery grinder maintenance account,
$1,460.00 to the DA5142.147 Highway Snow Removal personal services account, and
$152.00 to the DA5140.481 Highway Brush & Weeds safety gear account;
and

BE IT FURTHER RESOLVED, That the following 2017 budget modification is hereby approved:
$29.87 from the Waterways Fund Balance to the A5710.400 Waterways Management account;
and

BE IT FURTHER RESOLVED, That the following transferal of 2018 funds is hereby approved:
$3,000.00 from the A1990.400 Contingent account to the A1910.400 Unallocated Insurance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 105

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That 2017 general claims numbered 2274 through 2390 in the amount of $57,980.49, 2017 highway claims numbered 285 through 314 in the amount of $30,898.94, 2017 West Neck Water claims numbered 45 through 47 in the amount of $563.31, 2018 general claims numbered 1 through 53 in the amount of $191,606.82, and 2018 highway claims numbered 1 through 4 in the amount of $5,339.78 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Councilwoman Brach-Williams read the following Supervisor's list of appointments of Town Board Committees to serve for the year 2018:

| | |
|---|---|
| Highway & Public Works | Councilmen Shepherd and Colligan |
| Waterways | Councilmen Colligan and Dickson |
| Buildings & Grounds | Councilman Shepherd |
| Recycling | Councilman Colligan |
| Financial Advisory Comm. | Supervisor Gerth, Councilwoman Brach-Williams |
| EMS | Councilman Shepherd |

Councilwoman Brach-Williams read the following Supervisor's list of appointments of Town Officials to serve as Liaison for the specified standing Committees and Boards for the year 2018:

| | |
|---|---|
| Senior Citizens Liaisons | Councilmen Shepherd & Dickson |
| CAC Liaisons | Councilman Shepherd & Colligan |
| WMAC Liaisons | Councilmen Dickson & Colligan |
| WAC Liaisons | Councilmen Dickson & Councilwoman Brach-Williams |
| Planning Board Liaison | Councilman Shepherd |
| Z. B. A. Liaison | Councilwoman Brach-Williams |
| Comm. Pres. Fund Adv. Bd. | Supervisor Gerth |
| Transportation | Supervisor Gerth |
| FIT/Recreation | Councilman Colligan |
| Community Center/Youth | Councilman Colligan |
| Community Housing Board | Councilwoman Brach-Williams and Councilman Dickson |
| Taylor's Island | Councilwoman Brach-Williams |
| Deer & Tick Liaison | Councilmen Colligan and Dickson |
| Grants Committee | Councilwoman Brach-Williams & Councilman Colligan |
| Green Options | Supervisor Gerth |
| IT Committee | Councilman Shepherd |
| WQIAB | Councilwoman Brach-Williams and Supervisor Gerth |

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 4:48 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

February 7, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 7th day of February, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, and James T. Colligan and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and approximately twenty-six persons were present.

The Supervisor called the special meeting to order at 2:30 p. m.

The Supervisor explained that this special meeting was called to gather information concerning a Sea Grass Management Plan. The meeting was turned over to Councilman Colligan to be the moderator for this informational session.

The Plan was discussed by many baymen present. The Plan was basically to protect the estimated 226 acres of eelgrass that live in what are called the meadows on the beds of the harbors and bays around Shelter Island. After a lengthy discussion, the Plan was put on hold with the suggestion that a small committee be established to study this further before any adoption.

At 4:05 p. m., the informational meeting was declared closed.

Dorothy S. Ogar
Town Clerk

February 9, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 9th day of February, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert K. Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and two persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

RESOLUTION NO. 106

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Susan Ciaccio, 74 E North Cartwright Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 20' ramp onto a 4' x 100' fixed dock section with a 4' x 20' lower platform at offshore end in Coecles Harbor and install two 2 pile mooring dolphins, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 2nd day of March,

2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 107

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Pieter D. VanZandt, 22 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 120 feet west of the VanZandt dock and approximately 120 feet east of the VanZandt C-3235 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 2nd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 108

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Peter Levenson and Pamela Sweeney, 23 Winthrop Road, have petitioned the Town of Shelter Island for permission to modify the 6' x 42' outer "T" section of an existing "T" shaped fixed timber pier into a 6' x 38' outer "L" section by removing the 6' x 20' west side of the existing outer "T" and extending the remaining 6' x 22' outer section to the east with a new 6' x 16' section of fixed pier; install plus or minus 44 linear feet of timber wave break along the west side of the most northerly end of the existing pier and install plus or minus 38 linear feet of timber pier (sheathing to be spaced a minimum of 2 inches apart and elevated a minimum of 2 feet above existing grade); remove the northerly 6' x 14' section of an existing 6' x 24' fixed step-down platform along the east side of the existing pier; and reconfigure and reduce the number of existing dolphin pile clusters (from 8 to 7) by removing four 2-pile dolphins and two 3-pile dolphins, installing five 3-pile dolphins, installing a 3-pile dolphin in place of an existing 2-pile dolphin, and leaving one existing 3-pile dolphin in place, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:44 p. m., prevailing time, on the 2nd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 109

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", 6 Daniel Lord Road, LLC, Ursula Dobson, 6 Daniel Lord Road, has petitioned the Town of Shelter Island for permission to remove existing fixed dock completely, construct a new dock in-place to match existing one removed using Sure Step open grate decking, install a 4' x 45' platform with a 3' x 12' seasonal aluminum ramp onto a 4' x 16' seasonal floating dock on the south side and anchored by two 8" diameter piling, install a 3' x 12' seasonal aluminum ramp onto a 5' x 27' seasonal floating dock in an "L" configuration at north end side secured by four 8" diameter piling, in West Neck Creek, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 2nd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 110

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", K& K Shelter 1 Associates; Ken Tropin @ Graham Capital Management, LP, 1 Sylvester Road, has petitioned the Town of Shelter Island for permission to remove 80 feet of existing bulkhead, and construct 80 feet of new bulkhead in place, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:48 p. m., prevailing time, on the 2nd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 111

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Beau Payne has taken and passed the Civil Service examination for the title of Animal Control Officer, now, Therefore

BE IT RESOLVED, That Beau Payne is hereby appointed from the Suffolk County Civil Service list to serve as permanent Animal Control Officer for the Town of Shelter Island; said appointment is retroactive to January 26, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 112

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Beau Payne is hereby appointed to serve as Detention Attendant for the year 2018 at the rate of $41.67 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 113

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Jane Roberts is hereby appointed to serve as Clerk for the Community Preservation Fund Advisory Board, Water Quality Improvement Advisory Board, Board of Assessment Review, Conservation Advisory Council, Community Housing Board, Contractor's License Review Board, and EMS Advisory Board at the rate of $21.50 per hour retroactive to February 6, 2018 for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 114

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Arthur P. Bloom is hereby appointed to serve as part time (5 to 7 hours per week) Short Term Rental Permit Examiner effective February 13, 2018, at the rate of $21.50 per hour, for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 115

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the amount of $55,000.00 received from the Shelter Island Ambulance Foundation to the Ambulance Capital Reserve account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 116

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the work session of the Town Board scheduled to be held at 1:00 p. m. on the 27th day of February, 2018, is hereby rescheduled to be held at 2:30 p. m. on the 27th day of February, 2018 in the Shelter Island Town Hall, Shelter Island, New York, and

BE IT FURTHER RESOLVED, That the work session of the Town Board scheduled to be held at 1 p. m. on Wednesday, February 21st, 2018, is hereby canceled.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 117

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $500.00 from the Highway A5010.440 Superintendent of Highways training account to Suffolk County Soil and Water Conservation District for registration for five Highway Department employees; $200.00 from the Planning Board B8020.490 training account; $100.00 from the Building Department B3620.492 education and training account and $100.00 from the B8010.440 Zoning Officer education and training account; $100.00 from the A1490.484 Public Works office and miscellaneous account; $500.00 from the A1010.484 Town Board office and miscellaneous account; $100.00 from the A1420.484 Town Attorney office and miscellaneous account; to attend the NYSDEC four hour erosion and sediment control training to be held on February 27, 2018 from 9 a. m. to 2 p. m. at the Shelter Island Senior Center, 44 South Ferry Road, Shelter Island, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 118

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $850.00 from the 2018 A1330.476 Receiver of Taxes computer software account to Business Automation Services, Inc., 661 Plank Road, Clifton Park, NY 12065 for the annual software support/maintenance/hosting services for the Internet tax tier II for the period February 2, 2018 through January 31, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 119

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $648.00 from the Police Department's A3120.491 contracts account to 3SI Security Systems, Inc., P O Box 5146, New York, NY 10087-5146, for the annual usage fees for 3 units of electronic surveillance equipment.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 120

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Romano Fessas, 4 Sheep Pasture Lane has requested permission as per application dated November 28, 2017, to hold a catered wedding welcome party/clam bake on Friday June 29, 2019, at Shell Beach from approximately 6 p.m. to 10 p.m., and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Highway Department has stated as follows: there must not be any obstructions on the road or walkways during the event and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no additional Police Department resources at the event as long as each item in the original application is adhered to; and additionally the Highway Department Superintendent Jay Card will designate the area of Shell Beach that can be used for the clambake, and a deposit of $1,000.00 to cover any unforeseen expenses, the balance of which will be returned if not used, now, Therefore

BE IT RESOLVED, That said request is hereby approved, subject to the above requirements.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 121

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Shorewood Farms, Inc., Seagull Road, has petitioned the Town of Shelter Island for permission to maintenance dredge inlet channel from Shelter Island Sound into Clark's Creek to -6.0' below mean low water, removing 1,000 cubic yards of spoil; dredged spoil to be deposited at an approved off-site location, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said repairs, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned dredging work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 122

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the petty cash account of the Building Permits Examiner (formerly the Building Permits Coordinator) is hereby increased from $50.00 to $100.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 123

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for sealed bids for the proposed purchase of corn for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 124

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $388.11 from the 2018 A3120.491 Police Department service contracts account to Carr Business Systems, P. O. Box 28330, New York, New York 10087-8330 for the annual maintenance contract for the period January 24, 2018 through January 23, 2019, for the copy machine in the Police Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 125

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Kathleen Gerard has applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located 23 North Midway Road; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 23 North Midway Road; and
2. Applicant has retained an engineer to file an application with the SCHD for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the State Local Finance Law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement Project fund to provide a rebate for this project if the project is completed within the next 12 months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction of 61 kilograms; and
8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Kathleen Gerard at 23 North Midway Road is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed, in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary Systems approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicant and only for the premises delineated in the application, and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department, and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this Resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 126

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Stephen Jacobs and Nancy Walker have applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located at 77 Gardiner's Bay Drive; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 77 Gardiner's Bay Drive; and
2. Applicants have retained an engineer to file an application with the SCHD for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the State Local Finance Law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement Fund to provide a rebate for this project if the project is completed within the next 12 months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction of 35 kilograms per year; and
8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, the Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Stephen Jacobs and Nancy Walker at 77 Gardiner's Bay Drive is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, that any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary System's approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicants, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicants and only for the premises delineated in the application, and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department, and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this Resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 127

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Vincent Novak has applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located at 48 Lake Drive; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 48 Lake Drive; and
2. Applicant has retained an engineer to file an application with the SCHD for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the State Local Finance Law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement fund to provide a rebate for this project if the project is completed within the next 12 months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction of 61.2 kilograms; and
8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, the Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Vincent Novak at 48 Lake Drive is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary System's approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicant and only for the premises delineated in the application, and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department, and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this Resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 128

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Matthew Kast has applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located at 84 West Neck Road; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 84 West Neck Road; and
2. Applicant has retained an engineer to file an application with the SCHD for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the State Local Finance law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement fund to provide a rebate for this project if the project is completed within the next 12 months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction of 91 kilograms; and
8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, the Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Matthew Kast at 84 West Neck Road is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary System's approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicant and only for the premises delineated in the application, and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department, and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this Resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 129

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", It has come to the attention of this Board that this Section which provides for merger of adjacent commonly owned lots by operation of law without notice has caused conflict and confusion in its application; and

"Whereas", the wording of this Section could lead to inconsistent application and undesirable results; and

"Whereas", this Section was enacted prior to the increased protections of the Planning and Zoning Codes instituted in the intervening 35 years; and

"Whereas", failure to provide for notice of any merger to the landowner, the Assessors or Suffolk County has the potential to unfairly penalize unsuspecting purchasers of a portion of a merged lot; and

"Whereas", this Board expects the process to review and revise this law to be complex and take time to accomplish; and

"Whereas", this Board, in light of the present Planning and Zoning Codes, does not believe that this Section, as written, contributes significantly to furthering Town goals.; and

"Whereas", this Board now wishes to avoid any undue hardships upon individual property owners during the review process, now, Therefore

BE IT RESOLVED, That this Board hereby suspends enforcement of Section 133-22 (A, B, C, & D) - Merger – the Town Code for a period of 90 days and voids any lot merger in which the property owner was not provided with notice of the merger; and

BE IT FURTHER RESOLVED, That this Board shall appoint an ad hoc committee to advise this Board as to whether this Section shall ultimately be amended or repealed, and to propose any such amendments; and

BE IT FURTHER RESOLVED, That no other Section or provision of the Town Code shall be considered suspended, repealed or waived by this Resolution and full compliance with all other provisions of the Town Code will continue to be required.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 130

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a Contract for Shared Engineering Services between the Town of Shelter Island and the Town of Southold has been negotiated and agreed upon for services provided by one municipality for another municipality that is consistent with the purposes and intent to include the renting, exchanging or lending of engineering services, and

"Whereas", amendments to said contract have been proposed, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the amended Contract for Shared Engineering Services.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 131

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Resolution No. 359 - 2001, dated June 8, 2001, the Town Board authorized eligible employees who wish to waive certain rights to medical insurance coverage provided by the Town of Shelter Island, by applying in writing, and

"Whereas", an application has been filed by Michael Mitchell and Albert Dickson, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the payment of salary compensation to the aforementioned applicant pursuant to said Resolution No. 359 of 2001, for the year 2018.

Vote: 4 in favor 0 opposed 1 abstain (Councilman Dickson abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 132

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:50 p. m., prevailing time on the 2nd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the Old Lima Bean Fields Stewardship Management Plan, as follows:

**OLD LIMA BEAN FIELDS**
**SHELTER ISLAND, NEW YORK**
**STEWARDSHIP MANAGEMENT PLAN**

Introduction

In 2004 the Town of Shelter Island and Suffolk County jointly purchased 14.5 acres on the northwest corner of Cobbett's Lane and Manhanset Road, extending west along Cobbett's Lane about 1,350 feet from Manhanset Road and extending north along Manhanset Road from Cobbett's Lane to Our Lady of the Isle Cemetery. This included a 7.3 acres parcel on the northwest corner of Cobbett's Lane and Manhanset Road, SCTM 0700-003-01-007.3, owned by the Town of Shelter Island and an adjacent property along Cobbett's Lane of 7.2 acres, SCTM 0700-003-01-007.2, owned by Suffolk County. Both properties are wooded and undeveloped.

Both properties were used in the 1950's as one of many farms to cultivate lima beans under the ownership of Sylvester Prime. The southeast corner of the property still contains the pumping machinery to irrigate adjacent fields. Following the 1955 hurricane, farmers abandoned lima beans. The properties were subsequently used to grow shrubs and trees as nursery stock for Blaise Laspia's Shelter Island Nursery on St. Mary's Road, and some stock remains. Subsequently, plants and trees have been allowed to grow freely, and the properties have become a tangle of vines and many invasive plants.

Intentions

Acquisition allows both parcels to be preserved from development and the problems associated with development. The acquisition preserves the natural habitat along both Cobbett's Lane and Manhanset Road. The properties will be accessible to the public.

Name

The properties will be called **"Old Lima Bean Fields"** and will be so-called on all Town maps and descriptive material. The entrance to the properties shall be along Cobbett's Lane.

Improvements

There are no improvements on the properties.

Management

The properties will be left in their natural state with trails for public use to enjoy. A budget of $1,000.00 will be established for initial cleanup and clearing and with a budget of $800.00 per year for maintenance.

Public Access and Signage

Public access will be permitted from along Cobbett's Lane with parking off road on grassy aprons.

The Town will erect the Town/County Community Preservation Fund signage for both properties along both Cobbett's Lane and Manhanset Road. Signs will contain the name "Old Lima Bean Fields" and "Hunting by Permit Only" clearly displayed with appropriate phone number contact. A large stone with a bronze plaque will be placed at the corner of Cobbett's & Manhanset in front of the old pumping machinery with a brief description of the connection to lima beam farming and its history on Shelter Island. A second stone and bronze plaque along Cobbett's Lane will be will be placed at the entrance to the walking path and trail. This plaque will contain the name of the preserve along with an engraved map, acreage and the usage of the properties.

Measures to Protect Ecology

The Town will manage the properties to protect the ecology of the properties.

Specifically:

(i) Birds: no particular action will be taken except to keep undisturbed to encourage diversity.

(ii) Animals: Nuisance hunting on the properties if necessary may be authorized by the Town Board, and shall be conducted in conformance with Town rules and regulations.

(iii) Wood cutting is prohibited.

The Community Preservation Fund Advisory Board will prepare an annual report to the Town Board of expenditures from the Community Preservation Fund for stewardship of the properties.

The Community Preservation Fund Advisory Board will conduct a substantive review of the properties every 3 years in order to insure the stewardship management plan is being followed.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 133

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Richard A. and Charlotte C. Clark are the owners of a parcel of property on the easterly side of Manwaring Road, and

"Whereas", Richard A. and Charlotte C. Clark wish to dedicate said parcel to the Town of Shelter Island for the open space portion of a minor subdivision, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby calls for a public hearing to be held at 4:52 p. m., prevailing time, on the 2nd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed acceptance of premises known as Lot 5 as shown on the map entitled "Minor Subdivision Final Plat 'White Oak Family Farm'" situated at Shelter Island and designated as SCTM #0700-015.00-03.00-001.000, said parcel contains 33,316 square feet.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 134

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transferals of 2017 funds are hereby approved:
$906.00 from the A1110.499 Justice Court stenographer account and dispersed as follows:
$363.00 to the A1010.493 Town Board law library account,
$469.00 to the A1220.484 Supervisor office and miscellaneous account, and
$74.00 to the A1110.200 Justice Court equipment account;
$694.00 from the A1490.412 Public Works Town dock maintenance account, and
$18.00 from the A1490.421 Public Works Congdon's Creek dock account to the A1490.424 Public Works fuel depot account;
$3,318.00 from the A1490.413 Public Works jetties and bulkheads account to the A1490.409 Public Works beaches and parks account;
$98.00 from the A1490.419 Public Works generator maintenance account to the A1490.484 Public Works office and miscellaneous account;
$37.37 from the A3120.117 Police Department personal services account,
$21.46 from the A3120.278 Police Department first aid and safety equipment account,
$42.80 from the A3120.487-7 Police Department Read uniform account,
$40.27 from the A3120.487-11 Police Department T. Cronin uniform account,
$0.22 from the A3120.487-13 Police Department Drake uniform account,
$42.85 from the A3120.487-18 Police Department Rando uniform account, and
$18.26 from the A3120.487-19 Police Department Springer uniform account to the A3120.487-9 Police Department part time uniforms account;
$700.00 from the A3120.118 Police Department personal services account to the A3120.110 Police Department personal services account;
$24.92 from the A3120.270 Police Department car equipment account, and
$500.00 from the A3120.288 Police Department dive team equipment account to the A3120.484 Police Department office and miscellaneous account;
$2,253.00 from the A4540.478 Ambulance medical supplies and dispersed as follows:
$1,150.00 to the A4540.408 Ambulance building maintenance account,
$225.00 to the A4540.422 Ambulance food account, and
$878.00 to the A4540.484 Ambulance office and miscellaneous account;
$1,127.00 from the A4560.408 Medical Center maintenance account,
$465.00 from the A5182.400 Street Lighting account,
$1,500.00 from the A6776.408 Silver Circle maintenance account,
$360.00 from the A6776.486 Silver Circle van fuel account,
$800.00 from the A6776.497 Silver Circle program providers account, and
$1,520.00 from the A6777.408 Senior Center maintenance account to the A3120.277 Police Department office equipment account;
$46.00 from the A6772.440 Nutrition Program maintenance account to the A6772.400 Nutrition Program food account;
$56.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.484 Silver Circle office and miscellaneous account;
$80.00 from the A7320.408 Youth Center maintenance account and dispersed as follows:

$71.00 to the A7310.400 Youth Recreation account, and
$9.00 to the A7320.424 Youth Center fuel and heat account;
$1,681.00 from the A8160.199 Landfill deferred compensation account and dispersed as follows:
$777.00 to the A8160.423 Landfill electricity account, and
$904.00 to the A8160.484 Landfill office and miscellaneous account;
$202.00 from the A8160.490 Landfill hazardous waste training account and dispersed as follows:
$147.00 to the A8160.488 Landfill high visibility clothing account, and
$55.00 to the A8160.437 Landfill contingency account;
$40.00 from the B3621.492 Building Permits Examiner education and training account to the B3621.484 Building Permits Examiner office and miscellaneous account;
$24.00 to the B8012.484 Zoning Board of Appeals office and miscellaneous account to the B8012.440 Zoning Board of Appeals legal notices account;
$4,100.00 from the B8030.200 Water Advisory Committee equipment account to the B8030.485 Water Advisory Committee water level monitoring account;
$2,195.00 from the B8030.498 Water Advisory Committee quantity chemical testing account and dispersed as follows:
$1,310.00 to the B8030.485 Water Advisory Committee water level monitoring account, and
$885.00 to the B8030.487 Water Advisory Committee water quality, nutrient account;

BE IT FURTHER RESOLVED, That the following transferals of 2018 funds are hereby approved:
$3,160.00 from the A1990.400 Contingent account and dispersed as follows:
$1,160.00 to the A1010.200 Town Board equipment account, and
$2,000.00 to the A1910.400 Unallocated Insurance account; and
$650.00 from the A3989.400 NIMs account to the A3989.200 NIMs equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 135

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That 2017 general claims numbered 2391 through 2439 in the amount of $83,744.55, 2017 highway claims numbered 315 through 320 in the amount of $20,122.00, 2017 West Neck Water claims numbered 48 through 49 in the amount of $191.42, 2018 general claims numbered 54 through 191 in the amount of $53,458.67, 2018 highway claims numbered 5 through 15 in the amount of $10,585.09, and 2018 West Neck Water claim number 1 in the amount of $109.84 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:58 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the proposed Local Law entitled INCREASE OF MEMBERSHIP OF COMMUNITY HOUSING BOARD.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I just think that, I think it's a great move, selectively I think we had a pretty good interview with these people, we didn't just select people, we selected people with talents and I think we have the right people to fill this job, I think the Community Housing Board has become a major priority for this year's Town Board in 2018 under Gary and I think that we, it's a work in progress but we're very optimistic that we're going to move forward and have some great results here so I'm very much in favor of it, glad that we staggered the tenure of each one of those members so that we have a continual flow of membership throughout the coming years, this problem is not gonna be resolved in one year but I'll tell you, hopefully you know, we'll have some goals and we'll achieve those goals year after year, that's basically it.

The Supervisor declared the public hearing closed at 5:01 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 136

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held 9th day of February, 2018, on a proposed Local Law entitled INCREASE OF MEMBERSHIP OF COMMUNITY HOUSING BOARD, and

"Whereas", all interested persons were heard in favor of or in opposition to said proposed Local Law, now, Therefore

BE IT RESOLVED, That Local Law No. 1 - 2018 entitled INCREASE OF MEMBERSHIP OF COMMUNITY HOUSING BOARD, is hereby adopted, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

Section 1. The last sentence of Article III section 51-5. A is hereby amended to read as follows: The Community Housing Board shall be composed of seven members with the following initial terms and thereafter to be four year terms: two members for one year, one member for two years, two members for three years and two members for four years.

Section 2. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 137

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas" Local Law No. 1 - 2018, dated February 9, 2018, was adopted by the Town Board, and

"Whereas", said law increases the membership of the Community Housing Board from 5 members to 7 members, and

"Whereas", the Town Board has advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That the present Community Housing Board consisting of five members, is hereby dissolved, and

BE IT FURTHER RESOLVED, That a new Community Housing Board is hereby established consisting of seven members, and

BE IT FURTHER RESOLVED, That said new Board shall be comprised of 2 members for terms of one year, 2 members for terms of 2 years, 3 members for terms of 3 years, and 2 members for terms of 4 years, and upon reappointment, all terms shall be for 7 years, and

BE IT FURTHER RESOLVED, That the following persons are hereby appointed to serve for the following specified terms:

Christopher DiOrio and Ed Katta for terms to expire on February 9, 2019

David Doyle for a term to expire on February 9, 2020,

Abby Dress and Gerry Siller for terms to expire on February 9, 2021, and

Michael Bebon and Mary Faith Westervelt for terms to expire on February 9, 2022.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Brach-Williams and seconded by Councilman Colligan, the meeting was adjourned at 5:09 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 2, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 2nd day of March, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and eight persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from JoAnn Kirkland dated February 12, 2018, resigning from her position as Clerk to the Zoning Board of Appeals, Planning Board, WMAC and WAC effective immediately.
2. An e-mail from Bruce Saul enclosing recommendations for the Community Housing Board.

The Supervisor presented the following financial report for the month of January, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JANUARY 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen. Checking | 1,197,063.89 | 4,996,719,43 | 760,674.65 | 5,433,108.67 | 776,356.56 |
| Hwy Checking | 280,395.93 | 831,526.82 | 178.995.61 | 932,927.14 | |
| T&AChecking | 204,817.85 | 14,524,474.86 | 14,397,474.92 | 331,767.79 | 15,525.30 |
| T&A Savings | 12,226.98 | 0.33 | 0 | 12,227.31 | |
| Hwy Cap Res | 356,516.79 | 9.67 | 0 | 356,526.46 | |
| WNW Supply | 38,338.35 | 5,281.75 | 563.31 | 43,056.79 | 110,869.91 |
| Taylor's Island | 43,611.24 | 5.54 | 0 | 43,616.78 | |
| Comm Preserv | 4,673,739.05 | 276.73 | 0 | 4,674,015.78 | 3,614,496.12 |
| Waterways | 284,616.81 | 4,433.00 | 22,898.84 | 266,150.97 | |
| Reserve Fund | 727,597.11 | 5,592.54 | 0 | 733,189.65 | |
| Bridge St Esc | 0 | 0 | 0 | 0 | 355,975.03 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reser | 18,164.65 | 0 | 0 | 18,164.65 | |
| Ambul Reserv | 301,86.01 | 17.87 | 0 | 301,803.88 | |
| Ambul Train | 29,335.84 | 0.8 | 0 | 29,336.64 | |
| TOTALS | 8,183,960.50 | 20,368,339.34 | 15,360,657.33 | 13,191,642.51 | 4,873,222.92 |

RESOLUTION NO. 138

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Leeward Cove, LLC, c/o Bill Geraghty, 10 North Brander Parkway, has petitioned the Town of Shelter Island for permission to construct a 4' x 32' fixed catwalk, install a 32" x 12' seasonal aluminum ramp onto a 5' x 32' seasonal floating dock tapered to a 4' width at west end, install two 8" diameter piling, in an "L" configuration in the Silver Beach Lagoon, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 139

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Bernard J. and Alice B. Ott, 9 Shorewood Road, have petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.05092° north and longitude 72.31685° west; said mooring location was formerly occupied by the Hammond O-2875 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 140

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

"Whereas", on January 2, 2018, Robert Andrew was reappointed to serve as Food Service Worker for the year 2018, and

"Whereas", Robert has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Robert continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Robert Andrew is hereby appointed to serve as Food Service Worker for the year 2018 at the rate of $15.34 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 141

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", two vacancies exist on the Contractors' License Review Board, now, Therefore

BE IT RESOLVED, That Albert Dickson is hereby appointed to serve as a member of the Contractors' License Review Board for a term to expire on March 11, 2021, and

BE IT FURTHER RESOLVED, That Robert DeStefano, Jr. is hereby appointed to serve as a member of the Contractors' License Review Board for a term to expire on March 11, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 142

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Kristina Martin Majdisova is hereby appointed to serve as Clerk Typist to the following committees: Planning Board, Zoning Board of Appeals, Waterways Management Advisory Council and Water Advisory Committee for the year 2018 for 19 hours per week at the rate of $21.50 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 143

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Gregory Toner as a member of the Water Quality Improvement Advisory Board expired on February 2, 2018, and

"Whereas", Mr. Toner has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Gregory Toner is hereby reappointed to serve as a Member of the Water Quality Improvement Advisory Board for a term to expire on February 2, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 144

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Keith Clark as a member of the Taylor's Island Preservation and Management Committee expired on January 17, 2018, and

"Whereas", Mr. Clark has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Keith Clark is hereby reappointed to serve as a member of the Taylor's Island Preservation and Management Committee for a term to expire on January 17, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 145

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the term of Barbara Clark as a member of the Taylor's Island Preservation and Management Committee expired on January 17, 2018, and

"Whereas", Mrs. Clark has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Barbara Clark is hereby reappointed to serve as a member of the Taylor's Island Preservation and Management Committee for a term to expire on January 17, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 146

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of John Needham as a member of the Ferry Study Group expired on January 29, 2018, and

"Whereas", Mr. Needham has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That John Needham is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 147

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Heather Reylek as a member of the Ferry Study Group expired on January 29, 2018, and

"Whereas", Mrs. Reylek has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Heather Reylek is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 148

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the overpayment funds in the amount of $724.78 to the following accounts: $362.39 to the 2017

A6776.239 Silver Circle equipment account and $362.39 to the 2017 A6777.200 Senior Center equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 149

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $4,700.00 from the A1620.476 computer services account to East End Computers, 50 White Street, Southampton, New York 11968, for the EEC off-site backup data service for the Town Hall, Assessor's Office, Police Department, Highway Department and EMS servers for the period January 1, 2018 through December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 150

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", sealed bids for the provision of feed corn for the year 2018 were received by the Town Clerk's Office until 3 p. m. on the 28th day of February, 2018, at which time they were publicly opened and read aloud as follows:

Neptune Farm Products, Inc. in the amount per 2,000 pound pallets:

| | |
|---|---|
| six pallet increments delivered | $359.20 |
| five pallet increments delivered | $369.20 |
| four pallet increments delivered | $379.20 |
| three pallet increments delivered | $379.20 |
| two pallet increments delivered | $379.20, and |
| one pallet increment delivered | $379.20; and |

"Whereas", Amanda Gutiw, Police Clerk, and the Chief of Police have reviewed the bid submitted and recommended the award should be granted to Neptune Farm Products, Inc., now, Therefore

BE IT RESOLVED, That the bid for feed corn for the year 2018 is hereby awarded to Neptune Farm Products, Inc., the sole responsible bidder, for the aforementioned prices.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 151

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Shelter Island Yacht Club has petitioned the Town of Shelter Island for permission to maintenance dredge certain areas as per submitted plan and pursuant to DEC permit, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said dredging, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned maintenance dredging.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 152

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $5,621.00 from the 2018 A4540.484 EMS office and miscellaneous account to SCM Products, Inc., 60 Plant Avenue, Suite #2, Hauppauge, New York 11788, for the 2018 annual maintenance contract for the EMS computer program.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 153

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,409.84 from the 2018 A1620.476 Buildings computers account to Microsoft Corporation, P. O. Box 842103, Dallas, Texas 75284-2103, for the annual fee for 71 e-mail licenses for the term of February 15, 2018 through February 14, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 154

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", due to the severity of the winter during 2016/2017, the municipality requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional miles of state roads that were plowed/treated during the winter season, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and the County of Suffolk, to change the estimated expenditure for the snow and ice agreement for the 2016/2017 winter season.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 155

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,860.00 to the Island Boatyard and Marina from the Police Department 2018 A3120.479 boat maintenance account for the 2018 seasonal dockage for the Police boat.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 156

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That EMS Director Jack Thilberg is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Hendrickson Fire Rescue Equipment for the proposed purchase of one new 2018 ambulance for the Shelter Island EMS for the contracted price of $252,222.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 157

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Resolution No. 359 - 2001, dated June 8, 2001, the Town Board authorized eligible employees who wish to waive certain rights to medical insurance coverage provided by the Town of Shelter Island, by applying in writing, and

"Whereas", an application has been filed by Martin Hunt, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the payment of salary compensation to the aforementioned applicant pursuant to said Resolution No. 359 of 2001, for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 158

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Superintendent of Highways/Commissioner of Public Works has requested permission for the Superintendent of Highways/Commissioner of Public Works and

Brian Sherman to attend the Solid Waste Recycling Conference and Trade Show in Lake George, New York, from May 20 through May 23, 2018, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $900.00 from the 2018 A8160.484 Landfill office and miscellaneous account to SWANA, NYS, Attention: Mallory, 9 Otter Creek Road, Johnsonville, New York 13210, and the sum of $1,350.00 for accommodations for the two attendees to The Sagamore Resort, 110 Sagamore Road, Boltons Landing, New York 12814, for the registration fee for the two aforementioned SWANA conference attendees.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 159

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town Board adopted resolution number 242 - 2017, subject to permissive referendum on June 23, 2017 which authorized the purchase of certain highway equipment including a horizontal grinder from the highway capital reserve funds, and

"Whereas", on August 4, 2017, the Town Clerk reported to the Town Board that no petition had been filed and therefore said purchases from the highway capital reserve fund were authorized, and

"Whereas", on September 15, 2017, the Town Board adopted Resolution number 421 - 2017 which awarded the bid for the purchase of a horizontal grinder to Construction & Industrial Equipment Corp., and

"Whereas", on December 19, 2017, the Town Board adopted Resolution number 532 - 2017 which authorized the Lease-Purchase Agreement No. 8035 for the purpose of procuring a horizontal grinder, and

"Whereas", the Town Board appropriated $100,000.00 in the 2018 highway budget for the purchase of said horizontal grinder, and

"Whereas", the first payment on said grinder is $113,809.21, now Therefore

BE IT RESOLVED, That the following 2018 budget revision is hereby approved:
$13,809.21 from the DA878 Restricted: Capital Reserve account to fund the DA5130.284 highway grinder purchase account, and

BE IT FURTHER RESOLVED, That the transfer of funds from the DA231 highway Capital Reserve account to the DA200 cash checking account is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 160

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Superintendent of Highways is hereby authorized to purchase one new hot box for use by the Highway Department for a sum not to exceed $34,998.00 from Trius.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 161

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an Intermunicipal Cooperation Agreement between the Town of Shelter Island and the County of Suffolk to establish SUFFOLKSHARE pursuant to Section 119-o of the New York State General Municipal Law, said agreement provides for a cooperative organization to serve its members by pursuing options including, but not limited to : 1) operating and maintaining a regional procurement system, 2) assisting SuffolkShare Members in compliance with state bidding requirements, 3) identifying qualified vendors of commodities, goods and services, 4) facilitating the sharing of services, and 5) providing a platform to share information and facilitate discussions between SuffolkShare Members, all in an effort to realize potential economies, including administrative cost savings; and fulfilling their respective public and governmental purposes, needs, objectives and programs on a cooperative or contract basis.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 162

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Gary Sher, 26 South Midway Road, has petitioned the Town of Shelter Island for a wetlands permit to perform a significant renovation to interior of existing residence, remove existing decks and patios within regulated area, renovate pool, add a spa, construct deck and patio at house, construct deck at pool; deck, patios and pool work to be within regulated area; project includes new IAOWTA pending SCDHS approval, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:50 p. m., prevailing time, on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 163

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Randall Shy, 4 Lake View Drive, has petitioned the Town of Shelter Island for a wetlands permit to perform significant renovation to interior of existing residence, construct additions outside of regulated area, remove existing decks and patios within regulated area, renovate pool outside of regulated area, and install pavers within regulated area, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:52 p. m., prevailing time, on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 164

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby calls for a public hearing to be held at 4:54 p. m., prevailing time, on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled IAOWTS New Construction, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. A new Section 43-10.4 is hereby added, to wit:

A. An Innovative and Alternative On-site Water Treatment System (IAOWTS) approved by the Suffolk County Department of Health Services shall be required for the following projects located within the Town of Shelter Island.

(1) All new residential construction with greater than 1500 square foot living area; and
(2) Any septic system upgrade required by the Suffolk County Department of Health Services.

B. Applicants that have complete applications pending review before the Shelter Island Building Department or the Suffolk County Department of Health Services as verified by those Departments prior to the enactment of this Section shall not have to comply with the requirements herein.

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 165

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:56 p. m., prevailing time, on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the application of the Town of Shelter Island to utilize Community Preservation Funds to install a new septic system at the existing public restroom at Wade's Beach nearshore to the bathing beach and Dickerson Creek for use by residents and guests, at an estimated project cost of $20,860.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 166

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Water Quality Improvement Advisory Board has requested the Town Board to allocate funding from the 2017 WQIAB's share of the CPF funds to their Advisory Board for the purpose of funding a test program to measure a baseline of water quality in the aquifer pursuant to Chapter 50-33(G) of the Town Code, now, Therefore

BE IT RESOLVED, That the Town Board does hereby approve the allocation of $30,000.00 from 2017 CPF funds to the WQIAB to utilize for the collection and analyzing of groundwater from selected monitoring wells on Shelter Island which will provide the data for the Water Advisory Committee to evaluate and manage the groundwater resource and with a summary of baseline of current conditions to assess the success of future water quality improvement programs.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 167

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following funds are hereby encumbered from 2017 to be expended in 2018 with 2017 funds, to wit:

$25,180.00 from the A1490.413 Public Works jetties and bulkheads account for Crowley Marine Contracting for the replacement of groin #4 at Shell Beach;

$17,655.00 from the A1490.414 Public Works Town Hall and other buildings account for Arista Renovation, Inc. for brick pointing and lintel replacement at Justice Hall;

$2,125.00 from the A1490.499 Public Works Bridge Street bathroom account for Coastal Pipeline for the sanitary sewer holding tank;

$3,620.00 from the A3120.277 Police Department office equipment account for Suffolk Security Systems for the upgrade of existing video surveillance system at police headquarters;

$258.87 from the A3120.493 Police Department equitable sharing funds account because the Department of Justice requires said funds to be kept separate from Town funds;

$10,315.00 from the A8510.408 Taylor's Island cabin repairs account for Jason Shields, Inc., for work at the cabin;

$10,800.00 from the A8160.408 Landfill repairs and maintenance account for Gregor Well Drilling for repairs to the fire well;

$14,500.00 from the DA5130.246 Highway Machinery miscellaneous equipment account for Malvese Equipment Co. for a Kage System SS12' (Blade and Box);

$16,818.00 from the DA5130.246 Trius, Inc. for a Vorteq Trailer Mounted Attenuator;

$78.31 from the DA5130.446 Highway Machinery parts account for Trius, Inc. for parts for the Vorteq;

$4,702.69 from the DA5130.491 Highway Machinery refurbish equipment account for Trius, Inc. for the Vorteq;

$2,100.10 from the DB5110.480 Highway Repair & Improvements MS4 account for Coastal Pipeline;

$26,044.40 from the DB5110.480 Highway Repair & Improvements MS4 account for Suffolk Cement Precast for drywell supplies;

$2,100.10 from the DB5110.482 Highway Repair & Improvements MS4 maintenance account for Coastal Pipeline.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 168

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transferals of 2017 funds are hereby approved:
$75.00 from the A1110.499 Justice Court stenographer account to the A1110.484 Justice Court office and miscellaneous account;
$702.00 from the A1410.484 Town Clerk office and miscellaneous account to the A1410.200 Town Clerk equipment account;
$3,600.00 from the A1490.411 Public Works buoys and lifelines account, and
$3,500.00 from the A1490.422 Public Works dredging account to the A1490.479 Public Works boat maintenance account;
$7,767.56 from the A1490.413 Public Works jetties and bulkheads account and dispersed as follows:
$1,097.49 to the A1490.412 Public Works Town dock maintenance account,
$6,000.00 to the A1490.414 Public Works Town Hall and other buildings account, and
$670.07 to the A1490.479 Public Works boat maintenance account;
$44.00 from the A1490.419 Public Works generator maintenance account to the A1490.421 Public Works Congdon's Creek Dock account;
$13,419.00 from the A1490.499 Public Works Bridge Street restroom account and dispersed as follows:
$1,400.00 to the A1490.479 Public Works boat maintenance account,
$4,325.00 to the A1490.497 Public Works professional services account,
$3,620.00 to the A3120.277 Police Department office equipment account, and
$4,074.00 to the DA5130.246 Highway Machinery miscellaneous equipment account;
$790.00 from the A1620.423 Buildings electricity account to the A1620.483 Buildings telephones account;
$110.48 from the A3120.485 Police Department car maintenance account to the A3120.484 Police Department office and miscellaneous account;
$400.00 from the A3120.486 Police Department car gas and oil account to the A3120.487-9 Police Department part time uniforms account;
$5,354.00 from the A4540.200 Ambulance equipment account to the A4540.408 Ambulance building repairs and maintenance account;
$44.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.484 Silver Circle office and miscellaneous account;
$3,386.87 from the A8160.444 Landfill environmental testing account to the A8160.408 Landfill repairs and maintenance account;
$2,000.00 from the A8510.200 Taylor's Island equipment account, and
$4,715.00 from the A8510.412 Taylor's Island dock repairs account to the A8510.408 Taylor's Island cabin repairs account;
$4,500.00 from the DA5130.152 Highway Machinery mechanic overtime account,
$1,800.00 from the DA5130.482 Highway Machinery grinder maintenance account,
$3,200.00 from the DA5130.491 Highway Machinery refurbish equipment account,
$5,000.00 from the DA5140.447 Highway Brush & Weeds outside contractors account, and
$6,400.00 from the DA5140.489 Highway Brush & Weeds equipment rental account to the DA5130.246 Highway Machinery miscellaneous equipment account;
$1,300.00 from the DB5110.479 Highway Repair & Improvements surveys account to the DB5110.480 Highway Repair & Improvements MS4 account;
$1,000.00 from the FX8320.408 West Neck Water repairs and maintenance account to the FX8320.491 West Neck Water contracts account;

BE IT FURTHER RESOLVED, That the following transferals of 2018 funds are hereby approved:
$6,529.00 from the A1990.400 Contingent account and dispersed as follows:
$200.00 to the A1010.492 Town Board school and travel account,
$2,329.00 to the A1010.496 Town Board Association of Towns account, and
$4,000.00 to the A1910.400 Unallocated Insurance account;
$1,450.00 from the A1490.413 Public Works jetties and bulkheads account, and
$1,097.48 from the A1490.417 Public Works Town landings account to the A1490.412 Public Works Town dock maintenance account;
$1,000.00 from the A4540.408 Ambulance building maintenance account to the A4540.484 Ambulance office and miscellaneous account; and

$10,185.00 from the A8160.408 Landfill repairs and maintenance account to the A8160.200 Landfill miscellaneous equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 169

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That 2017 general claims numbered 2440 through 2456 in the amount of $23,620.79, 2017 highway claims numbered 321 through 322 in the amount of $8,583.65, 2017 West Neck Water claim number 50 in the amount of $1,100.00, 2018 general claims numbered 192 through 340 in the amount of $94,466.09, 2018 Community Preservation Fund claim number 1 in the amount of $40.64, 2018 highway claims numbered 16 through 28 in the amount of $132,130.79, and 2018 West Neck Water claims numbered 2 through 5 in the amount of $1,894.00 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:55 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Susan Ciaccio, 74 E North Cartwright Road, for permission to construct a 4' x 20' ramp onto a 4' x 100' fixed dock section with a 4' x 20' lower platform at offshore end in Coecles Harbor and install two 2 pile mooring dolphins.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: Albert and I were both there, they met on February 5th, the WMAC, they had a number of questions, you guys are represented here today, right, yes; we are; and I was gonna ask you, they seem to have some concerns about the pilings and, or moving the dock and John Needham is the chairman of that particular committee, did he pick up the phone and did anybody contact you on these specific concerns the WMAC had on the application; no, they haven't; that's a problem, that shouldn't happen, I would like to think that in fairness, we've had a little secretarial issue in terms of taking minutes for these things which will be rectified this coming week and there's been a little bit of a problem in terms of recording these minutes, but I would like to think that in the future if we have a problem with any of these applications, rather than just table them, that it's incumbent upon the committee to specify why they had been tabled and then pick up the phone or somebody pick up the phone and be able to call the applicant and say by the way, due to the following two or three reasons are why we could not pass the, you know, move this thing on so it has been tabled, again I wish they would specify exactly why but they are meeting this week and what I would encourage you to do is to actually attend but even before that, the meeting is Monday, right at six o'clock; yes; six o'clock, six p. m. right here in this room but, John Needham's number is in the book, you might want to, prior to Monday's meeting, so that you can kind of prepare for Monday's meeting, give him a little heads up with a call, I think somebody from that committee should have called you but since it didn't happen, why don't you call them, find out what their specific concerns are so that you can prepare for that for Monday and that would save a lot of time in terms of you coming in and being here, and some times it's a point of clarity, sometimes these things, when you come up at the committee meetings, there's a whole bunch of people here and they have a concern and it's not quite clear and there's nobody in the audience representing that party to be able to explain why they feel uncomfortable with moving forward, am I saying that right Paul; sounds good to me; yeah okay and because we did it for a lot of years together and that would be my recommendation, he should be available, just call John Needham and hopefully he can give you that information and then we'll see you Monday night, I'll be here and Councilman; could you repeat what you said were the possible; well he, they seemed, something Albert, am I wrong in saying that it was the pilings and; pilings and the location of the dock, you moved the dock location from the original, I believe you moved it, if I'm not; is it closer to the neighbor's property; you moved it nearer to the right of way and they had some questions regarding that; yeah, I think what the problem was is, again I was away for a week so I just came back, bright and early this morning John Needham called me about this particular issue and a couple of others and he said listen, the way we like to do things

here on Shelter Island is be cooperative with our neighbors as much as possible so I think that the factor that it moved further over towards the property line and that right of way, they had some questions why, why couldn't it go back more centered in the property as opposed to being off in the side and maybe being a problem for a neighbor so I think that was his major concern; what we proposed, we merged the strip of land that was; right; a very narrow strip that had been in two of our names for many years; yes; and we merged the property with the property to the south in my wife's name so now it's just one property instead of having just a narrow piece of land of one tenth of an acre on the tax maps, so it will make it simpler for everybody, but one of the reasons we did it is because we're planning wills and what we are doing with respect to our children and we wanted to be sure that if there is a right of way that's created here after, we want that right of way to be on the northernmost part of the property so that __ the upward property which we also own would be walking down that narrow area even though it's on a separate piece of property __ lawn for herself; right; than disturbing the people who owned the property on the south side which is ___ children; okay; Bob, do you have anything to add to what I said; no I don't think so; thank you very much; six o'clock Monday; eighteen hundred hours right here; right here.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: well was there, there's a setback there; what zone are you in there, A; I believe so yeah; okay so they try to keep the setback for the dock similar to the setbacks of structures, generally speaking, from property lines, so you have maybe twenty-five feet setback there; that's right; and you moved to twenty; well no it should be twenty-five feet; alright; well we want to respect the setback as required by the Town; I can't tell exactly what's going; I don't think this is gonna be a big major thing and I think there was a little confusion about the setback and everything else had it been approved and yet I just think that the two of you being there on Monday night, especially if you can pick up the phone and call the chairperson like tomorrow or tonight or tomorrow and get some head's up directly from the chairperson and I think that would be great, you might even be able to clear it up over the phone, you might be able to answer and address all of the questions right over the telephone you know and when he finds and he says listen you satisfied all of our concerns, then you wouldn't have to come Monday night; right; well that would be preferable __, that's why I was recommending that you initiate that and I'm sorry that it didn't work the other way around but; okay; as I understand it was more of a matter of questions than actual; yeah I think it's a matter of clarity that they are seeking here; okay; thank you; you're welcome.

The Supervisor declared the public hearing closed at 5:05 p. m. and called to order the public hearing to be held as advertised on the application of Pieter D. VanZandt, 22 Tuthill Drive, for permission to install a mooring in Coecles Harbor approximately 120 feet west of the VanZandt dock and approximately 120 feet east of the VanZandt C-3235 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: we do have a report on that, it's a positive report, the committee, WMAC met on February 5th and a vote of six to zero approved this application; what was the holdup there, it came in in November, do you recall; because of the way you schedule things, because the meetings are so different at the end of the year; right; and into the beginning of the year; I guess they didn't mind; it's only for moorings, it becomes a little complicated with docks and other things but just the moorings, they were fine with it; it's not that they're gonna be using it; yes, so we're set to go with that.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no more comments, the Supervisor declared the public hearing closed at 5:07 p. m. and called to order the public hearing to be held as advertised on the application of Peter Levenson and Pamela Sweeney, 23 Winthrop Road, for permission to modify the 6' x 42' outer "T" section of an existing "T" shaped fixed timber pier into a 6' x 38' outer "L" section by removing the 6' x 20' west side of the existing outer "T" and extending the remaining 6' x 22' outer section to the east with a new 6' x 16' section of fixed pier; install plus or minus 44 linear feet of timber wave break along the west side of the most northerly end of the existing pier and install plus or minus 38 linear feet of timber pier (sheathing to be spaced a minimum of 2 inches apart and elevated a minimum of 2 feet above existing grade); remove the northerly 6' x 14' section of an existing 6' x

24' fixed step-down platform along the east side of the existing pier; and reconfigure and reduce the number of existing dolphin pile clusters (from 8 to 7) by removing four 2-pile dolphins and two 3-pile dolphins, installing five 3-pile dolphins, installing a 3-pile dolphin in place of an existing 2-pile dolphin, and leaving one existing 3-pile dolphin in place.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: we did meet on February the fifth and I would take it that you fine folks, the Levensons, that you weren't informed either by the committee, were you or; well unfortunately the night before and I couldn't attend; yeah; but indeed I plan to go Monday night; alright; to explain to them about the application; well to be honest with you, are you gonna be there Monday night as well; I'm not but I did, for the record, Rob Herrmann of En-Consultants on behalf of the applicants here, the Levensons, but I have spoken to John Needham; oh good; I touched base with him, I know that there was an issue with the secretary, I also checked in with him at one point to see if they had seen it yet, had they reviewed it and then after they met, John and I did speak, he did explain to me what the concerns were, it sounded like there were a couple of things that they were okay with, there were a couple of things that they weren't sure of but we had the hearing scheduled and we'd like to move ahead and make our presentation to the Board; okay, you're actually right on target, there were some things that they liked and there were some things that they didn't like and having written down a couple of notes, something that, John himself had a little problem with some of the offshore pilings, Marc Wein had a little problem with the, is there a splashboard involved with this; there is; okay, he had a little problem with that, George chimed in and he was webexing in and said something about changes without adding the new configuration, he was okay without the adding of the new configuration and then Marc Wein came back in and said something about the application is a little complicated and being difficult and he was, he was also recommending that one or both of you, if you, if you could attend that Monday meeting would be great because I think there were things that they were fine with and there were some things that they had questions about but they didn't have all the pieces so therefore they weren't able to take a positive vote at that time, so hopefully we'll have it on Monday; so what I wanted to do, I sit all day, I come here to stand, I wanted to go over the application with the Board; you're free to stand; I may; you don't have to; thank you but it is complicated and if you look at the plan and you read the description that Dottie read, it's __ so what I did, I brought in a couple of different displays, one has got, set up here so you can follow along and then Pieter has a few things which he'll show shortly when we get to them but you can kind of follow a progression here and so I just want to review so the Board can get a sense of what is actually being proposed; sure; and I think it helps to have, and we have sent these before and after drawings to John ahead of their meeting so he did have what you're looking at, so I just wanted to go over in shorter less descriptive terms what the components of the application are, because overall the purpose of the application is to improve the protection and the efficiency of the dock and to actually reduce the dock in size, in scope and visual impact and so one thing I want you to keep in mind as you're listening is that this is a permitted dock, if all of this was just rejected and asked Pieter to go home with a denial, this dock depicted here would continue to legally exist, this was a modification of this originally constructed dock which is also a permitted dock so just keep in mind that this is, in it's original for compared to your current dock code, is nonconforming but it's a legal dock, it's a permitted dock and everything that we're proposing results in an overall downsizing in the size and the scope of the dock so just having that as a background, the most significant change visually is the removal of the six by twenty-nine westerly section of the existing "T" shaped dock on the outside, as you can see right now, this is a "T" shaped dock and the proposal is to make an "L" shaped dock and how we're gonna accomplish that is by removing the twenty-nine foot westerly leg of the "T" and then adding a six by sixteen extension of the easterly side so the end result is that you replace a six by forty-two "T" with a six by thirty-eight "L" so the overall outside of the fixed section of the dock ends up getting shorter; repeat those numbers one more time; you replace a six by forty-two outer "T" with a six by thirty-eight outer "L" so after all that language and drawing, that's the change; got it; also being proposed is the removal of the most northerly six by fourteen section of what is an existing six by twenty-four step down platform on the east side of the dock; right; so this is the existing step down that the proposed step down just ends up being a much smaller section, it gets reduced by more than the fifty percent so after he changed the outside and after you reduce the step down, you get a net reduction of one hundred and eight square feet in terms of the overall existing structural area of the dock; is that

area or length; area; area, so two hundred and four square feet is being removed, ninety-six square feet is new, you get a reduction of one hundred and eight; right; is that to allow for a second boat to come in at the south end of the second; well you could; in other words, don't you have; I go through the details and let Pieter get into some of the substance of how he brought you to this but yeah you can dock here now; right; but it's, again part of his goal is understanding the sensitivity that anytime you make a change to these things, you're trying to get smaller so Pieter is looking for any way that will help or at least not hurt him and end with a net reduction in the overall scope of the dock and basically help the application to make it; right; basically to the Town through his own doing and to the neighbors and to anyone out in the water, the third part was, Jim already mentioned that the installation of the wave break and the wave break is proposed along the finished, I don't know if you can see this here but there's a green line that runs along; yes; __ and then back there, it's important to keep in mind though that that wave break has been designed to the New York State DEC design requirement, they require it to be elevated at least two feet above the bottom and for the sheathing boards to be placed at least two inches apart, we do have DEC approval for that design on this dock, we have DEC approval for exactly what's in front of the Board tonight so I just wanted to make that point cause sometimes there are concerns of wave breaks because of the concern that may stop sediment from passing through or __ invertebrates or fish from moving through so that's why it's designed like that; also for shading, I think the eelgrass but on that dock, so it's gonna be the splashboard, that splashboard so to speak is gonna be on the north side of the "L" and is it on the west side of the dock as well as you said; that's correct; how far down is it on the west side; it's forty-four feet long starting at the outside of the dock heading inshore on the west side and then it's the thirty-eight foot length to the "L" on the outside and finally there is and this is the part that gets your brain scrambled if you try to look at the plans, is there's removal, replacement and relocation of a handful of the existing mooring dolphins but it's important just to focus on what the two end results are, one is the reduction in the total of moorings from eight existing to seven and there's also a reduction in the distance between the west side of the dock and the most, westerlymost moorings that are being pulled in from twenty-nine to twenty-one feet, so these mooring piles that are all the way out here now, get removed, so this line, your finished line is the same as your existing inside line; right; so in terms of those equations where you're trying to figure out you know, the overall quote unquote length of the dock, it takes into consideration, not just the physical length of the dock but the scope of you know, floats and everything else, that number also is being reduced so again as I was trying to impress upon you in terms of describing that, is that in addition to improving the overall perfection in proficiency of the dock for Mr. Levenson's perspective, it's important to recognize that the application based on all the changes that I just described, creates an overall downsizing of both the fiscal components, the physical structure of the dock and its overall footprint, there's a reduction in the area of the dock, there's a reduction in the west to east extent of the dock because of the change from a "T" to the shorter "L", there's a reduction in the number of mooring pilings, mooring dolphins associated with the dock and there's a reduction in the overall footprint of the dock associated with pulling in those moorings; what would you, do you have a number for that; which number; the last one, the overall footprint of the dock; oh well, what I'm talking about is the; occupied perimeter; right, so the eastern side doesn't change, the westerly side comes in by eight feet so I can calculate that overall number for you if that; well sometimes these things are helpful, sometimes we may have hills to climb; what's that; some times things are helpful, sometimes you may have hills to climb so bring; but again, I get that but again in my conversation with John, and I said this to John, we laughed about it a little bit is that the feeling that I had was that we were proposing some sort of new nonconformity or proposing a new dock and so there was focus on well what is the extent and what is the this and one of the things John was saying is you know we'd love to see northerly mooring pilings go away completely and of course I said to John, I said what could possibly be Pieter's motivation for doing that, I mean he doesn't want to come in with an application that proposes to reduce and downsize a legal permitted dock and as punishment for that, be forced to get rid of you know even more than he would otherwise want to get rid of because again this is a dock that was permitted when it was constructed, it was permitted again in 2015 under the existing configuration, I don't have an aerial associated with this but you know if you added this aerial here, this is the Levenson dock here and this is the next dock to the left so it's not like you know visually or in terms of the seaward extent into the waterway here that this is impactful in any way or any different from what is existing, in other words there's nothing new proposed that's going out, I know what you're saying, I just; I never know what I'm saying, help me out here; so the next dock here to your left is the Dering Harbor dock, right; correct; but that's not a residential dock, but in terms of your

navigation; correct, there's plenty of room there; right, no doubt about that; right, the one thing I would recommend is that series of things on your yellow piece of paper, yes; is that gonna be available for Monday night; yeah, I can certainly summarize; I would put it in summary shape and I would put it in summary shape and I would make copies and I would hand copies to each member of that committee; sure; and to the two liaisons, I think that would be very helpful to you because I think, and that was Paul's point, is that if you are trying to prove in fact downsizing and making it less obtrusive, then just demonstrate that in terms of your numbers, and clearly put it out in front of the people so that they have it in front of them and be able to see it; I think that's the plan, Pieter did you want to just show; yeah, I have this information, just a little larger and just to give you a quick overview of my thinking in doing this, my wife and I are so lucky to have bought this house in 2013 and we couldn't be more thrilled to have it, when we purchased the house, we looked down on this, it is completely permitted, I never, everything from the Town record, I was told by Costello by probably the first owners of this house and it's a bit of an eyesore and not that efficient for what we have but as you can see, in 2013 we came out with two boats, it's an inflatable and a thirty-one foot pursuit; right; after a number of years of living in the house and trying to figure out what we wanted, we have the same two boats and I went to the Waterways Committee and the Board and we were permitted to make this modification which I think you can see is a dramatic improvement from the previous condition that we had and the purpose of it was to increase the usability of it but just as strongly to make it appear both from the harbor when I approached the dock and everybody else in the community approached the dock and from my vantage point on the bluff above it which we couldn't be more lucky to have and we have thought about this a ton and how can we improve this vista and how can we improve the dock for our usage, those two goals are, I think they're just as important and the shared goal for the Town is to reduce the visual impact and that is my current proposal that is before the Waterways Committee and the then ultimately in front of the council, the Town, so this is the existing condition and this is the proposed condition and the visual impact is reduced, the fact is that what we're doing as Rob said, this is the most outboard line of piles so my footprint is being reduced, we take off that westerly section, we, we're starting from this line of piles which is represented here, this is existing, this entire leg is coming out, we're infilling the piece that currently, I'm sorry, is missing from here to here, it doesn't impact the footprint of the dock at all and creates a much lighter impact to both the view from Dering Harbor and the view from both the Inn, my neighbor and myself, so it's not so, it's not so much the idea that I'm going to get more boats cause you can see from thirteen to now I couldn't be more pleased with my fleet but as Rob said, I purchased a conforming dock in 2013, previous owner or I guess two owners ago had a sixty foot boat there, completely legal, could park, could moor that boat on that dock and the fact of the matter is that's an extremely valuable thing to have, I understand no one could get that permit and now I have it permitted so the idea of removing those is something that would be something I wouldn't consider and I would just leave that condition which is this and I think this would be a missed opportunity not to be able to do this but that's really in the, that's what's in front of the Board; I think you'll find seven reasonable people that will look at that, I think a photo is worth a thousand words, I've got pictures worth a thousand words, the angle is important is a point of interest but I concur that visually less than fact, it's more attractive and less obtrusive and you know, I just think there was a lot of confusion that night because there was so many concerns about this one, when you're in the room and you have the people in the room and you're there and you can make your case, it's far better; it is; and we had helped, actually in the past I have not typically gone to those meetings and in this case we had actually wanted to but you know because of all the, we didn't find out I think John had notified me on Friday prior to the Monday; right; and we both had meetings and commitments otherwise, so; okay; but as I said, we did want to get this, I expect __ guys will be watching this you know so they'll have some idea of you know what we would present to them on Monday and I did think that this was valuable for the Board to see because going from 2013 to now and what's proposed, a quick glance you see there's an overall progression of this getting smaller into that and it's, as long as there's no new nonconformities proposed, it seems to me like a pretty reasonable decision that you would want to see that happen; we'll see you Monday night, good luck; thank you for hearing us tonight; thank you for coming; it made it worth the bouncy ferry ride, thanks again; so we'll close this hearing and just wait for the WMAC report; yes.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no continued comments, the Supervisor declared the public hearing closed at 5:25 p. m. and called to order the public hearing to be held as advertised on the application of 6 Daniel Lord

Road, LLC, Ursula Dobson, 6 Daniel Lord Road, for permission to remove existing fixed dock completely, construct a new dock in-place to match existing one removed using Sure Step open grate decking, install a 4' x 45' platform with a 3' x 12' seasonal aluminum ramp onto a 4' x 16' seasonal floating dock on the south side and anchored by two 8" diameter piling, install a 3' x 12' seasonal aluminum ramp onto a 5' x 27' seasonal floating dock in an "L" configuration at north end side secured by four 8" diameter piling, in West Neck Creek.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the fact of the matter is it wasn't discussed, next time; neither Dobson or Tropin were discussed at the WMAC meeting, they spent all their time on the first three things and these two were never brought up, never discussed so it's gonna be very difficult to make a decision on either one of them because I haven't seen anything on either one; okay so this is gonna go on the holding bin as well; it's gonna go on hold and we'll probably, I would think it's on tomorrow night's agenda, Monday night's agenda you know to look at; so they never even opened this one up; no Paul.

The Supervisor declared the public hearing recessed at 5:27 p. m. and called to order the public hearing to be held as advertised on the application of K& K Shelter 1 Associates; Ken Tropin @ Graham Capital Management, LP, 1 Sylvester Road, for permission to remove 80 feet of existing bulkhead, and construct 80 feet of new bulkhead in place

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: same comments; they haven't discussed it, right, is there any chance that they're gonna have anything to say about a remove and replace, right; only thing I could say is and to go on record and I think Albert you will agree that if anybody is going before any one of these committees, particularly the WMAC and think this is other than a non routine picking up a mooring from an existing mooring which is you know enough not to attend, if any time you think there is some type of complication that needs to be there, it behooves you to attend the meeting and give a presentation otherwise you leave, first of all those meetings would be a lot more efficient and go a lot more smoother if people were there and be able to address these questions; I think we could act on this one if you want to; oh can we; you can, you don't need, they're just an advisory board so if you have enough advice on your own you can go; I'm seeing no extra conditions placed on it by the DEC; it's just the replacement of a bulkhead; right; in place and in kind; okay; I'd be prepared, what about you; I don't have any problems; okay, you have to get the stick out to make them move; okay so then we will close this hearing; so there must have been a lot of time spent on talking about Mr. Levenson's, that's one of the questions I would have had, __ to not do the rest there, a lot of conjecture wasting time sorry to say.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no additional comments, the Supervisor declared the public hearing closed at 5:30 p. m. and called to order the public hearing to be held as advertised on a proposed Stewardship Plan for Old Lima Bean Fields.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Ed are you here to address this in any way or just to watch, listening; all of them; so do you have something to say on this or are you gonna wait; I have nothing to say, particularly if you approve it; alright then, my question was, I approached Gordon Gooding about it as well, I see that the cutting of firewood was explicitly called out and prohibited and I was wondering what the thinking was there; I'm not close to that topic, I know that it __ but I think it's probably inherited from a previous draft of a plan put together but I'd be happy to find out; well if we are gonna act on that tonight, I would want to address it because that is one of those things, that's a resource that I like to keep open to people whenever possible in our open space and there I saw no particular natural features of that property that would be jeopardized by that activity and I was just; I doubt that removal would jeopardize anything; that's what I was

thinking so I guess; if you'd like to strike that; strike that; yes; are you authorized to say yes to that; I; I'll take it; actually I'm not; it seems like a politics thing; well we'll talk amongst ourselves on that one, does anybody have a problem with striking it; not at all; Paul what are you striking, the last sentence there; just the woodcutting, number three; oh okay; Albert, any thoughts; I don't think that would be an issue, it doesn't appear to be an issue with me; no, it's not an issue with me either; we're talking falled trees right; that's all we're ever allowed to cut; I don't think that that would be an issue to be concerned with; I just wanted to just go in there and clean up those trees and cut some of those vines, that'd be a great thing to do; between the vines and the Russian olives, that's a tough place to get to, some of them are archways and you can't get through there; it's brutal, I thought it was thick but this is as thick as I have ever seen it; yeah, there's a four poster there; cause then I can vote yes for this __ scream and stomp my feet; so just take that right out; yes, just a tiny little thing, number three; yes, okay; just four words; okay; good.

The Supervisor declared the public hearing closed at 5:35 p. m. and called to order the public hearing to be held as advertised on the proposed acceptance of the lot known as Lot 5 as shown on the map entitled "Minor Subdivision Final Plat 'White Oak Family Farm'" situated at Shelter Island and designated as SCTM #0700-015.00-03.00-001.000; said parcel contains 33,316 square feet, for open space for the Clark minor subdivision.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: everybody know where we are, everybody know the piece, Jimmy; yes; okay; it's a beautiful thing.

The Supervisor declared the public hearing closed at 5:37 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 170

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Pieter D. VanZandt, 22 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 120 feet west of the VanZandt dock and approximately 120 feet east of the VanZandt C-3235 mooring, and

"Whereas", a public hearing was duly held on the 2nd day of March, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the installation of a mooring in Coecles Harbor approximately 120 feet west of the VanZandt dock and approximately 120 feet east of the VanZandt C-3235 mooring, and further designated as latitude 41.074219° north and longitude 72.290837° west.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 171

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", a public hearing was duly held on the 2nd day of March, 2018, on the proposed acceptance of a parcel of property on the southerly side of Manwaring Road, owned by Richard A. and Charlotte C. Clark designated as Lot 5 as shown on the map entitled "Minor Subdivision Final Plat 'White Oak Family Farm'" situated at Shelter Island and designated as SCTM #0700-015.00-03.00-001.000; said parcel contains 33,316 square feet, and

"Whereas", all interested persons were heard in favor of or in opposition to the proposed acceptance of said premises for open space, now, Therefore

BE IT RESOLVED, That the Town Board does hereby accept said lot known as Lot 5 as shown on the map entitled "Minor Subdivision Final Plat 'White Oak Family Farm'" situated at Shelter Island and designated as SCTM #0700-015.00-03.00-001.000; said parcel contains 33,316 square feet, for open space for the Clark minor subdivision, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to execute all documentation to effectuate said acceptance.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 172

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 2nd day of March, 2018, on a proposed Stewardship Plan for Old Lima Bean Fields, and

"Whereas", all interested persons were heard in favor of or in opposition to said Old Lima Bean Fields Stewardship Management Plan, now, Therefore

BE IT RESOLVED, That the Old Lima Bean Fields Stewardship Management Plan is hereby adopted, as follows:

**OLD LIMA BEAN FIELDS**
**SHELTER ISLAND, NEW YORK**
**STEWARDSHIP MANAGEMENT PLAN**

Introduction

In 2004 the Town of Shelter Island and Suffolk County jointly purchased 14.5 acres on the northwest corner of Cobbett's Lane and Manhanset Road, extending west along Cobbett's Lane about 1,350 feet from Manhanset Road and extending north along Manhanset Road from Cobbett's Lane to Our Lady of the Isle Cemetery. This included a 7.3 acres parcel on the northwest corner of Cobbett's Lane and Manhanset Road, SCTM 0700-003-01-007.3, owned by the Town of Shelter Island and an adjacent property along Cobbett's Lane of 7.2 acres, SCTM 0700-003-01-007.2, owned by Suffolk County. Both properties are wooded and undeveloped. Both properties were used in the 1950's as one of many farms to cultivate lima beans under the ownership of Sylvester Prime. The southeast corner of the property still contains the pumping machinery to irrigate adjacent fields. Following the 1955 hurricane, farmers abandoned lima beans. The properties were subsequently used to grow shrubs and trees as nursery stock for Blaise Laspia's Shelter Island Nursery on St. Mary's Road, and some stock remains. Subsequently, plants and trees have been allowed to grow freely, and the properties have become a tangle of vines and many invasive plants.

Intentions

Acquisition allows both parcels to be preserved from development and the problems associated with development. The acquisition preserves the natural habitat along both Cobbett's Lane and Manhanset Road. The properties will be accessible to the public.

Name

The properties will be called **"Old Lima Bean Fields"** and will be so-called on all Town maps and descriptive material. The entrance to the properties shall be along Cobbett's Lane.

Improvements

There are no improvements on the properties.

Management

The properties will be left in their natural state with trails for public use to enjoy. A budget of $1,000.00 will be established for initial cleanup and clearing and with a budget of $800.00 per year for maintenance.

Public Access and Signage

Public access will be permitted from along Cobbett's Lane with parking off road on grassy aprons.

The Town will erect the Town/County Community Preservation Fund signage for both properties along both Cobbett's Lane and Manhanset Road. Signs will contain the name "Old Lima Bean Fields" and "Hunting by Permit Only" clearly displayed with appropriate phone number contact. A large stone with a bronze plaque will be placed at the corner of Cobbett's & Manhanset in front of the old pumping machinery with a brief description of the connection to lima beam farming and its history on Shelter Island. A second stone and bronze plaque along Cobbett's Lane will be will be placed at the entrance to the walking path and trail. This plaque will contain the name of the preserve along with an engraved map, acreage and the usage of the properties.

Measures to Protect Ecology

The Town will manage the properties to protect the ecology of the properties. Specifically:

(i) Birds: no particular action will be taken except to keep undisturbed to encourage diversity.

(ii) Animals: Nuisance hunting on the properties if necessary may be authorized by the Town Board, and shall be conducted in conformance with Town rules and regulations.

The Community Preservation Fund Advisory Board will prepare an annual report to the Town Board of expenditures from the Community Preservation Fund for stewardship of the properties.

The Community Preservation Fund Advisory Board will conduct a substantive review of the properties every 3 years in order to insure the stewardship management plan is being followed.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 173

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", K & K Shelter 1 Associates; Ken Tropin @ Graham Capital Management, LP, 1 Sylvester Road, has petitioned the Town of Shelter Island for permission to remove 80 feet of existing bulkhead, and construct 80 feet of new bulkhead in place, and

"Whereas", a public hearing was duly held on the 2nd day of March, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed bulkhead replacement:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilwoman Brach-Williams, the meeting was adjourned at 5:44 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 16, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 16th day of March, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert K.Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and two persons were present.

The Supervisor called the special meeting to order at 3:01 p. m.

RESOLUTION NO. 174

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Jenny Landey Productions for GE Projects, 207 Three Mile Harbor HC Road, East Hampton, New York 11937, has requested a filming permit for March 20 and 21, 2018, at 52 Peconic Avenue from 7 a. m. to 8 p.m., and

"Whereas", the filming crew consists of 24 persons, 1 motorhome, 2 cube trucks, 3 vans and 2 SUVs, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and the Police Department recommended that the majority of the vehicles should be parked on the location property (52 Peconic Avenue), especially large commercial type vehicles, and that vehicles parked off of location property (if any) on the public roadway should be parked on the shoulder of the road, in the direction of travel, and should not obstruct normal roadway usage, and the Highway Department recommends that there must not be any obstructions on the road or walkways during the filming, and all garbage must be picked up in the area, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

| | |
|---|---|
| Minor filming application fee | $500.00 |
| Two days filming fee $600 per day | $1,200.00 and |
| Clean up deposit | $1,000.00. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 3:04 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 23, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 23rd day of March, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and sixteen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

The Deputy Supervisor presented the following financial report for the month of February, 2018.

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
FEBRUARY 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen Checking | 5,433,108.67 | 192,456.62 | 668,030.58 | 4,957,534.71 | 777,118.83 |
| HwyChecking | 932,927.14 | 103,964.14 | 145,102.98 | 891,788.30 | |
| T&A Checkin | 204,817.85 | 14,524,474.86 | 14,397.524.92 | 331.767.79 | 15,540.52 |
| T&A Savings | 12,227.31 | 0.28 | 0 | 12,227.59 | |
| Hwy Cap Res | 356,526.46 | 8.21 | 0 | 356,534.67 | |
| WNW Supply | 43,056.79 | 9,967.25 | 301.26 | 52,722.78 | 110,978.76 |
| Taylor's Island | 43,616.78 | 32.85 | 0 | 43,649.63 | |
| Comm Preser | 4,674,015.78 | 664,834.38 | 0 | 5,338,850.16 | 3,618,045.00 |
| Waterways | 266,150.97 | 2,722.49 | 29.87 | 268,843.59 | |
| Reserve Fund | 733,189.65 | 5,613.94 | 0 | 738,803.59 | |
| Bridge St Esc | 0 | 0 | 0 | 0 | 356,324.54 |
| Environment | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reser | 18,164.65 | 0 | 0 | 18,164.65 | |
| Ambul Reserv | 301,803.88 | 55,024.27 | 0 | 356,828.15 | |
| Ambul Train | 29,336.64 | 0.68 | 0 | 29,337.32 | |
| TOTALS | 13,064,692.57 | 15,559,099.97 | 15,210,989.61 | 13,412,802.93 | 4,878,007.65 |

The Deputy Supervisor presented a PROCLAMATION declaring the week of April 8 through 14, 2018, National Library Week in the Town of Shelter Island. (A copy of this proclamation is attached to these minutes.)

RESOLUTION NO. 175

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Kathleen Gerard as a member of the Community Preservation Fund Advisory Board expired on February 2, 2018, and

"Whereas", Kathleen Gerard has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Kathleen Gerard is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 176

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $200.00 from the A5010.440 Superintendent of Highways training account to Cornell Local Roads Program, 416 Riley-Robb Hall, Ithaca, New York 14853-5701 for registration for the Superintendent of Highways and three Highway Department employees to attend the Spring 2018 workshop "Stormwater Management" to be held at the Suffolk County Cooperative Ext., 423 Griffing Avenue, Riverhead, New York on March 27, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 177

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the support and maintenance service agreement and expend the sum of $32,240.00 from the 2018 A1620.476 computer services account to East End Computers LLC, 50 Hill Street, Southampton, New York 11968 for the EEC annual managed service contract for the period January 1, 2018 through December 31, 2018 for the computers services contract.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 178

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending February 28, 2018 in the amount of $51.71, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $51.71 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 179

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Susan Ciaccio, 74 E North Cartwright Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 20' ramp onto a 4' x 100' fixed dock section with a 4' x 20' lower platform at offshore end in Coecles Harbor and install two 2 pile mooring dolphins, and

"Whereas", a public hearing was duly held on the 2nd day of March, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 180

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,092.00 from the 2018 A8160.490 landfill hazmat training account to Miller

Environmental Group's Training Institute, 538 Edwards Avenue, Calverton, NY 11933 for six Highway Department, landfill and Public Works employees to attend an eight hour hazwoper refresher training course on April 18, 2018 in Calverton, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 181

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $6,000.00 from the A6777.201 Senior Center new car account to Renee Barletta, P. O. Box 1045, Shelter Island Heights, NY 11965 for the purchase of one used 4 cylinder 2013 red Subaru suburban for use by the Seniors; said vehicle is VINJF2GPACC1D2895788, with odometer reading 22,800.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 182

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 2018 A1620.483 Buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period April 1, 2018 through June 30, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 183

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $103.33 from the A1490.484 Public Works office and miscellaneous account, $103.33 from the A5010.400 Superintendent of Highways office and miscellaneous account, and $103.34 from the A8160.484 Landfill office and miscellaneous account to ISolved HCM, DEPT. LA 23650, Pasadena, CA 91185-3650, for a one year service agreement for payroll software for the Highway, Landfill and Public Works departments for the period May 28, 2018 through May 28, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 184

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Cullen & Danowski, LLP, 1650 Route 112, Port Jefferson Station, New York 11776-3060, for the provision of financial accounting services for the Town for the period June 1, 2018 through May 31, 2019, for the sum of $45,200.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 185

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Susan Cincotta has applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located at 14 North Midway Road; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 14 North Midway Road; and
2. Applicant has retained an engineer to file an application with the Suffolk County Health Department for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the State Local Finance Law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement Fund to provide a rebate for this project if the project is completed within the next 12 months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction score of **6300**; and
8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, the Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Susan Cincotta at **14 North Midway Road** is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary Systems approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicant and only for the premises delineated in the application, and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department, and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program, and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this Resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 186

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Laurie Dolphin has applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located at 43 South Midway Road; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 43 South Midway Road; and
2. Applicant has retained an engineer to file an application with the Suffolk County Health Department for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the State Local Finance Law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement Fund to provide a rebate for this project if the project is completed within the next 12 months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction of **53 kilograms/Year**; and
8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, the Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Laurie Dolphin at 43 South Midway Road is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary System's approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicant and only for the premises delineated in the application, and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department, and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this Resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 187

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", On February 9, 2018 this Board suspended enforcement of Town Code 133-22 (A,B,C,& D) - Merger for 90 days; and

"Whereas", due to weather, the Planning and Zoning Boards have not had an opportunity to review and report back with any recommendations regarding this Section of the Town Code; and

"Whereas", there is insufficient time for such a review now, Therefore

BE IT RESOLVED, That this Board hereby extends all of the provisions of its February 9, 2018 suspension of the enforcement of Section 133-22 (A,B,C,& D) - Merger of the Town Code for an additional period of 60 days.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town of Shelter Island and the County of Suffolk wish to be able to partner for the purposes of jointly acquiring property for open space; and

"Whereas", the general terms of such cooperation must be defined prior to proceeding with any individual project, now, Therefore

BE IT RESOLVED, That the Town of Shelter Island hereby authorizes the Community Preservation Fund Advisory Board to enter into agreements with the County of Suffolk to jointly purchase land, and

BE IT FURTHER RESOLVED, That with regard to any such joint agreements. the Town of Shelter Island and County of Suffolk shall each contribute an equal fifty percent (50%) share towards the acquisition price, and

BE IT FURTHER RESOLVED, That the Town of Shelter Island shall manage any such property acquired jointly with the County of Suffolk and that the County of Suffolk shall have no actual or financial responsibility for the maintenance of such property.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 189

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", filming permit number 69 was issued on March 19, 2018 to Jenny Landey Productions for filming at 52 Peconic Avenue on March 20 and 21, 2017, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Jenny Landey Productions, Inc., 207 Three Mile Harbor HC Road, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 190

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Zachary Vella, 12 Clinton Avenue, Shelter Island Heights, New York, zoned AA-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-005-03-011.1, seeks permission to construct an addition of a one story library with two story hallways connecting the existing main house with the existing garage/pool/guest house; a bridge with glass guardrails will connect the 2nd floor hallways of the main house and guest house bedrooms across the new library and existing gazebo areas for a total SFLA residence of 7,613 square feet, and

"Whereas", it has been determined that a special permit is required under §133-7(F)(1) of the Town Code to construct improvements with SFLA of 6,000 square feet or above, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time, on the 13th day of April, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 191

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Town has determined that preservation of the quality of the water in our sole source aquifer is a high priority for the Town; and

"Whereas", the Town has determined that the Water Quality Improvement Advisory Board (WQIAB) should be permitted to accumulate funds sufficient for larger projects that may exceed its annual 20% allotment from the Community Preservation Fund (CPF), now, Therefore

BE IT RESOLVED, That funds allotted to the WQIAB in the year 2017 from the 2016 CPF revenue be carried over in perpetuity unless returned to the CPF by resolution of the Town Board, and

BE IT FURTHER RESOLVED, That nothing in this resolution shall be determinative of whether future WQIAB funds shall carry over automatically or require an annual resolution from the Town Board.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 192

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Superintendent of Highways has received permission from the Town Board to purchase one hot box for use by the Highway Department for a sum not to exceed $34,998.00 from Trius, now, Therefore

BE IT RESOLVED, That said fee shall be paid using the following funds:
$8,000.00 from the 2018 CHIPS funds; $26,961.00 from the 2017 revenues received from the Highway auction funds; and $37.00 from the 2018 Highway DA5130.246 miscellaneous equipment account, and

BE IT FURTHER RESOLVED, That the following 2018 budget revision is hereby approved:
$26,961.00 from the DA917 Unassigned Fund Balance account to the DA5130.246 miscellaneous equipment account, funded by the proceeds received from the 2017 Highway auction, and

BE IT FURTHER RESOLVED, That the following budget revision is hereby approved:
$8,000.00 to DA3501 CHIPS entitlement and to DA5130.444 Contractual, funded by the CHIPS funds, and

BE IT FURTHER RESOLVED, That the following budget revision is hereby approved:
$8,000.00 from DB3501 CHIPS entitlement and from DB5112.444 Contractual.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 193

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$500.00 from the A8160.488 Landfill high visibility clothing account to the A8160.484 Landfill office and miscellaneous account; and
$350.00 from the B1990.400 Part Town Contingent account to the B3622.484 Fire Marshal office and miscellaneous account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 194

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That 2018 general claims numbered 341 through 479 in the amount of $81,561.82, 2018 Community Preservation Fund claim number 2 in the amount of $7.56, 2018 highway claims numbered 29 through 55 in the amount of $43,545.75, and 2018 West Neck Water claims numbered 6 through 9 in the amount of $2,962.77 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:56 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Leeward Cove, LLC, c/o Bill Geraghty, 10 North Brander Parkway, for permission to construct a 4' x 32' fixed catwalk, install a 32" x 12' seasonal aluminum ramp onto a 5' x 32' seasonal floating dock tapered to a 4' width at west end, install two 8" diameter piling, in an "L" configuration in the Silver Beach Lagoon.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC met, of which Mr. Geraghty is a member of and recused himself from the room during the discussion and for the vote, the vote was five, zero, one, the one was Mr. Anglin who was not able to be at the meeting but it was unanimous for those people that were there, it has to do with the dock in the Lagoon and the only caveat was that they put a maximum of fourteen foot beam on the width of that boat, on any boat that might be tied to that dock but it is a unique area, the good thing about it that the smaller boats that lie to the west, so that's a good thing, that's a positive, and the speed limit in there is very very slow, the navigational channel they feel is wide enough and should not pose any problems so therefore they voted unanimously to approve this dock construction.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: if the Board has any questions, I'd be glad to answer them, Jack Costello on behalf of Mr. Geraghty, it is a pretty open and shut case; right, the good thing was also the location of the dock which kind of staggered in between the two docks on the north side of the Lagoon so it makes it kind of a little easier when you navigate that channel you're not directly opposite another dock, you're kind of in between those docks which makes it a lot easier to navigate; is there a property directly across from you; yeah; I mean an individual property, it just doesn't have a dock at the moment; both properties across from this property both have docks, one is staggered to the east and one is staggered to the west; okay; I just have a question, so we recommend having a maximum of over fourteen feet beam on the boat that's there, is that still to the resolution or is that just a suggestion that won't, that won't be set in, is it right in the resolution; it was put in the resolution, yes; I was just curious; they just didn't want to see a catamaran or something wider like eighteen, twenty, twenty-two feet in that area, into the navigational channel so that's the reason they put it in there; okay.

The Deputy Supervisor declared the public hearing closed at 4:59 p. m. and called to order the public hearing to be held as advertised on the application of Bernard J. and Alice B. Ott, 9 Shorewood Road, for permission to install a mooring in Smith's Cove at a location designated as latitude 41.05092° north and longitude 72.31685° west; said mooring location was formerly occupied by the Hammond O-2875 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC met on the same evening, approved it by a vote of six, zero, one, that one was the one person that was not in attendance, it's a takeover of an existing mooring owned by Al Hammond, they saw no problem with it so there wasn't a lot of discussion on this.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 5:00 p. m. and called to order the public hearing to be held as advertised on the application of Gary Sher, 26 South Midway Road, for a wetlands permit to perform a significant renovation to interior of existing residence, remove existing decks and patios within regulated area, renovate pool, add a spa, con- struct deck and patio at house, construct deck at pool; deck, patios and pool work to be within regulated area.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for the reports of the Planning Board and Conservation Advisory Council.

Councilman Colligan presented the CAC report, as follows:

Sherman Engineering and Consulting, P.A., acting as agent for Gary Sher, has submitted a wetlands application requesting to do excavation/foundation modifications on the house, removal of existing 1074 sq. ft. deck and planters which will be replaced with 914 sq. ft patio, removal of 2nd floor deck with replacement of a new enlarged 775 sq. ft deck to include new footings and walk away pavers.

The work in the pool area consists of changing from a vinyl pool to a new 43 ft by 17 ft gunite pool with 8 ft by 8 ft spa and a 924 sq. ft patio. The new pool will be 46.7 ft from Menantic Creek. The present vinyl pool is 34.7 ft from the creek and the existing patio is 35 ft 1 inch from the creek. The new pool patio will be one foot closer to the creek equaling 34 ft 1 inch.

There are plans to change the present septic tank and leaching pools into a I/A OWTS.

The CAC discussed this application at the March 12th meeting.

The CAC unanimously passed a motion to accept the application with the following suggestions: consideration be given to moving the pool back farther out of the regulated area. The Council also is concerned that the contractor install the wire backed silt fence correctly to prevent any debris from entering Menantic Creek.

Councilman Shepherd presented the Planning Board report, as follows:

Re: Sher Wetlands Permit Application
26 South Midway Road
Shelter Island NY
SCTM # 700-19-1-6.3
Zone C, Near Shore Overlay District

This applicant is looking to renovate the existing house, remove existing decks, construct a new patio, new decks, new pavers, renovate the pool with a new spa and construct a new pool patio with removal of the existing structures.

There is a **DEC Permit of Non-Jurisdiction** # 10-87-0918 dated July 27, 1987 based on being landward of the 10' elevation contour on a gradual, natural slope. There is a **SCHD approval letter** No. R07-17-0027 dated 8/24/20017 revised 12/18 2017 for max of 6 bedrooms expires 8/24/20.

Planning Board members visited the site and reviewed the submissions while on site.

We submit the following observations:

The property is one (1) acre in size. The existing house, circa 1988 is in conformance with the Town zoning ordinances.

The large portion of the house, existing decks and planter are within the adjacent regulated area with a portion of the existing decks and planter within the 75' vegetative buffer.

There would be minimal run-off at the bank adjacent to the creek as it is absorbed by non-turf vegetation.

In order to protect the wetlands, there will be typical project mitigation of wire backed silt fencing will be established and there will be no stockpiling of materials near the wetlands or in areas susceptible to run-off.

There is minimal net change from the existing site plan to the proposed site plan, and inclusion of the Innovative and Alternative On-Site Wastewater Treatment System (I/A OWTS) will significantly improve function and value of the aquifer and wetlands at and near the site.

Other mitigation factors will include an automatic cover and an 8' diameter by 8' deep drywell for the pool, roof stormwater collection and recharge to two 8' diameter by 8' deep drywells, a decrease in site coverage within the vegetative buffer, no impacts on the existing non-turf buffer and no increase in site use.

We make the following recommendations:

The above mitigating factors should prevent run-off into the wetlands and being there is no increase in site use, there is no further intrusion into the vegetative buffer. These factors considered, the Planning Board recommends approval as submitted.

By:
Emory Breiner, Planning Board Chairman
Marcus Kaasik, Planning Board Member
For the Planning Board

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening, Matt Sherman, I'm here with Mr. Gary Sher, the property owner and I concur with the last person I saw who gave a presentation, sitting down is a little awkward; well then stand; I'll give it a shot but I'll play with it, as described, this property is a one acre lot on Midway Road fronting on Menantic Creek, pre-existing single family residence, private supply well and on site sanitary system, there's an existing swimming pool, patio around that pool and there's a ground level deck and a second, first floor deck on the existing house, the way that the house is built is it's into a little bit of relief so the basement level on the waterside of the house is exposed and a walkout level, there's existing garage that's underneath on the south side of the property, as noted in the Planning Board memo, there's very little change to the site as a whole, the slide I have up there now is the existing survey, it shows existing, the house as it is right now and will continue to be is right about here, right in the middle of the property, driveway, __ Midway Road, this over here is the swimming pool with the brick patio around it, there's a small rock wall, even too small to be considered a retaining wall, more of a landscape feature and then the existing sanitary system, a thousand gallon septic tank and two leaching pools on the north side of the property just to the east of the existing pool, it kind of cleans it up, take some of the topo out of it, so this is the site as it currently exists, the upper deck here and the lower deck is this "V" shaped deck below, the existing dock with a float on the site, that will remain unchanged, as we're proposing, without pointing out the individual changes, it's kind of, it's gonna be kind of hard to see what is actually changing on the site, what is actually changing on the site from an aerial perspective but the house stays in the same place, the pool stays in the same place, the driveway, patio around the deck gets, the patio around the pool gets reconfigured, it gets shrunk a little bit and the deck, the first floor deck and patio at the house actually gets reduced; Matt, this pool is bigger than the original, right; let me see, no, the pool, it actually; I know it's not any closer to the creek but I thought it was bigger or no; we're keeping the same distance front to back and actually there's a small section of the pool here, there's a little like where the walk-in would be, that area is actually going away, I'll show you on an overlay; it actually looks bigger except for that section; right, it's smaller, it gets smaller; right; and for the proposed site, Jim to get to your question about; I see it; why can't we slide it to the site outside of the regulated area, we would have to bring it about thirty feet into the property so doing so, we bring it up into this area where the septic system is, the septic system can't move because the supply well is right here down there in the lower right hand corner; okay; so we've got to keep that separation, I can't go anywhere with the septic system, so moving the pool would create a domino effect that would impact the potable supply well that we can't do according to Health Department regulations; got it; the house elevation, you can see the top picture is the existing elevation, this is what you would see from the waterside of the house, the bottom picture is the proposed elevation, the roof line gets changed, the eave more so than the ridge, the doors and windows get switched out, stairway up to the main floor deck on the right hand side of that, it gets changed a little bit but for the most part there's very minimal and insignificant changes for the facade of the building, same thing from the roadside, the east side, the eave gets brought up, get some more doors and windows, a little treatment on the way the front of the house but the actual overall size of the building stays the same, roof height stays the same, width side to side stays the same, there's a small increase in the footprint of the building which occurs right here close to the middle of the building, I'll show you that here on the floor plan, side elevation, again, minor changes, more keeping within the overall envelope of the building, reconfiguring the roof, things along those lines, this is the existing basement layout, we've got a bedroom here, family room in the middle, another bedroom over here, garage is right over here on the left hand side, that's the existing basement, the proposed basement, this is essentially the same, garage on the left hand side, we're constructing a new mechanical room, bathroom for this bedroom, this again is the family room, this area right down here is a laundry room, that's the edition I was talking about, that's our addition to the footprint and then we've got a bath and another bedroom down here in the basement, the existing main floor, bedroom, kitchen, living room and then another bedroom over here on the far right hand side and you can see the layout is essentially the same for the proposed, we're changing some things around, adding some, taking some area away from the living room, adding it into a walk in closet for the master, making it just a little bit more user friendly but in essence trying to stay with that same footprint, so this is an overlay of the existing and the proposed, the existing is in green, or in red, excuse me, and the proposed is in green, so you can see how this, the addition onto the swimming pool is green, this green box here, that's the automatic cover so we need about a three foot area there for that automatic cover so when it's retracted, it

has somewhere to go, this area here is the area that the pool is actually shrinking, the hot tub is gonna be attached to the pool, so that's an increase in the footprint over on that far side and taking up what is existing patio right now, this semi circle of patio right here goes away, this semi circle of patio gets squared off, a little bit goes away but not appreciably so, we're just decreasing by about a half a foot from the wetlands but it is decreasing a little bit, this triangle of decking down here, that goes away and we get a new deck, that green triangle there, so what we've got as far as mitigation for the site, we're taking out the existing conventional septic system that is not compliant right now because it's too close to the swimming pool, we're replacing it with a compliant nitrogen reducing septic system, we are removing the pool equipment that's right now inside the vegetative buffer right here and we're sliding it back about ten or fifteen feet and getting it outside of the vegetative buffer, we're adding the automatic cover for the swimming pool, we're eliminating two hundred sixty square feet of deck and the vegetative buffer and we're overall the vegetative buffer coverage is decreasing by about three hundred forty-five square feet, our vegetation plan as the CAC and the Planning Board have both noted, the bank is very, very well vegetated, I've got a photograph of it here in a second so you can see so this is one of those, not broke, don't fix it scenario, it's got a good established vegetative bank there so it would control __; waiting to see the picture; there it is, that's one picture from, that's the side of the pool; that's to the side of the pool; yeah the side of the pool looking out toward the water; it's off the pool; yeah this is at the pool looking back to the house, that's the existing side of the pool, you can kind of see a little bit here on the far side of that, I've got a better one here in a second, that's the existing deck, planters around it, when we were doing our coverage calculations, I did not include the planters because I figured even though it's got a landscaped edge on the outside with that four by four, it really doesn't include as far as a surface and I would rather cheat than not overly estimate the existing coverage as opposed to underestimate it so that's the existing second floor deck so here, over here on the right hand side, that's the vegetation that's in front of the pool so it's pretty much consistent with the rest of the bank, __ opening obviously by the stairs coming down to the dock; when I was there yesterday, you know, the bank, there's the crest of the bank and outside the pool area the vegetation basically comes to the crest of the bank; right; and inside the pool area, it's lawn down to the fence; to where the fence is, yeah; right, so twelve odd some feet maybe, I was just wondering about that; yeah the; well we were talking about it, I just say buffer by the bank and what's left is eight feet maybe going right to the creek; right; you know it's not like you know, a lot; yeah, no I get you, we might have a picture in a second that shows that too, so as we're coming back in, yeah here, you can kind of see it here in this picture; yeah right to the fence; __ to the pool where it drops down so what we can do, we're gonna redo the decking, the patio on this side and get it squared off so what we can do it put you know, a series of plantings on the inside of the fence between the fence and the patio where it starts to drop down, we can kind of do that, kind of bolster that inside the fence line; okay, I mean I don't love disturbing anything genuinely and on a bank, I don't love that; yes; but by the same token I don't love any grass next to the bay because somebody with a spreader sooner or later is gonna decide that it has to be greener; if the possibility of somebody putting fertilizers and things like that on it; they can't help themselves; right; it's the lawn; you've still got a fair amount of that natural vegetation in there to help capture and recharge any stormwater that's going, so it doesn't get into the bay; for the most part the bank is protective, just as you say but at that point, it's probably down to eight or ten feet, it's probably down to eight feet, I'd say eight to ten at the most, it's as close as you'd want to get when you get wet; right, one of the things we also put on our revegetation is that any grass seed, any grass that gets reseeded would be done so with Zoysia grass as the CAC likes to promote and it has a tendency not to be messed with as much with fertilizers and things like that so that helps but we can do both; come up with something, I would maybe like to see something that did exactly that to discourage the fertilization, would take over rather quickly so it is robust and didn't, I don't think we should leave it like cultivatable or need to be manicured in some fashion just because if it's messed with it will be all unstable; yeah we can continue the same type of plantings that are there now; yeah that looks; it would look natural, you really wouldn't notice the difference; that's kind of where I'm __; __ that's not a problem; I think the CAC liked three things about this Matt, they liked the fact that they were gonna have; that's a lot for them; yeah; I'm very proud of that; the automatic pool cover, they seem to, that seems to be a home run with water conservation and things like that so that was a big plus, they like the fact that the patio was going to be you know moved back away from the regulated area, they also liked the fact that the new septic system, that was a big plus, I think they also liked basically the fact that dimension-wise things weren't changing a lot, the dimensions, the difference in the house, the footprint of the house as well as the footprint of the pool and as you explained I now understand why with the

position of the well and the new septic system, that you couldn't move the pool further forward so that answers that, that addresses that but it does, they did speak highly about those other three things; good, tell me and it's important enough to mention here to is that we had an approval to put in a conventional septic, when we first started this process the Health Department wasn't allowing the IA systems yet so Mr. Sher actually approached me about coming and modifying it to use one of the new systems so you know that is a completely voluntary thing that he has done which is no small thing; it's a big positive and thank you very much for that cause we applaud that.

The Deputy Supervisor declared the public hearing closed at 5:19 p. m. and called to order the public hearing to be held as advertised on the application of Randall Shy, 4 Lake View Drive, for a wetlands permit to perform significant renovation to interior of existing residence, construct additions outside of regulated area, remove existing decks and patios within regulated area, renovate pool outside of regulated area, and install pavers within regulated area.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:
1. An e-mail from Susan Yager and Bob Berkowitz concerning the possible removal of trees from the property to which they are opposed.

Councilman Colligan reported that that never really came up but Dottie shared that with us the last couple of days that the neighbor hoped that there would be no additional trees cut in the back so, I was kind of urging that the people who were doing the project would take a picture before and after so to make sure that transpired. From the CAC point of view it wasn't a highly contested thing, again it went through by a vote of six, zero, the CAC, they had very few recommendations, one of the things, just to maintain the clumb grass that they were using around the patio and to install if possible, the automatic pool cover which they do with almost all pools today, it's almost like an SOP with that committee and that was better.

The Deputy Supervisor called for the reports of the Planning Board and Conservation Advisory Council.

Councilman Colligan presented the report of the Conservation Advisory Council, as follows:

Sherman Engineering and Consulting, PC, acting as agent for Randall Shy, has submitted a wetlands application requesting to renovate the existing house, add 2 new additions, add an accessory outdoor kitchen, 3 new paver areas, removal of existing deck, renovate pool, removal of existing pool patio to be replaced with a new pool patio. Basically, most of this activity is done outside the regulated area. Mr. Shy wants to remove existing decks and patios within the regulated area and install pavers in the regulated area.

The CAC discussed this application at the March 12th meeting.

The CAC unanimously passed a motion to accept the application with the following suggestions: maintain the "clumb grass" along the patio and install an automatic pool cover.

Councilman Shepherd presented the Planning Board report, as follows:

22 March 2018
Re: **Shy Wetlands Permit Application**
4 Lake View Ave, Shelter Island, NY
SCTM # 700-19-02-49
Zone A Residential
Outside of the Near Shore and Peninsular District

We are in receipt of the Town of Shelter Island Wetlands Application prepared by Matt Sherman, dated 27 December 2017, to renovate a circa 1988 house and to replace/reconfigure a deck and patios within the regulated area.

There applicant has obtained **DEC Permit** # 1-4732-01062/00001 dated 10-24-2016.

The applicant has obtained **SCDHS Permit** R0-17-0032 dated 09-12-2017 for six bedrooms.

Planning Board members visited the site, reviewed the survey while on site and considered all submittals provided to the Planning Board.

We submit the following observations:

The 28,500 sf lot (.65 acre) is non conforming in respect to A zone area requirements (40,000 sf). With 128 lf of lot frontage, it also does not conform with the zone requirement of 140 lf. The built and proposed structures are in compliance with A zone setbacks and coverage regulations.
Though located against the west property setback, most of the house and rear deck are located within the adjacent and regulated areas due to the close proximity of the freshwater wetlands. The existing house and pool are located in a relatively flat portion of the property. Along the eastern side, the site drops off steeply in the direction of the freshwater wetland. Cleared portions of the site are planted with grass which extends over to the steep drop.
The house has gutters but stormwater is not currently being collected and recharged to the ground. Though outside of the NSPO, and thus not required, Mr. Sherman's Sanitary Site Plan shows two 8' diameter by 6' deep drywells which will be a great improvement.
The driveway is asphalt with a gravel coating. A grated catch basin exist but is completely filled with gravel; and where it leads could not be determined. The driveway is curbed with Belgium block which prevents stormwater flow directly into the wetlands.
But it is clear that stormwater runs down the driveway and onto the street, and from there, it flows off the road and into the freshwater wetlands. We recommend that driveway water be captured, preferably where it meets the road, and recharged to the ground.
There is room for an additional drywell in the north east corner of the property.
The Sanitary Site Plan also locates an 8' diameter by 8' deep drywell for the pool and an 8' diameter by 4' deep drywell for the outdoor sink which are both improvements.
The existing tightly board deck and patio over concrete are being reconfigured outside of the regulated area. A small section of pavers set in gravel is to be constructed within the adjacent regulated area. Stormwater flowing off the new patios will be mostly absorbed by the surrounding turfed areas. The Town Board may wish to request a vegetative buffer on top of the steep grade change for added protection against flowing stormwater.
It appears, both on site and on the survey, that the LPG tank could be partly located on the neighbor's property to the west.
We submit the following recommendations:
With the applicant's proposed stormwater, pool, and sink drywells, and our recommended driveway water collection and recharge system, the Planning Board recommends approval of this application.
By:
John Kerr, Planning Board Member
Ian D. McDonald, Architect, Planning Board Member
For the Planning Board

Councilman Dickson read the e-mail from Yager and Berkowitz into the minutes. (A copy of said e-mail is attached to these minutes.)

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Matthew Sherman, Sherman Engineering and Consulting here for the property owner Randall Shy, this is a very simpler application than the one that we just heard, primary difference is that this building is actually getting an addition to it as opposed to the Sher application which was keeping the existing footprint, the existing site as is currently, the current status right now, we've got the single family residence right in about the middle of the property again, just behind it a patio with concrete base and then a pre-formed swimming pool, I had to highlight the fact that it's a pre-formed pool because it was going to make it extremely difficult to go about putting in an automatic cover, also we're looking to just keep this pool as is rather than in the previous application where we were reconstructing the pool in order to retrofit a pool with an automatic cover, you're gonna have in essence to rebuild, if not all of it, the vast majority of the pool, currently we've got septic tank and leaching pool right here just to the west of the existing pool and patio, this is that steep bank running right along here that the Planning Board had talked about with the wetlands being way over here on the eastern side of the property, the existing driveway is a concrete curb like Belgian block concrete curb driveway and it comes up with a set of stairs, it comes up over here to the patio and the swimming pool into this relative flat area that's the middle of the property, the neighbors that wrote the letter of concern are living in this property right over here, I've got a couple of things a little bit on in the presentation to show so you can see, get an appreciation for how the two properties are configured, compared to one another, this is what we're proposing, we've got again this area here is the

existing single family dwelling and then we're gonna put a rectangular addition to the south and a square to the north, the area that's in relation to the wetlands, this line right here is the hundred foot wetland setback, so anything to the west of that or to the left is outside of the wetlands jurisdiction, anything to the right of that is within the wetlands jurisdiction, the proposed septic system is over here on the western side so it faces, right now it's in this area, it's all just shifting over to the west to accommodate the expansion of the building, Health Department regulations, we can't have a building expansion obviously over top of the septic system and we need to be ten feet away from the building foundation or any type of decks, patios, cantilevered overhang, __ this project as well we've got an approval for a conventional septic system and leaching pool, we have applied to the Health Department for an IA septic system, however we do not have an approval back yet so that's in the works, the swimming pool, we've got the eight foot diameter, 8 foot deep swimming pool drywell just west of the pool, we've got a outdoor sink, we've got like a built in barbecue area with a sink, it's gonna drain to this drywell right here and then we've got roof drywells over here on the west and northwest sides of the house, the pool equipment right now is right over here on this side of the building within the sideyard setback, it's gonna be moving down here to just south of the swimming pool and patio so it's outside of the sideyard setback; have you talked to the neighbor; but their pool equipment is between this and their house; okay; yes closer to the neighbor but also on the far side of their own __, so this is the elevations, we've got west elevation proposed, proposed west elevation, this area here is the existing house and this is that square addition on the roadside, this is the rectangular addition on the backside, this area over here is where that outdoor barbecue area is gonna be and there is a pergola type outdoor covered area to give a little bit of protection to that outdoor seating area, we've got these walls that are here and that's gonna add a fair amount of protection, right now and you'll see a photograph in a minute, it's a relatively open shot from the Shy's backyard to the neighbors' house, there is vegetation there but there's not a whole heck of a lot of it so we've got this somewhat of a buffer there to help provide some screener and privacy for both sides, this is looking at from the opposite side from the driveway and the wetlands side, existing garage remains __ gonna get refigured, existing remains, the roof line, the ridge is gonna get reconfigured but other than that the majority of the house stays the same in that area and here's that roadside section and over here is the back section, this is what the two existing elevations on the bottom so just to give a perspective difference between the before and after, from the roadside and from the back, very little difference, you've got the north elevation which is looking at it from the road and then you've got the south elevation which is looking at it from the backside, foundation difference basically, basically right now the existing basement is a garage on the outside with a mechanical area, as you enter further into the garage, we're basically gonna have the entire basement, existing basement turned into a garage, add a little laundry room under that front yard or roadside addition and then have the mechanical area underneath the back addition, for the main floor plan we've got bedrooms, three bedrooms and a living room and then the addition to the rear is gonna be a family room and a kitchen, the vegetation plan, we're, again I think the vegetation on site is fine, I think that the bank is very well vegetated and it's a fairly long distance, especially from the area where we're looking to do the work down to the wetlands so there's lots of room, capture and recharge stormwater just under the natural flow of how the property already exists so this dark line is from the survey, that's the existing edge of lawn and then there's various types of vegetation as you're coming along on the outside of that edge of that lawn, this is a representation of what the house will look like when it's done from the back opposite corner, if you were, this is the outside barbecue area, if you were back over on the other side, just out of view, that's where the neighboring property is, the wetlands is down over on the opposite side on the right hand side as you continue down the slope, a couple of photos just to give you an idea of what the vegetation looks like in the contours, this is the driveway looking out toward Lake View Drive, wetlands are down to the right hand side, the house is up to the left hand side, opposite view, you can actually see the wetlands down here a little bit if you've got good eyes, you can see them down there in the corner, a little bit better view of the wetlands down from that location so you can see going down that bank, it's not a very lush bank, it's not lushly vegetated but there's lots of vegetation, there's lots of debris, things that will slow down stormwater runoff, this is how the property sits in comparison to the neighbors who wrote the letter, the neighbors have a swimming pool that I believe is right in this area here and their pool equipment is right about where that 116 is, give or take and I believe there's a little shed type building I'm not sure that its use is, right in this corner so while the swimming pool equipment is gonna be getting closer, there's lots of things in between the two in order to help screen and minimize any impacts of that swimming pool equipment being located, it's also gonna be, the pool equipment is gonna have a three walled sunk in area so

it's not gonna be sitting out on top of grade like you would see for most of them so the sound is actually gonna end up wanting to come down toward the south for the bottom of the property as opposed to wanting to travel over here toward theirs, this is the vegetation so in the summertime it is very thickly vegetated but you've got to look at that tree, that tree and that tree, are the three trees that are on the Shy's side of the property line so you can look at it, I took this the other day so the addition of the building is coming out from this building line right here and coming straight at you so those trees are substantially far away from where we're gonna have to be doing our work so I hate to guarantee that there's not gonna be any damage, the first variance I ever did was for a house that I built on Peppermill and we got a variance, we reduced the size of the house, we got a variance to slide the house closer to the property line in the back so that we could save this fantastic Tulip Maple, that's what we called it, I don't know if that's what it was and about two years after we built the house the darn tree died on us so things happen, I don't want to say that there will be absolutely no damage but we're gonna do everything we can to minimize damage and the fact that the __ lines are all well beyond where our work area is gonna be, we're gonna have a professional come in and make sure they give us the right advice to try and minimize any types of damages, we're gonna do everything within our power to make sure; I think that under the circumstances if you can give that assurance; oh yeah, absolutely; I mean that's their concern if you can, they heard this before apparently, I was not present but they heard this some time ago; right; when the pool went in or whatever was done that everything was gonna be done but the trees just were eliminated so; yes, absolutely and I completely sympathize with the idea that you don't want someone to clear everything off and all of a sudden it's bare to a property line, that's nobody's intent here, the Shys want their privacy just as much as the neighbors do and we will give as much of an assurance as can reasonably be given; Matt are they both seasonal residents or no; yeah; yes they are; but I don't know about the neighbors, I believe the neighbors are seasonal residents, I only spoke to the first the other day so I really don't know that much about them but the Shys are seasonal, yes; you know the thing is when you get construction like the original pool you know, it might not have been evident which trees are gonna be problematic as far as litter and everything else goes as well; and I don't know how the property was vegetated at that time, there could have been trees all over the place and I just don't know that, so this again is looking at, this is that shed type building on the neighbors' property that I was talking about and this is their pool right in here so these trees are the ones that are on that are on the Shy side of the property, everything else is on the neighbors' side of the property so the vast majority of the vegetation in that area is not under the Shy's control, that's what I have for the presentation, if you guys have any questions for me, any issues or comments, I'd be more than happy to answer; you said the IA system is in the works, does that represent a quasi commitment to the concept; yeah; alright, it may be possible that they might be eligible for the aide as well; we're gonna __ the application __, there's nothing on this site that would indicate a reason why the Health Department would deny us, we've got all the separations, everything is in place, it's just putting in the IA tank instead of a regular septic tank; well is there anything in the renovation that would give the Health Department the reason to believe that __; no; okay there's no kind of questions things; no not at all; you know what I'm talking about; absolutely, one of those man caves, offices, wrapping room, all that kind of stuff, no nothing like that; alright, I've got a couple of things that I wanted to make sure of, what about the road runoff; oh yeah, I hadn't even thought about when we were talking about when we were looking at the site design, I would like to look at the site and see what actually happens during a storm; well I was also wondering you know relative to the contribution from the road, how much is the driveway actually putting in you know because this road is obviously feeding in from both directions as well, there is that storm drain that the Planning Board had mentioned and it is chock full of just stuff so what we could do is; is that the Town's or; it's up on the top side, it's actually shown on the survey, the drywell is actually shown, that inlet grate is that one right there; okay; so what I can do is, you know, we can have that, have some maintenance done on that, have it cleaned out, see what we've actually got and I know how much stormwater a two inch storm is gonna accumulate and is gonna be contributed from this driveway area and if we need to put a small French drain at the base of that driveway and run it into a little drywell, I do have to watch out for the, staying away from the neighboring wells; right; but I can certainly do that, we've got this area, the only issue I have with that is where will the recharge be going, it's going to be going within the vegetated buffer which we generally don't want to do but it may be better recharging it at eighteen feet above groundwater inside the bottom of the drywell as opposed to letting it run down the bank and letting it get into the surface water; right; so it may be the lesser of two evils; I didn't know the relative contribution between that the side road and the general area whether is was more effective; you know I hadn't ever entertained

the thought so I don't know how much of that road is coming into this spot or how much is going in the other direction but we can do a back of the envelope calculation and let you guys know and if it's something that seems like it's worthwhile, then by all means.

The Deputy Supervisor declared the public hearing closed at 5:42 p. m. and called to order the public hearing to be held as advertised on a proposed Local Law entitled IAOWTS New Construction.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. An e-mail from Rob Herrmann of En-Consultants suggesting that you use some of his language which is as follows: Applicants who have complete applications pending review before the Shelter Island Building Department or the Suffolk County Department of Health Services or a valid permit from the Shelter Island Building Department or the Suffolk County Department of Health Services prior to the enactment of this Section shall not have to comply with the requirement herein.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I think that was always the intent, no; yeah; certainly once the permit is issued, I have no objection to the language; I don't either; I talked to Lori Beard Raymond, the Permits Examiner just to see if she had any thoughts on it and the only additional word that she added into Rob's wording was a valid unexpired permit; if it is expired, how can it be valid; again I don't, it might not be necessary but it certainly doesn't hurt anything; that's good, we're good to go; the only thing that I'm questioning which on all of this is, the County actually issues the permit and you're trying to make the County permit subject to you yourself, you're sort of superseding the County and I don't understand how legally you actually pull that off; I don't quite see how it does that; but this is in regard to get permits for septic systems, this is to get your building permit for the new construction generally; yes but again the Town doesn't; are you saying there are possible, you might get a possible disapproval from the County, they might not be able to make it work for them or something or, cause all we're asking is basically that they get one of those things right; but you see, I don't think you're in the position to ask for that; and what makes you say that; because you're trying to supersede the County, the County issues the Health Department permit; well just so you know, alright cause I talked to our representative Mr. Krupski, Krupski, West Side Story right and he indicated that the County has no plans to make this the standard so; that's your problem; well that will be an ongoing problem indefinitely that I have mentioned in the past, I am not entirely comfortable with this but things being what they are, I'm assuming it's gonna go forward so my question is what makes you think, see I don't see us asserting ourselves, we're just saying you have to get one of those if they've approved you know; what I can do with the Health Department, get it; yeah; get a permit for a conventional system and you would turn it down; yeah; we can always pass laws that are more restrictive; right; but you're superseding them; I'm not sure how, we're not issuing a permit; __ I have a permit for a conventional system, you're saying no to that; it's not superseding as much as __ , we're making it more restrictive, you're requiring a higher performance system to be installed instead of a lower performance or standard system; well actually that's not your business; I don't know that that, I mean, if they've left it to the towns, the towns of East Hampton and Southampton have done it so I don't know, the County wasn't crazy about that much ___ you know, only because the County is not sure which direction they are gonna run with this thing yet; that's also true; I know, so you know those are issues I've had with it but to your point I don't see any regulatory obstacles; we're not invalidating the County's ability to issue a permit which is what you would ___ to supersede it, all we're saying is that you will need a type of permit from the County in order to proceed with issuing a building permit on Shelter Island; yeah I understand what you are doing, I just don't know if you can legally do it; __ always argue the legality ___ other towns have done this and haven't been challenged yet and they've encouraged all five east end towns to take this, to move in this direction; to take the initiative; to take the initiative you know, so that's what we're doing; that's interesting cause I mean I got the exact opposite story; no it's nothing here nor there as far as what we're planning to do, I just want to keep the narrative clean, the County is, they seem to like the idea but they don't like it or not to make it happen and they didn't like it enough to really be excited about the other towns going ahead with it, interesting, that was from

Mr. Krupski, now I don't know, maybe his story cockeyed, __ with folks in this business, any thing can happen but nevertheless; but if we're committed to improving water quality which I think is the Town goal you know that Gary ran on and we support as a Town Board, this is the way to go and this is something that we believe in wholeheartedly that if you're new construction and again if you're over fifteen hundred square feet, that's the only way we're going to correct and change the course of pollution here on Shelter Island just to take these kinds of measures and I hope, hopefully we'll start to take additional measures within the next year, year or so with other things that we will try to, not encourage but actually demand through legislation that it will be done because it's not gonna get done unless you know we take an initiative here and try to clean up the water from too much nitrogen; these systems need electricity where as a conventional system doesn't so you run into that problem __ or whatever; they also need maintenance and who's gonna do that; the installers; huh; the installers; yeah; the installers will do the maintenance; only the County can do the maintenance on __; the installer can; it has to be approved maintenance; okay guys with all due respect if you have contributions please come up to the __;___; ___; __ people can't hear what you're saying and that way you can get written into the record in its entirety, okay; Mark do you want to come up; I'm just making a point; __; ___; ___; I'd like to come up; please do; thank you very much; __ descend into a general discourse out there and it's not helping anyone; Craig Wood, and so you talk about, I'd like to start with the County and their commitment to the maintenance schedule, do we know anything about whether they are going to make sure that, the plan that I knew was that they would have a registry for every IA system and they would make sure that people were keeping up on their maintenance schedules and the question I have there is who's going to sort of check, so if they decide that the maintenance schedule has not been kept up, do they come and deal with the homeowner or are we supposed to be responsible for dealing with the homeowner and I'm not asking you, the answer I know is not really pertinent to this but this is something that I really want us to look into and make sure that we're; that's cheating, it's piggy backing, what are you doing; I want to piggy back one more thing as sort of a public service announcement which is if we all just clean our conventional systems every three years, it would do a tremendous amount right now to help our aquifer and maintenance for these, is mandatory, at some level, I'm not saying that we really should do as mandatory but it might be something where the County could get involved in, managing it, if they do manage the IA systems that they manage us, maintain our conventional systems because that would do a tremendous amount for the aquifer now, not in the next twenty years as these new systems get __; it's a great cause, it's something that we need to emphasize and you know, I think you're right on target and you're talking to me you know and I've been living here ten, eleven years, I think it's time to get a maintenance, have a good system but there's no reason why not spend the money and have that pumped out and upgraded; my __ is four years old or three years old and I'm there, I need to do it and it is expensive and I don't want to spend the money but we all need to do that and I wish we could subsidize it at some level because that's an immediate gain for us; it is; well that's also one of the arguments that people make is that this system requires maintenance and the old systems don't require maintenance but that's actually a fallacy, they should be doing maintenance on the system which a very few people do; that's a good point; you're comparing apples and oranges and stuff; good point; thank you; thank you Craig; Lori; I can answer the County maintenance question if anyone is interested in that; yes; please; the County is requiring a three year maintenance contract for every IA system that goes in the ground and with periodic inspections along that three year period and that is being done by the certified installer that has to be registered with the County so it be, part of that approval process is that the County requires that applicants say who is going to be the maintenance contractor on this system and there are two inspections every year and the maintenance contract is for three years, at the end of that three years, the County reviews that application for that system on that property and then renews it again with, if they want to change the maintenance contractor or however they wish to do it; right; how are they gonna keep up with the systems proliferie; however they distribute their work load among the Health Department, I can't answer but those; I'm sorry that was a rhetorical question, you didn't have to answer it Lori but I was just curious about that because if these things were allowed you know and everything __ is excited about it happening; yes; what is the County gonna do about it; if the County, it's the person who is doing the maintenance contracts so those aren't the County, they're appointing, so it's; somebody's got to do the paperwork and check on it and stuff; absolutely; so they're gonna have to submit that proof to the County according to their maintenance agreement __ contractor that signed that has to be submitted to the County for their approval; twice annual inspection required, no matter whether it's a year round or part time

system; that's right; that covered with part of the installation cost, that's part of you're gonna get that for one year or three years; three years; three years; okay, that's not out of pocket cost to the homeowner then; I believe it's the first one; yeah; did I get that right; yeah; the first one and then every three years and twice a year; okay; so the applicant can bring in, if there's different changes, they can have more than two inspections a year, in some cases the homeowner may choose to do that depending on how they want to use that system; right; that's the answer for the County; thank you Lori.

The Deputy Supervisor declared the public hearing closed at 5:57 p. m. and called to order the public hearing to be held as advertised on the proposed use of Community Preservation Funds to install a new septic system at the existing public restroom at Wade's Beach near shore to the bathing beach and Dickerson Creek for use by residents and guests, at an estimated project cost of $20,860.00.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: could you; come on down; so did you read what Peder Larsen had to say about the Wade's Beach in the paper two weeks back, he's got a lot of experience with doing this for forty years or so you know, that situation at Wade's Beach is probably better not to have an IA system but to have a pump out system, if you just isolate it because it is so sensitive over there, if you go crabbing in Dickerson Creek back over there, it's so shallow, it gets so hot in the summertime, the thing with the __ systems is they're not some kind of magic __, they still need the cesspool, they still need a cesspool and the law is when you dig for a cesspool you have to reach sand, you may know this __ but to do this some places on this Island, some places you have to go down ninety-seven feet and you reach water in doing that and that's the problem, that's how the aquifer has been changing, if you talk to these people like you know, ____ and Shepherd and so forth, so anyway, just with Wade's Beach I think that a pump out would be better, maybe four thousand gallons, it would cost the Town maybe tow thousand dollars a year and zero, zero nitrates or anything going into the aquifer; thank you Marcus; thank you Marc; that's an interesting thought, but that really we can make that __; if we decide to go forward with this resolution, the funds would be available but if the decision was, and I thought that it was actually being looked at, both, we're gonna be considering; alternatives; now these CPF funds, sometimes I may be the one that talks the longest, they're for the IA systems; yes so if; so pump out systems don't ___, now we sound like the County; yeah, no, so then we would not; ten milligrams is okay, but no milligrams is no we can't do that, right; yeah so there wouldn't __ the money if we go with the pump out system from the CPF funds; we wouldn't be; no, those monies would just stay in the; is there something amiss with that kind of reasoning do you think; to be honest with you I think that even if we approve this, we don't really necessarily have to go forward with it, I wouldn't go forward with it until I heard from John Cronin and Jay but I would want to get, particularly from John Cronin on this because I think he addressed this in some comments when he first heard about this and I don't have that e-mail with me but I think we need to talk to the Town Engineer before we decide to go forward with it; okay; I agree with that; do we want to leave this open until we talk to them or close this hearing and that's just a separate decision; what is the consensus, do we want to take time or do we; we can vote it and approve it in principle and you can approve the money and let Jay know that he needs; right; so it will be ready to go that way; yes; and then maybe choose not to go that way and the money goes back; the CPF and WQI money is always returnable to the CPF so; I would lean that way because of the timing and we're trying to get this project done before Memorial Day if we decide to go that way but again at least it's been done, it doesn't necessarily mean that we need to make that decision for or against, it just the fact that it's in place so; so then we'll close that hearing.

The Deputy Supervisor declared the public hearing closed at 6:02 p. m. and reconvened the recessed public hearing to be held as advertised on the application of 6 Daniel Lord Road, LLC, Ursula Dobson, 6 Daniel Lord Road, for permission to remove existing fixed dock completely, construct a new dock in-place to match existing one removed using Sure Step open grate decking, install a 4' x 45' platform with a 3' x 12' seasonal aluminum ramp onto a 4' x 16' seasonal floating dock on the south side and anchored by two 8" diameter piling, install a 3' x 12' seasonal aluminum ramp onto a 5' x 27' seasonal floating dock in an "L" configuration at north end side secured by four 8" diameter piling, in West Neck Creek.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: I think there's a; Bob, this is the one at Daniel Lord Road and they're, although the WMAC voted five, one, one to approve, there were things that came to light afterwards, some complications about the location of that dock, property lines, the moving of the South Ferry into West Neck Bay, there were enough subdivisions that could or could not occur very close to that area, I think there were enough things, enough flags that we needed to be looked at more carefully and I don't feel comfortable even though the committee approved it, I personally don't feel comfortable approving this; did you want to refer it back to the WMAC or did you want to handle it going forward; well I think they're gonna ask the same questions, I think we have to resolve this, again the property line question is a huge question for us; but is that; and we were looking into that; yes we were; spending time looking into it; somebody's got to look at that for sure, I'm just wondering what necessarily has to do with the application; only because Paul when we were in the room the discussion came up and the owner of the property was saying something, the committee first recommended that perhaps if the dock were moved further north up the channel to deeper waters to make that turn a little bit easier and said well we don't really want to do that because of a possible subdivision and we may want that for something else and the other thing was, as the discussion went on, the people who were representing the owners of the property said by the way I don't know if you realize it but those three moorings, those handful of moorings that you have there, the pulley systems there are on our property, in fact some of the road on Daniel Lord Road is on our property and that got us to thinking about well we won't push that if you allow us and that's what they were saying to the committee, if you approve the dock, we won't say a word about these three moorings, I don't know, I just don't like doing business that way, I don't think that's a recommended way we should operate, we should find out where the hell the property line is once and for all and in fact those three moorings are on their property or not but for lots of liability reasons, the location of the boat ramp that's right there at the end of the road to the left which they say, Albert if I'm wrong cause they were saying that their property actually goes over to that area; yeah; people are parking, literally on our property, lots of complications there and I just don't feel comfortable with it; there's two distinct issues and I think that really needs to be resolved first and foremost even before we even consider the dock; yeah; and the WMAC that night was making modifications to the plan; is some type of an easement part of the dock application, part of the agreement with; there wasn't anything formal, they just said listen we won't even bring it up if you allow us; I guess that's my question guys, is like, if it wasn't formal then by definition it would be informal, right and that means that nobody is held to anything but; well during negotiations was it; it was implied; that's a good word, it was implied; it was implied; was it hard and fast, was it implied yes, hard and fast, no ___; ___ ; ___; but I think it is something that really should be rectified before me make a decision; they never discussed anything about the South Ferry, the two ferries coming up in a storm, being able to navigate around that corner where the sandbar is where the creek turns into the bay, but that is something that needs to be looked at, that was no discussion, they only realized that after the next day after the meeting so the one person and that was discovered by the one person that voted against, who wasn't physically present at the meeting but was on the Webex so he said I think there's enough concern here and then I spoke to John Needham about it and he said maybe there is enough concern so rather than just send it back to them, I don't know what they're gonna do without us digging into this further and getting some definitive answers so that's, it's incumbent on us to find out where that property line actually is; it's a follow up to what Paul was going through with this and it is implicit __ moorings being on their location or part of the road, I really think that that's been part of the trade off for the dock cause then it will have to be spelled out in writing, I don't think it's an implicit agreement for that __; ___ some kind of a hearing; it's two issues; ___; __; I think we have to do our homework on this first; do we leave the public hearing open then, I don't know what the protocol is, yes; ___; it could; ___; now we don't have to revisit it each and every meeting if we have nothing new; no; if there is nothing new we can just roll over to the next time; you can hold it open and reconvene it when your research is completed; yes, yes, that way you don't get annoyed unduly; and we hate when that happens so, I __ for our lives actually; you do need to re-notice when you plan to reopen it, that's all; yes.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no additional comments, at 6:08 p. m., the Deputy Supervisor declared the public

hearing recessed at a later day to be determined, and reconvened the regular Town Board meeting.

RESOLUTION NO. 195

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Bernard J. and Alice B. Ott, 9 Shorewood Road, have petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.05092° north and longitude 72.31685° west; said mooring location was formerly occupied by the Hammond O-2875 mooring, and

"Whereas", a public hearing was duly held on the 23rd day of March, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Leeward Cove, LLC, c/o Bill Geraghty, 10 North Brander Parkway, has petitioned the Town of Shelter Island for permission to construct a 4' x 32' fixed catwalk, install a 32" x 12' seasonal aluminum ramp onto a 5' x 32' seasonal floating dock tapered to a 4' width at west end, install two 8" diameter piling, in an "L" configuration in the Silver Beach Lagoon, and

"Whereas", a public hearing was duly held on the 23rd day of March, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, with the proviso that the beam of any vessel secured to said dock shall not exceed 14' 0", after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 197

Councilman Dickson offered the following resolution, which was seconded by Councilman Paul Shepherd, to wit:

"Whereas", a public hearing was duly held on the 23rd day of March, 2018 on the application of the Town of Shelter Island to utilize Community Preservation Funds to install a new septic system at the existing public restroom at Wade's Beach near shore to the bathing beach and Dickerson Creek for use by residents and guests, at an estimated project cost of $20,860.00., and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That said application is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 198

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 23rd day of March, 2018, in the Shelter Island Town Hall, Shelter Island, New York, on a proposed Local Law entitled IAOWTS New Construction, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 2 - 2018 entitled IAOWTS New Construction, is hereby adopted, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. A new Section 43-10.4 is hereby added, to wit:

A. An Innovative and Alternative On-site Water Treatment System (IAOWTS) approved by the Suffolk County Department of Health Services shall be required for the following projects located within the Town of Shelter Island.

(1) All new residential construction with greater than 1500 square foot living area; and
(2) Any septic system upgrade required by the Suffolk County Department of Health Services.

B. Applicants that have complete applications pending review before the Shelter Island Building Department or the Suffolk County Department of Health Services as verified by those Departments or a valid permit from the Shelter Island Building Department or the Suffolk County Department of Health Services prior to the enactment of this Section shall not have to comply with the requirements herein.

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 6:15 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 27, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 27th day of March, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and four persons were present.

The Supervisor called the special meeting to order at 2:22 p. m.

RESOLUTION NO. 199

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement concerning GASB Statement 73 which is an agreement which changes LOSAP reporting procedures for the financial statement, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the A1010.484 Town Board office and miscellaneous account to PENFLEX, Inc., Service Award Program Specialists, 50 Century Hill Drive, Suite 3, Latham, New York 12110 for the preparation of the GASB 73 package for the LOSAP program for the volunteer ambulance.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 2:25 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 13, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 13th day of April, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and five persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. An e-mail from Tom Field stating he would be willing to serve as a member of the Waterways Management Advisory Council.
2. An e-mail from Matthew Arendt vehemently opposed to short term rentals unless owner occupied by a full time resident etc.
3. An e-mail from Mike Scheibel submitting his resignation from the Deer & Tick Committee effective May 4, 2018.

The Deputy Supervisor reported that the Supervisor has designated Councilman James Colligan to serve as the liaison to the Shelter Island Country Club (Goat Hill).

The Deputy Supervisor presented the following Supervisor's financial report for the month of March, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
MARCH 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen. Checking | 4,957,534.71 | 340,554.87 | 715,288.72 | 4,582,800.86 | 778,040.77 |
| Hwy Checking | 891,788.30 | 26,648.75 | 275,004.61 | 643,432.44 | |
| T&AChecking | 331,767.79 | 178,560.53 | 110,633.23 | 399,695.09 | 15,558.98 |
| T&A Savings | 12,227.59 | 0.3 | 0 | 12,227.89 | |
| Hwy Cap Res | 356,534.67 | 22,508.99 | 13,809.21 | 365,234.45 | |

| | | | | | |
|---|---|---|---|---|---|
| WNW Supply | 52,722.78 | 2,668.58 | 6,963.81 | 48,427.55 | 111,110.40 |
| Taylor's Island | 43,649.63 | 9.26 | 0 | 43,658.89 | |
| Comm Preserv | 5,338,850.16 | 141,372.10 | 8,585.70 | 5,471,636.56 | 3,622,337.19 |
| Waterways | 268,843.59 | 5,450.00 | 0 | 274,293.59 | |
| Reserve Fund | 738,803.59 | 5,613.95 | 0 | 744,417.54 | |
| Bridge St Esc | | | | | 356,747.27 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reserv | 18,164.65 | 0 | 0 | 18,164.65 | |
| Ambul Reserv | 356,828.15 | 30.2 | 0 | 356,858.35 | |
| Ambul Train. | 29,337.32 | 0.72 | 0 | 29,338.04 | |
| TOTALS | 13,412,802.93 | 723,418.25 | 1,130,285.28 | 13,005,935.90 | 4,883,794.61 |

RESOLUTION NO. 200

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Keith Clark as a member of the Taylor's Island Preservation and Management Committee expired on January 17, 2018, and

"Whereas", Mr. Clark has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Keith Clark is hereby reappointed to serve as a member of the Taylor's Island Preservation and Management Committee for a term to expire on January 17, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 201

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Michael A. Gulluscio as a member of the Ferry Study Group expired on January 29, 2018, and

"Whereas", Mr. Gulluscio has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Michael A. Gulluscio is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 202

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Barbara Clark as a member of the Taylor's Island Preservation and Management Committee expired on January 17, 2018, and

"Whereas", Mrs. Clark has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Barbara Clark is hereby reappointed to serve as a member of the Taylor's Island Preservation and Management Committee for a term to expire on January 17, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 203

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the term of Alfred Loreto as a member of the Waterways Management Advisory Council will expired on February 1, 2018, and

"Whereas", Mr. Loreto has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Alfred Loreto is hereby reappointed to serve as a member of the Waterways Management Advisory Council for a term to expire on February 1, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 204

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Marc Wein as a member of the Waterways Management Advisory Council expired on February 1, 2018, and

"Whereas", Mr. Wein has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Marc Wein is hereby reappointed to serve as a member of the Waterways Management Advisory Council for a term to expire on February 1, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 205

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Joseph Denny as a member of the Community Preservation Fund Advisory Board expired on February 2, 2018, and

"Whereas", Mr. Denny has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Joseph Denny is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 206

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Mashomack Preserve has a significant role in deer and tick management on Shelter Island; and

"Whereas", the Town Board finds that it would be useful to the Deer and Tick Committee of the Town of Shelter Island to ensure that the knowledge and perspective of the Mashomack Preserve is always taken into consideration with regard to deer and tick management; now, Therefore

BE IT RESOLVED, That one seat on the Deer and Tick Committee of the Town of Shelter Island shall be reserved for a representative of the Mashomack Preserve; and

BE IT FURTHER RESOLVED, That the above-mentioned representative shall be selected by the Mashomack Preserve and approved by the Town Board; and

BE IT FURTHER RESOLVED, That the term of service for the above mentioned representative shall end after three years or if the representative ceases to be affiliated with the Mashomack Preserve.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 207

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Brian Groves, 16 Glynn Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as approximately 100 feet south southwest of the Raheb W-2568 mooring and 166 feet north northwest of the Mooney W-3399 mooring, and also designated as follows: latitude 41.064675° north and longitude 72.364592° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 4th day of May, 2018, in

the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 208

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Pandion Acquisitions, LLC, 64 Burns Road, has petitioned the Town of Shelter Island for permission to remove existing dock, construct a new 6' by 50' ramp leading to a 6' by 122' main pier with a 6' by 66' "T" section at the offshore end and four 4' by 30' finger piers inshore, install 66' of splashboard system below offshore "T" section, provide 3' wide cross-over stairways at inshore end of main dock, install 10 mooring piling, provide water and electric services to dock, construct two 4' by 4' platforms with 32" by 12' aluminum ramps leading to two 5' x 20' floating docks secured by two 8" diameter anchor piling, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 4th day of May, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 209

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 to the Postmaster from the 2018 A1330.414 Receiver of Taxes postage account for the purchase of 1,500 $.50 stamps.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 210

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Kathleen Reilly has applied for a rebate from the Town of Shelter Island to install a Low-Nitrogen Sanitary System for property on Shelter Island located at 3 West Neck Road; and

"Whereas", the application has been reviewed by the Water Quality Improvement Advisory Board for eligibility under the standards in Chapter 88 of the Shelter Island Town Code; and

"Whereas", the Water Quality Improvement Advisory Board has recommended a conditional rebate for the proposed project and based on the following findings it has made:

1. The project involves an upgrade/replacement of an existing sanitary septic system with a Low-Nitrogen Sanitary System at 3 West Neck Road; and
2. Applicant has retained an engineer to file an application with the SCHD department for approval of the Low-Nitrogen Sanitary System; and
3. The proposed project has a probable useful life of at least five years pursuant to the state local finance law; and
4. The proposed project advances the articulated objectives of and is consistent with regional water quality plans, specifically the Suffolk County Health Department Low-Nitrogen Sanitary System program to reduce nitrates in local waters and advances water quality improvement for the Peconic Bay region; and
5. The project will not result in the accommodation of new or additional growth; and
6. There is sufficient revenue in the Water Quality Improvement fund to provide a rebate for this project if the project is completed within the next twelve months, subject to extension if merited; and
7. This project will preserve community character by protecting and improving the quality of water resources in the Town of Shelter Island by reducing nitrogen input into the aquifer as follows: estimated annual nitrogen reduction of 44 kilograms; and

8. The committee recommends a rebate in the amount of up to $15,000.00 based on the committee's cost/benefit analysis of project, age of existing system, estimated typical cost of projects in the category, and other factors; now, Therefore

BE IT RESOLVED, That based on the recommendation of the Water Quality Improvement Advisory Board and its own review of the application, the Town Board hereby adopts the above findings as to this project, and

BE IT FURTHER RESOLVED, That the Town Board hereby certifies that the Low-Nitrogen Sanitary System project by Kathleen Reilly at 3 West Neck Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement; and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be on the list of Low-Nitrogen Sanitary System's approved for use pursuant to the Suffolk County Health Department; and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant; and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only to the applicant and only for the premises delineated in the application; and

BE IT FURTHER RESOLVED, That in order to avoid any accommodation of new or additional growth, this rebate shall cover only those expenses associated with replacement by a septic system which is the lowest capacity system recommended by the manufacturer for the current legally existing structure, but this provision shall not prevent the applicant from installing a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department; and

BE IT FURTHER RESOLVED, That if this application is approved, it is to be considered part of a pilot program and that further restrictions, procedures or requirements may be required on any future application or renewal and that the terms of this resolution are not guaranteed in any future application or renewal.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 211

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $900.00 as follows: $450.00 from the B8010.491 Zoning Officer service contracts account and $450.00 from the B3620.491 Building Inspector service contracts account to Software Consulting Associates, 54 Elizabeth Street, Suite 17B, Red Hook, New York 12571, for the annual service and support contract on the Building Department's software for the period May 1, 2018 through April 30, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 212

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Town Code Section 36-14.2, Matthew Stromberg, owner of Venture Out Shelter Island, LLC, has filed an application with the Town Board to operate a paddle board business at Crescent Beach for the 2018 summer season, and

"Whereas", the Town Board has reviewed said application, now, Therefore

BE IT RESOLVED, That the Town Board does hereby grant authorization to the Provider to conduct said activity, upon receipt by the Town Clerk of the application fee of $150.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 213

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Town Code Section 36-14.2, Alexandre Roy of Bonheur Supreme Spa has filed an application with the Town Board to operate a massage business at Crescent Beach for the 2018 summer season, and

"Whereas", the Town Board has reviewed said application, now, Therefore

BE IT RESOLVED, That the Town Board does hereby grant authorization to the Provider to conduct said activity, upon receipt by the Town Clerk of the application fee of $150.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 214

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Shelter Island Historical Society has requested permission as per letter of application, to hold an Antique and Classic Car Show on Saturday, June 30, 2018, with a rain date of July 1, 2018, and pursuant to Chapter 33 of the Shelter Island Town Code, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Police Department has responded that they approve of the event as presented; it is their understanding that the Fire Police will handle traffic and pedestrian safety at the intersection of Burns and Cartwright Roads as they do at the chicken barbecue, and will augment traffic control as needed or requested by the Fire Department, and

"Whereas", the Superintendent of Highways responded that you may want to again consider parking on the east side of the show; this would stop the need for pedestrians to cross the road as they do during the barbecue, and all garbage is to be cleaned up the same day, now Therefore

BE IT RESOLVED, That the Town Board hereby approves said car show.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 215

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,195.00 from the A1010.484 Town Board office and miscellaneous account to General Code for the eCode 360 annual maintenance fee for the period April 1, 2018 to March 31, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 216

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and the Shelter Island Historical Society granting permission to the Historical Society to use the Town property adjacent to the Society's, located on South Ferry Road, for parking during the Havens Farmers Markets commencing on May 26th and extending through September 1, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 217

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the renewal of the Pre-Employ Master Service Agreement between the Town of Shelter Island and End-User Company, 3655 Meadow View Drive, Redding, CA 96002; said agreement shall be effective for three years commencing on the date of the last signature approving same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 218

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Gary Sher has applied to the Shelter Island Town Board for permission for renovation of a house, removal and reconstruction of decks and patios, renovation of a pool, addition of a spa, as well as altered landscaping within the regulated area at 26 South Midway Road, Shelter Island, New York and zoned C/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map Lot 0700-019-01-006.3; and

"Whereas", applicant has agreed to install a new IAOWTS septic system, and

"Whereas", the applicant seeks approval for significant interior construction within the footprint of the existing house, as well as the removal of existing decks and installation of a new patio, new decks and new pavers; the pool will be renovated with a new patio and the addition of a spa; finally, the existing conventional septic system will be replaced with an IAOWTS system; the proposed renovation accounts for a 62.875% renovation; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction numbered 10-87-0918, dated July 27, 1987, and based on being landward of the 10' elevation contour on a gradual, natural slope, and

"Whereas", the Suffolk County Department of Health Services issued an approval letter No. R07-17-0027 dated 8/24/17 revised 12/18/17 for maximum of 6 bedrooms, that expires 8/24/20, and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on March 23, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 1.0 acre parcel on South Midway Road, which is currently developed with an otherwise conforming single family house, of which 815 square feet is located within the 100' wetlands setback. In total there is currently 1,760 square feet of constructed area in the vegetative buffer and 1,772 in the regulated area. The plans call for changes that would have 1,415 square feet of constructed area in the vegetative buffer and 2,237 square feet in the regulated area; and

2) There will be minimal change to the existing site plan. The large portion of the house, existing decks and planter are within the adjacent regulated area with a portion of the existing decks and planter within the 75' vegetative buffer. The proposed renovations would significantly shift the footprint from the vegetative buffer to the regulated area; and

3) There would be minimal runoff at the bank adjacent to the creek as it is absorbed by non-turf vegetation; and

4) The proposed project will not have a negative impact on the quantity and quality of groundwater because there will be a reduction of impermeable surfaces in the vegetative buffer and a shift of the same to the regulated area; and

5) The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands consuming a large portion of the property, which constrict the building envelope; and

6) The Town Board has determined that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and

7) To protect the wetlands, there will be typical project mitigation of wire backed silt fencing which will be established, and there will be no stockpiling of materials near the wetlands or in areas susceptible to run-off; and

8) As mitigation, an Alternative On-Site Wastewater Treatment System (I/A OWTS) will significantly improve function and value of the aquifer and wetlands at and near the site. Other mitigation factors will include an automatic pool cover and an 8' diameter by 8' deep drywell for

the pool, roof stormwater collection and recharge to two 8' diameter by 8' deep drywells, a decrease in site coverage within the vegetative buffer, no impacts on the existing non-turf buffer and no increase in site use; and

BE IT FURTHER RESOLVED, That the wetlands permit for significant interior construction within the footprint of the existing house, as well as the removal of existing decks and installation of a new patio, new decks and new pavers, renovation of the pool including a new patio and the addition of a spa, within the vegetative buffer and regulated area for the premises located at 26 South Midway Road, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the proposed site plan by Sherman Engineering last revised 3/16/16; and

2) The following mitigation measures shall be in place prior to issuance of a certificate of occupancy: upgrade existing septic system, upgrade landscaping and grading pursuant to approved grading and drainage plan, and install and maintain a stormwater collection and recharge system as required by law; and

3) During construction, wire-backed silt fences shall be securely placed at the location along the top of the bulkhead. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

4) Parking, noise, construction controls shall be pursuant to the Town Board special permit approved conditions; and

5) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

6) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with a minimum limits of $500,000; and

7) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 219

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Randall Shy has applied to the Shelter Island Town Board for permission for renovation of a house, removal of a deck and renovation of a pool as well as altered landscaping within the regulated area at 4 Lakeview Drive, Shelter Island, New York and zoned A-Residential, designated as Suffolk County Tax Map Lot 0700-19-2-49; and

"Whereas", the applicant seeks approval for significant construction, including the construction of two new additions to the primary structure, the addition of an accessory outdoor kitchen structure, the addition of three new paver areas, removal of an existing deck, renovation of an existing pool, replacement of the pool patio, relocation of AC and pool equipment, and installation of a generator; the proposed renovation of the house accounts for of 69.45% of total construction; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued permit number 1-4732-01062/00001 approving a plan prepared by Matt Sherman last revised on December 27, 2017 and accompanying Drainage Plan, Profile Plan and Landscape Plans; and

"Whereas", the SCDHS issued permit reference number R07-17-0032 approving a planned installation of a new standard septic system; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on March 23, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) The parcel is a 0.65 acre non-conforming parcel on Lakeview Drive, 180 feet east of Lake Drive, which is currently developed with a single family single story house, of which 217 square feet is located within the 75' wetlands setback and 1,459 is within the 100' wetlands setback; and

2) Since most of the proposed renovations fall outside of the regulated area, the current 1,676 square feet coverage in the wetlands regulated area will be replaced with 1,434 square feet coverage in the regulated area; and

3) Though located against the west property setback, most of the house and rear deck are located within the adjacent and regulated areas due to the close proximity of the freshwater wetlands. The existing house and pool are located in a relatively flat portion of the property. Along the eastern side, the site drops off steeply in the direction of the freshwater wetlands. Cleared portions of the site are planted with grass which extends over to the steep drop; and

4) The house has gutters, but stormwater is not currently being collected and recharged to the ground. Though outside of the Near Shore and Peninsular Overlay District, and thus not required, Mr. Sherman's Sanitary Site Plan shows two 8' diameter by 6' deep drywells which will be a great improvement; and

5) The proposed project will not have a negative impact on the quantity and quality of groundwater because there be a reduction of impermeable surfaces in the regulated area; and

6) The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands consuming a large portion of the property, which constrict the building envelope; and

7) The Town Board has determined that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and

8) As mitigation, applicant agrees to install stormwater containment and control devices, upgrade existing septic systems to an I/A septic system, and upgrade landscaping to better accept stormwater including a reduction of turf and the addition of more native vegetation; and

BE IT FURTHER RESOLVED, That the wetlands permit for significant construction, modifications and excavation necessary for the construction of two new additions to the primary structure, the addition of an accessory outdoor kitchen structure, the addition of three new paver areas, removal of an existing deck, renovation of an existing pool, replacement of the pool patio, relocation of AC and pool equipment, and installation of a generator within the regulated area for the premises located at 4 Lakeview Drive, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the on the proposed site plan by Sherman Engineering last revised 12/27/17; and

2) The following mitigation measures shall be in place prior to issuance of a certificate of occupancy: upgrade existing septic systems, upgrade landscaping and grading pursuant to approved grading and drainage plan, and install and maintain a stormwater collection and recharge system as required by law; and

3) During construction, wire-backed silt fences shall be securely placed at the location along the top of the bulkhead. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

4) Parking, noise, construction controls shall be pursuant to the Town Board special permit approved conditions; and

5) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

6) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

7) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 220

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 8th day of December, 2017, on a proposed Local Law entitled Amendments to Chapter 129, Wetlands, Re: Septic Removal, and

"Whereas", all interested persons were heard in favor of or in opposition, and

"Whereas", said Local Law was adopted by the Town Board, processed by the Town Clerk's office and forwarded to the Secretary of State for filing, and

"Whereas", the Secretary of State never responded to the Town that said Local law had been received by said Department and therefore was never filed, now, Therefore

BE IT RESOLVED, That Local Law No. 15 - 2017 entitled Amendments to Chapter 129, Wetlands, Re: Septic Removal, is hereby renumbered to be Local Law No. 3 - 2018 and shall be resubmitted to the Secretary of State for proper filing, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Purpose. The Town Board wants to encourage the removal and upgrade of septic systems currently located within 100 feet of the wetlands. Town, County and State codes prohibit the installation of septic systems within 100 feet of the wetlands so the replacement system would have to be located outside the Town's wetlands jurisdiction.

Section 2. Amend a portion of the chart in Section 129-2 Permit required, to read as follows:

| | W/n 75' | 75'-100' | Causeway zone |
|---|---|---|---|
| Septic | NPR | NPR | CPR |
| (abandonment by backfilling and/or removal of existing) | | | |

Section 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 221

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Joseph Sessa, 15 Point Lane, has petitioned the Town of Shelter Island for a wetlands permit for permission to construct new retaining wall, swimming pool, patio and appurtenant structures partly within regulated area; all proposed work to be greater than 75 feet from wetlands, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 4th day of May, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 222

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:48 p. m., prevailing time, on the 4th day of May, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled BOATS ON TOWN PROPERTY, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

Section 1. Section 40-5 C. (1) and (2) are hereby deleted and replaced with the following:

Section 40-5. C. Boats on Town Property.

(1) Any Shelter Island resident may utilize and/or store a boat on Town property between April 1 and November 30 of each calendar year provided that:

(a) The boat is firmly anchored or secured;

(b) The boat displays the current registration numbers, if applicable; and

(c) The boat properly displays a valid Boat Storage on Town Property sticker.

(2) The Town shall issue a Boat Storage on Town Property sticker to any resident of the Town of Shelter Island for a fee to be determined by resolution of the Town Board, which shall remain valid until November 30th of the following year.

(3) Any boat left on Town property between December 1 and March 31 of any year or that does not otherwise comply with the provisions of the Section, may be removed by the Town without prior notice. Ownership of boats unclaimed after such period shall vest in the Town, which may sell the property at public auction to recover removal and storage costs.

(4) This regulation shall go into effect on May 15, 2018.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 223

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$500.00 from the A3510.200 Animal Control equipment account to the A3510.484 Animal Control office and miscellaneous account;
$2,550.00 from the A3510.265 Animal Control deer and tick equipment account to the A3510.498 Animal Control deer reduction management account; and
$8,420.00 from the DA5142.447 Highway snow removal account to the DA5142.147 Highway snow removal personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 224

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 480 through 603 in the amount of $119,449.02, highway claims numbered 56 through 72 in the amount of $42,330.96, and West Neck Water claims numbered 10 through 12 in the amount of $383.44 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:08 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Zachary Vella, 12 Clinton Avenue, to construct an addition of a one story library with two story hallways connecting the existing main house with the existing garage/pool/guest house; a bridge with glass guardrails will connect the 2nd floor hallways of the main house and guest house bedrooms across the new library and existing gazebo areas for a total SFLA residence of 7,613 square feet.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. An e-mail from Emory Breiner containing a memorandum to the Town Board concerning the Vella application as reviewed by Emory Breiner and Marcus Kaasik.

Councilman Shepherd presented the following Planning Board: We have several, I tried to get everybody copies of everything via e-mail, we had a flurry of activity with the Planning Board, uncharacteristically somewhat divided on this one so I wanted to get everybody, a copy of everybody's thinking so I think I got everything from everybody even though it wasn't sent out that way, alright, first from the majority, Mr. Breiner and Mr. Kaasik, the property is zoned double A reverting to A residential, within the near shore peninsular overlay district, we received a DEC letter of nonjurisdiction from 1994 exempting all property __ the bulkhead, that applicant is seeking a special permit for an addition which increases the square foot of living above 6,000 square feet, Planning Board members visited this site and reviewed all submissions while on the

site, we submit the following observations, in reviewing this application __ the property will be beneficial while we refer to it as 12 Clinton, it includes both 12 and 14 Clinton Avenue, _ one parcel __ to July 14,1960 when the original house and it's neighbor burned to the ground, this was in the Reporter July 23, 1960, subsequent to the fire, the properties were redeveloped as a compound ___ , this application does not increase the number of bedrooms nor is there an increase in the baths, it is a simple addition of a large one room library with a bridge connecting a second floor of the main house with the second floor of the guest house, the reason for this is said to be because the children will sleep in the guest house and the desire was to not have them away in a separate house, from the design you can see that it is in keeping with the architectural design of the two houses to be connected, there is no height issue, seven catch basins are to be added to catch the roof runoff, the application was returned to the ZBA when the library was increased in size but since the addition does not intrude, the ZBA did not see a need for another hearing, this reasoning is reflected in appeal number eight dash seventeen which was submitted March fifth, 2018, we submit the following recommendations, a major concern is with the ferry line and getting construction to the site, with the new larger ferries, the ferry line should not back up to the 12 Clinton except on Sunday afternoons and holidays when there would not be construction occurring at that time, considering this issue, the Town and the applicant can work out a mutually agreeable construction schedule plan, as you can see from the architectural drawing, much effort was taken to __ this addition and to fit it with the character of the surrounding houses, that's the majority, Marcus Kaasik submitted a separate thing that sort of supports, pretty much supports this in it's entirety, remarks from Mr. Kerr, gentlemen, I'm very much opposed to granting the special permit to Mr. Vella, __ property at 1.73 acres but the surveyor notes the lot size at 62,338 or 1.43 acres, the applicant should list the correct lot size and the comparison with the neighboring properties, likewise the applicant listed __ homes and comparables and they are the largest homes in the area, a proposed 7600 plus square feet far exceeding the neighboring homes, the true nature of the neighborhood __ as mentioned in the application has most homes in the range of 1,799 to 3,683 square feet, below are the list of neighboring house square footages by street number, waterside view of the homes along Clinton Avenue as observed from the Yacht Club or harbor presently has similarly sized homes ranging from 7682 feet, this house will be 177 feet across the water site, as a comparison, the Pridwin Hotel is approximately 160 feet across the front, the Perlman dining hall is 110 feet across the waterside, Camp Quinipet's dining hall and office is 170 feet long and the Chequit Hotel is 97 feet along its front wall, this proposed addition will dwarf the surrounding homes, I'm also very concerned as to the noise impact on the neighbors and the traffic flow and ferry line with construction activities, heavy equipment being unloaded and deliveries of material will tie up the line, we're all impacted by that possibility, the application states that the contractors workers will park at the tennis court and that is unrealistic as to the activity proposed, from Mr. Kerr, if you'll indulge me, I'll read Mr. McDonald's comments as well, he looked at the Vella application, while struggling with the large size and full development of the lot, the larger concern with the Route 114 traffic and the North Ferry line, he also notes that a lot of __ may be needed to be removed, then the foundation and the drywell rings there is no staging on the site, he asked how the dump truck will be able to __ the drywell rings and __ off 114, how much soil and clean sand will have to be trucked back to backfill the foundation and drywells, where will all the trades park their vans, I'm questioning the amount of parking there will be available to people practically speaking, he knows the project seems to be quite a bit more extensive than just the construction of the library and hallways, the architect notes some framing and finishes in the house that need to be reconstructed, what else is being done, the scope is not clearly defined, __ how much landscape will need to be restored as a result of the work, were the bathrooms already refurbished without a permit, I don't know, that's one of those questions, he wants to see a construction schedule with a plan on how it will be carried out, he says he thinks the work should begin after Labor Day, it should not be done on holidays or weekends and should cease on Memorial Day and should not interfere with morning or afternoon rush hours, there's a bunch of other sort of details kind of things, you all have copies of it, talks about the hedge and the particulars of how things are gonna get done and that's pretty much it; can I get a copy of that permit; sure; I don't see the McDonald one in our list of e-mails; like I said I tried to get everything, everybody came to me piecemeal; okay so if you can circulate that one, I have the other one; okay.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Barbara Corwin, I'm the architect for 12 Clinton Avenue and I hope I can answer some of these questions and clear up some things, the first one,

this is small so I just want to pass it around, this is the Assessor's plan showing the lots, the adjacent lots and 12 Clinton Avenue so you can see the relative size, this application is for a special permit for Section 133-7 C 1 of the Shelter Island Town Code for the addition of a library with hallways joining the existing 4,688 square foot main house to the existing 867 square foot guest house providing indoor access for the two bedrooms in the guest house and the three bedrooms on the second floor of the main house, combined, existing and new construction will exceed the 6,000 square feet allowable SFLA by 1,613 square feet, the total additional is 2,058 square feet, the resulting single family house will be 7,613 square feet of which 5,555 square feet is existing, there will be no additional bedrooms or bathrooms, the Zoning Board of Appeals granted an area variance special permit pursuant to Section 133-23 to expand a pre-existing, non-conforming structure with a dining room window bump out is about twenty-five feet from one side yard instead of the required twenty-five feet, the Zoning Board of Appeals resolution dated March 5th, 2018 found that the project is suitable for this residential area as it will allow connection of an existing non-conforming structures but will not increase the intrusion of those structures into any setbacks, the property is residential, the proposed connective structure is consistent with the size and appearance of other homes in the neighborhood, there is sufficient road frontage, 251.55 feet where only 140 feet is required and the proposed improvements will not impair fire or other emergency access, the property is connected to the Shelter Island Heights Property Owners' Corporation water and sewer and Shelter Island Heights Property Owners' Corporation is in support of this application, the new addition will not impact the water or sewer demands of this property or create adverse impacts on the aquifer or discharges, together the existing main house, guest house and proposed addition are well within the allowable bulk regulations for this neighborhood, at 62,338 square feet, the area of this lot is fifty-six percent larger than the required forty thousand square feet, it is considerably larger than neighboring lots, it is actually two lots that were previously combined, many lots in the area are smaller than the required forty thousand square feet and have multiple nonconformity, building lot coverage will increase from ten point four percent to eleven point nine percent where twenty-five percent is allowed, impervious surface coverage will go from twenty-six point nine percent to twenty-seven percent where forty percent is allowed, the front yard setback of the addition will be seventy-three point two feet where forty feet are required, the existing sideyard setbacks are not affected by this proposal, the existing house has one hundred twenty-seven point seven rear yard setback where only twenty-five feet are required, and the addition will be even farther back from the rear property line, the height of the main house is thirty-two foot four inches above average grade, the height of the addition will be less than thirty feet where thirty-five feet are permitted, and the bulk change which I think you all have a copy of and then I have, the Shelter Island Property Owner's Corporation sent a letter to the Zoning Board of Appeals in April of 2017 in support of this application, they received no objections from the neighbors and believe the modifications will not have a negative impact on physical conditions of the neighborhood nor change the community's character, there's adequate drainage to retain water runoff on the 12 Clinton Avenue property and that will be provided by seven new drywells indicated on the survey by Michael Hemmer, here, if you look closer, you can pass this around too, one, two, three, four, five, six, seven, there is parking for at least ten cars within the property and this is also marked on here, you come in here, there's parking area over here by the garage, by the way, the first floor of the guest house is mostly garage, a large mechanical room and an unconditioned room that's used for pool changing in the summer and storage of outdoor furniture in the winter, so that's most of the guest house and then, so there's parking over here and there's another large parking over here and cars can park along here, for the occasional times when they need to bring in a larger delivery or a larger truck, the workers can park on Grand Avenue along the tennis court, that's what was suggested to us by Cathy Driscoll and we're fine with that, I think that's pretty much it, I have some rendering and I have put on the board, how we figured the square footage, the Building Department has a copy of this, this is the main house, this is the first floor, I'm sorry, this is the first floor and this is the second floor of the main house, there are three bedrooms up here and there is one guest bedroom on the first floor of the main house, the library, even though this is a large house, he has a big family and I've been in there and the living room isn't big enough for everybody so that's why he wants a large room, he wants a piano, he wants a couple of sofas, two nice chairs and there is setback, if you see the house now, it has different additions protrusions, we're keeping that feeling, this is the addition on the first floor and the gazebo is existing but we are going to close that in and condition it so that is included in our square footage on the first floor, on the second floor the library has got a huge cathedral ceiling so it's all open and there will be a bridge going across joining the

second floor of the guest house which is in green and that is where the bedrooms are and this is the stair, if you entered the guest house, that's the stair going upstairs, this is garage, mechanical room, pool storage and this is the porch so that's how we came up with the numbers, this is a rendering of where we're trying to make this look exactly like the existing house, all the same material, same details, it looks like it's straight across, it's not because these connections; are staggered; yes, it's just that when you draw it this way, it looks like one big house when actually it is not; that top view that you are seeing right there, is that from the street or from the __; this one is facing the water; the top one; this is the street; okay; this is the front door of the main house; right; and the guest house has like three doors, one to the garage, they're all separate; okay; and then these are just, this shows; so you need a hand with that; can you see them from here; that's facing the water; this is facing the water, this is the main house, this is all the screened porch here; right; and then this sets back, that's the library, this piece of it is the connection, this is the side view of this so it's not as deep as the house, 30 feet, the house is probably at least twice that, this is the section through the corridor connecting the main house on the second floor and with, just so you can get into the guest house; that's the gazebo closed in on the right, you just pointed; this is the gazebo closed in so it's actually angled, it's not flat across like that; that existing gazebo, obviously it's just one, it goes; the same size but it only has one story; one story, right; __ and we probably will reconstruct it because; right, I would think so; yeah and that is the guest house, this is the living area, part of it, this is the porch underneath and the pool is in front of it, now this is what faces the street, at the bottom here are pictures inside of his driveway and the parking and he's got a lot of parking in there and these are just pictures of the existing house and we will be using the same shingles, the same trim, we want to make it look like it's always been there; on the off street parking, do you have the number of cars it might hold roughly; __ the tennis court so I would say at least another twelve cars, ten to twelve cars; oh okay, there must be plans at some point to remove some of that hedge, right; actually no; there's some excavation that's gonna be done; yes, inside the hedge, the driveway is inside the hedge, then there's another, there's a small retaining wall on the water side of his driveway, it's actually stepped but the total is about three feet high, some of that retaining wall will be removed in order to do the construction and then put back; okay, and we don't have any fill estimates or anything like that as far as what's going on at this point; we're working on the construction drawings and we can provide that to you; oh we're just looking to assess the impact overall, how much nonsense will be going on there, I mean it's just some points of information; I stopped by there on my way here because I wanted to see the site and between; you say you draw all that without; huh; you say you do that without seeing the site; oh no, no, no, I wanted to, oh no; you said just today, I would say, that's pretty __; I've been all over the site but I just went there today because I wanted, this is what I wanted to see, my bearings here, okay, this is the you know the driveway, the driveway back here, right; right; so in here there's a lot of room here on his property, there's a grassy area and I think that's where they can stockpile a lot of it without ruining the front yard on the waterside; and if I had any concern, you know the one that keeps coming up aside from too big or whatever is really about congestion and inconvenience to people, that's something that could happen to any one of the houses along the row if they wanted to do any project you know so if this comes with the turf, it's a function of just wanting to make sure that that kind of disturbance is minimized; absolutely, the good thing is that the new construction is buffered by the main house and the guest house from the neighboring property and then the big hedge on the street; I don't relish hearing about obstructions, alright, so I'm gonna ask that it be written in; sure; the resolution; I'd be happy to, the builder can change; right to the point of a stop work order if it becomes obnoxious; okay, the builder has changed, it's not Michael Burns anymore, it's not Tony Montalvo; right; and I'm finding him a pleasure to work with actually; hope the neighbors do; yes; Barbara I know you cannot when you look at the, Mr. Kerr and Mr. McDonald and things that they cited that they didn't like, I mean obviously some of the things you have in your control, some of the things you don't have any control, the calendar of the construction, here we are in April, if this is approved you know, are we talking about starting this project right at Memorial into May and June and July or are we talking about delaying through the summer of 2018 and starting it; well I know that Zach would like to, would not like to delay it, he wants to do this through the season, I'm working on the drawings, I hope to have them ready by the middle of May to file with the Building Department, that may or may not happen right then because there's a lot of coordination with this, __ that's why we have water management, there are a lot of things we are gonna be addressing but I think it will be ready to file by the middle of May, hopefully get that building permit in early June and yes he would like to start construction, we realize there will be restrictions on the hours; it's just ___, it' s a tough little spot you know, it's not just

weekends necessarily, sometimes the south shore traffic diverts from time to time just to get away because it's actually faster to travel across the Island; there's a lot of traffic in the afternoons, some times the traffic exceeds well past Mr. Vella's house, waiting for the next ferry; if you have hours that you think the congestion is heavy, we'll work around that; well you'll find out, you guys are gonna be doomed, there's gonna be traffic you know; and there are provisions when you have, bringing in heavy equipment, in and out, or trucks; well we'll do that on the least busy times you know I mean, the builder doesn't want trucks to sit there either, he wants to get them in and out; exactly; so; you know Barbara on the first project, the Herrmann castle thing, we deliberately wrote into that thing that we wanted the construction to start in the early fall and get the bulk of the work done September, October, November, early December when the weather is pretty good and we did that for a purpose, now if you compare the two sites, you compare that remote area up on the hill on a dirt road versus where this thing is, it's day and night so I, I mean I can't, you know you're sympathetic to the fact that not what he's building so much, I mean you're entitled you know and the thing that I like best is you're not adding bedrooms and you're not adding bathrooms, you know that is a positive and it is a big lot but the calendar is something that if think that probably Mr. Kerr and Mr. McDonald and us are a little concerned about, because it is such a busy area, that is just, and to say that you can work around it, I mean if you get nice summer days, you're not gonna stop working at 3 o'clock in the afternoon, you're gonna try to monopolize the daylight and get as much done as much as you can get done; well there are two things I know that Zach would like you to take into account, one is it took a long time to get here because we went to the Zoning Board, we've been, we thought we had the house under six thousand square feet and the way that the SFLA is calculated here is different than, I assumed you'd take all the rooms, all the heated areas but the walls are included, when you include the walls, they are about twenty percent average of a building, the walls, so that put us over the six thousand square feet and Zach said if we're over six thousand I might as well have a room the size I wanted and he had to go back to the Zoning Board but that was when the Supervisor changed, Town Attorney changed, it was Christmas, it was New Year's, there was several months; good times; yeah and so you know, and there is a process and we respect that but he has young children, every year that the project is delayed is; absolutely, by the way, just on the two projects, are the two projects going on at the same time now, it that what, I mean, it seems to me like both projects; all I can tell you is, I am only working on this one; okay; until I get it finished and then I will, I know that we're up against deadlines; right; on the approvals for the other project which is a concern to me and I have expressed that to Zach and we're you know, we're aware of it; see I'm trying to do my homework based on what you're done up in that more remote area and I'm saying that you know you did a nice bit of work there in September, October, getting rid of the old house and putting in and excavating and doing some stuff and then it just sat and it sat and it sat during good weather where I expected like foundations to be poured, things start to happen; it's because that house is almost like, it's a steel and glass construction; right; it's a complicated thing to draw and put together a building permit set for that, it's not set and Zach wanted this done so he could use it, the reason he bought this house is so that he could use it and his children come to Shelter Island and remember these summers so he switched priorities over getting this done and then we will go back and do that but we're not ready to, I think what I'm hearing is could we start that one this summer, put this one off but that; no I'm just, I'm not suggesting that, I'm just saying that, the Town Board may have been comprised a little differently but when we looked at that first Vella project with the Herrmann castle, one of the key ingredients for the people that lived along that area which does not get any traffic on the dirt road, there are only four or five homes that share the dirt road, is that we start construction in the fall you know and try to get as much done during the quote off season as opposed to the when, you know, having trucks going along Crescent Beach area and you know, how we were gonna get those in and out of there was important to us so they, what I had heard was that they were very accommodating to try to meet that schedule, then on this, where we know it's a bottleneck and you know it's tough with traffic, that's just a consideration, I mean I; but this is no where near; yeah they're two different animals, the project on Shore Road is a huge thing, this is a library/hallway; this is a seventeen hundred square foot addition, that's like a small house and it only has one room, the days that you're gonna have any large truck in there, not very many and there's no comparison of the two projects; okay so, and there is __ to be considerate of the neighbors, I know that; that was my thought also, it's such a short season, most of those people only come out during the June, July, August time to enjoy it and with kicking the project off at the end of May, that was a concern, so I understand what the concern was; it's like kicking it off on the Fourth of July almost; well maybe by the 4th of July it's framed in already you know; it's not a giant project; a point well taken, that's the good

news, it's a totally different __ but I just, it wasn't explained to us at the time that there was gonna be such a delay in the Herrmann castle area, that was never articulated and it was something like every time you drive by and say what's going on with that, why isn't anything happening; well now it's gone, it looks one hundred percent better, I went by there today, I mean it's amazing so it's not, we didn't think it was bothering anybody, the eyesore is out of there; right, okay, just wanted to understand the whole process; if there, I'm not familiar with when the ferry line backs up but I'm sure you are; all the time; all the time; all the time; so there might be a time when it's not always, I mean I've been in the house enough times and there haven't been any lines there; right; well five fifteen yesterday it was backed up further than that property; okay so then they will not, so that's the thing, maybe you want to say there will be no construction exit and entrance between four and six or something so they would get out early or they would get out the next day, I mean, I mean the workers can park on Grand Avenue with their cars; right; I mean with their cars, I'm talking about the trucks; it's all predicated on the size of the ferries, when we experience some of the problems is when they take one of the big ferries and they put it on dry-dock for repair; yes; and painting and everything else and they start going with one or two of the smaller ferries, the older ferries and then you notice a big difference because they only hold half the capacity; I saw one of them today; or if they are only using one landing slip like yesterday; right; then they're waiting out and the ferry line is backing up; right; but you know you're talking about the big trucks, they don't have to get in and out every day, they bring equipment in, if it stays there an extra day, it doesn't matter, if there's a time, if you want to say big trucks need to, they do this in the city all of the time, between ten a. m. and two p. m. is the only time you can bring a big truck in, okay; I don't know that anybody can necessarily predict those hours, you just have to feel your way through it; yeah; for me, I don't really care so much about you __, I don't want to plan your life for you, what I want to do is protect the neighbors from the operations to the best of our ability which means whatever you've got to do, stay the hell out of the way, right, basically and that's the bottom line here and honestly, pulling that hedge out, if you clawed that out and if you heeled that in somewhere else, I mean I'm not talking about destroy it, you could replant it in a heartbeat; __; I'm not suggesting that you do that necessarily but keep it in your mind as a possibility cause that opens up access quite a bit and allows; we'd be happy to do that; well just think about that, it's not a big deal, you could probably heel it in on the property somewhere or maybe on that other property, you're not doing anything with that anyway and just dig a trench, pop it in and then when you're done; no; bring it back; I agree; what's the possibility; I know Zach would be amenable to any suggestion; right, I'm not telling him how to do his work, I just want; right; I don't want to be hearing about it all summer; I had actually asked Cathy if we could make a temporary opening, come in on one end and make a temporary opening on the other end so that it's easier to; cause a lot of what __ trying to articulate is a large vehicle; exactly; cars are one thing, tractors not so much; so I asked her if we could do that and she said as far as having the curb cut, she didn't mind but that they're repaving that road and she didn't want that to happen, so we're very open to suggestions though; well that suggestion is something to keep in the back of your mind; okay; just to make this whole exit/entrance thing a whole lot easier; that's a good idea, make it like a circular driveway; yes; Clinton Avenue is very busy but what is going for it is it's one way; yes; and if you open that earlier part and have trucks going that way and they go out the other way; right; I think, to me, that makes sense, I will talk to Cathy again about that; like I say, how you get to where I want you to be is your concern; okay, I understand it; and Barbara a good point was brought out here is that we're talking about changing the ferries around, using a smaller one and taking care of, the larger one is in dry-dock right now, we could possibly get a schedule, maybe look into that with Stella to find out what the schedule is for completing this, it's a short term thing, it may not be for a long period of time; I saw this North Ferry today; right, we've been on it; we don't miss them really; I think the calendar is pretty much like every year they follow the calendar trying to get their big fleet ready for the high season of summer so that's what they're in the process of doing; okay; Cathy do you have anything to add to this; yes I do, the Heights, hi Barbara; __; the Heights has an agreement with the contractor __, it is eight in the morning til four p. m., absolutely no work on the weekends so that might alleve ___; there you go, I should have talked to you sooner shouldn't I; yes; so I think the idea of opening in the rear; they're paving Clinton pretty soon, I think we're gonna have to play that by ear; okay; because we don't want the road damaged after construction is done on it; will you fix the road too; yes; I guess Cathy the suggestion of parking near the tennis court came from the Heights; yes I talked to Barbara and I said yes there is parking between Summerfield and Bay Avenue, people park there all the time __, it's sufficiently off the road so it's not interfering with Grand Avenue, it's an option for us but if ten cars fit inside the parking lot, that gives a lot; yeah;

I'd rather see off site on your, you know; absolutely, I can't imagine except if they have one big piece of equipment to bring in there, that would be one day that people might not be able to get in, okay, thank you; thank you; oh Dottie, do you need these mailing tickets; yes; alright so then we can close this hearing or do we want to wait for the Planning Board to, are they gonna try to __ consensus or was that; no, they're where they're gonna be; okay; they've got a majority opinion; okay, thank you, alright so we can close that hearing; can I just ask one, before you close that, is the Heights Association, which was quoted, in support of the project; yes; they are, okay, and Dottie, we received no letters from neighbors; no, no; okay.

The Deputy Supervisor declared the public hearing closed at 5:47 p. m. and reconvened the regular Town Board meeting.

At 5:47 p. m., Councilman Shepherd moved and Councilman Colligan seconded to adjourn the regular meeting. This motion was approved.

Dorothy S. Ogar
Town Clerk

May 1, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 1st day of May, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson. Councilwoman Amber Brach-Williams was absent. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and one person were present.

All Town Board member present signed a waiver of notice.

The Supervisor called the special meeting to order at 2:10 p. m.

RESOLUTION NO. 225

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", A+ Productions, 611 Broadway, New York, New York 10012, has requested a filming permit for Thursday May 3, 2018, for filming at The Island Boatyard, 65 South Menantic Road, Salt Restaurant 63 South Menantic Road, and Marie Eiffel, 184 North Ferry Road, and

"Whereas", the filming crew consists of seventeen persons, one sprinter, one cargo van, three cars, and two suvs, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Highway Department has responded that there must not be any obstructions on the road or walkways during the filming, and all garbage must be picked up in the area, and

"Whereas", the Police Department states that the need for additional fees for police services will not be required; the majority of the vehicles should be parked on the location property, especially large commercial type vehicles; and vehicles parked off of location property (if any) should be parked lawfully; parking long term on Bridge Street is restricted to one hour; the bulkhead along Cedar Avenue should be considered for long term parking, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

| | |
|---|---|
| Minor filming application fee | $1,000.00 |
| One day filming fee $1,000 per day | $1,000.00, |
| Rush fee | $1,000.00, and |
| Clean up deposit | $1,000.00. |

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 2:12 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 4, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 4th day of May, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and approximately thirty-five persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

RESOLUTION NO. 226

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Glenn S. Kehl is hereby appointed to serve as full time Police Officer effective immediately.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 227

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Terrence L. LeGrady is hereby appointed to serve as provisional full time Sergeant for the Police Department effective immediately.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Supervisor Gerth administered the oaths of office to full time Police Officer Glenn S. Kehl and Sergeant Terrence L. LeGrady. Stacey Clark pinned the Police Officer badge on Officer Kehl and Laura LeGrady pinned the Sergeant badge on Sergeant LeGrady.

RESOLUTION NO. 228

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Kenneth P. Nolan, 93 Ram Island Drive, has petitioned the Town of Shelter Island for permission to replace the dirt between the rocks and lawn that was eroded due to the storms; Costello Marine installed the rocks a few years ago as a bulkhead but the recent storms washed dirt above the rocks away, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said repairs, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned repair work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 229

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", a vacancy on the Deer & Tick Committee will become effective on May 4, 2018, and

"Whereas", Jeremy Samuelson, as a representative of the Nature Conservancy's Mashomack Preserve, has been selected to represent the Nature Conservancy on said Committee, now, Therefore

BE IT RESOLVED, That Jeremy Samuelson is hereby appointed to serve as a member of the Deer & Tick Committee for a term to expire on June 24, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 230

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Resolution Number 321- 2016 dated August 5, 2016, the Town Board authorized the payment of $21,250.00 to Peconic Land Trust from the A5710.400 Waterways Management account for one half of the cost of an engineering study to resolve the erosion problems at Reel Point, and

"Whereas", this study has been completed leaving a surplus of $5,500.00, and

"Whereas", the second portion of this project is the design portion, for which the Peconic Land Trust requires and additional $1,495.00, which represents one half of the design funds required, now, Therefore

BE IT RESOLVED, That the Town Board grants Peconic Land Trust an additional sum of $1,495.00 from the A5710.400 Waterways Management account for the proposed design portion of said project.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 231

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Douglas Lax & Richard Paratley have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 143 North Ferry Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 1,512 grams and recommended a conditional rebate of up to $15,000.00 be awarded; now Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated April 19, 2018 and certifies that the Low-Nitrogen Sanitary System project by Douglas Lax & Richard Paratley at 143 North Ferry Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 232

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit

"Whereas", pursuant to application dated April 1, 2014, Barbara DeCarlo Lane applied to the Town Board to construct approximately 100 feet of new bulkhead located landward of apparent high water, beach access stairs and twenty foot return at eastern end, and

"Whereas", a public hearing was duly held on the 20th day of June, 2014, for all interested persons to be heard in favor of or in opposition, and

"Whereas", on June 20, 2014, the Town Board authorized the Town Clerk to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

"Whereas", said construction was completed without the benefit of a permit being issued, as the construction was completed by the contractor prior to the presentation of the required paperwork being presented to the Town Clerk's office, which is the reason the permit was never issued, and

"Whereas", all paperwork is now in order, and

"Whereas", said construction has been inspected and was completed as per specifications filed, now, Therefore

BE IT RESOLVED, That the Town Board does hereby authorize the Town Clerk to issue said permit to legalize the requested construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 233

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas" SBA has offered the Town of Shelter Island the sum of two million two hundred thousand dollars ($2,200,000.00) to buy out the remaining term of the ground lease for approximately 9,289.95 square feet of property on which they have constructed and currently own a cellular phone tower located on Menantic Road, Shelter Island, Suffolk County, New York and bearing Suffolk County Tax Map number 0700-18-3-1.2, and enter into an option agreement that within one hundred twenty (120) days, will replace the ground lease with a 55 year easement for the same property; and

"Whereas", after analysis, discussion and consultation, the Town Board of the Town of Shelter Island finds that acceptance of that offer is in the best interest of the Town of Shelter Island; now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized to execute the SBA Option Agreement dated April 2, 2018 on behalf of the Town of Shelter Island; and

BE IT FURTHER RESOLVED, That the Supervisor is authorized to execute the Easement Agreement associated with the SBA Option Agreement ,so long as the same remains unchanged and is presented for execution within one hundred twenty (120) days.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 234

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,900.00 from the A1620.476 buildings computer services account to MainStreetGIS, LLC, P. O. Box 1331, Northampton, MA 01061 for a one year agreement for the provision of Web GIS hosting for the term June 1, 2018 through May 31, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 235

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $5,390.96 from the A1010.484 Town Board office and miscellaneous account to reimburse overpaid taxes on parcel SCTM 0700-014-03-075.7.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 236

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute Amendment No. 1 of the Joint Funding Agreement for Water Resources Investigations between the Town of Shelter Island and the U. S. Geological Survey for the period October 1, 2015 to September 30, 2019; said agreement is to add funding to be contributed by the Town of Shelter Island for analysis of the Groundwater Quality in the amount of $30,000.00 and extend the period of performance end date to September 30, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 237

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Town of Shelter Island has purchased three (3) new vehicles for the Highway Department; and

"Whereas", the Town of Shelter Island wishes to sell two (2) of its older vehicles and the attached equipment; and

"Whereas", the Town of Riverhead has agreed to purchase the aforementioned two (2) vehicles; now Therefore

BE IT RESOLVED, That the Superintendent of Highways of the Town of Shelter Island is authorized to enter into an Inter-Municipal Agreement with the Town of Riverhead whereby Shelter Island agrees to sell two (2) vehicles, specifically, vehicle number ten (10) (a 2004 Chevrolet C7C dump truck bearing vehicle identification number 1GBP7C1384F503853 with an attached 11 foot directional snow plow and HIway E2020 Salt Spreader), and vehicle number five (5) (a 2008 GMC C*C dump truck bearing vehicle identification number 1GDP8C1B28F405919 with an attached 11 foot directional snow plow and in body spreader); and

BE IT FURTHER RESOLVED, That the combined price for the two vehicles and attached equipment shall be $45,000.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 238

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $345.00 from the 2018 A1110.484 Justice Court office and miscellaneous account to Carr Business Systems, Commack Road, Suite 110, Commack, New York 11725 for the annual maintenance contract for the period February 28, 2018 through February 28, 2019 for the copy machine in Justice Court.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 239

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", filming permit number 70 was issued on May 3, 2018 to A+ Productions for filming at The Island Boatyard, Salt, and Marie Eiffel's on May 3, 2018, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Atelier Management, Inc., 529 S. Broadway, Suite 305, Los Angeles, CA 90013, the Management Company for A+ Productions.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 240

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Jenny Landey Productions, 207 Three Mile Harbor H C Road, East Hampton, New York 11937, has requested a filming permit for June 12 and 13, 2017, for filming at 5 Seagate Road, and

"Whereas", the filming crew consists of approximately fifteen persons, two cube trucks, one passenger van, one cargo van, one suv, and two cars, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Highway Department has responded that there must not be any obstructions on the road or walkways during the filming, and all garbage must be picked up in the area, and

"Whereas", the Police Department is recommending that the majority of the vehicles should be parked on the location property (5 Seagate Road), especially large commercial type vehicles, and that vehicles parked off of location property (if any) on the public roadway should be parked on the shoulder of the road, in the direction of travel, and should not obstruct normal roadway usage, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

| | |
|---|---|
| Minor filming application fee | $500.00 |
| Two days filming fees $1,000 per day | $2,000.00, and |
| Clean up deposit | $1,000.00. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 241

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Suffolk Bicycle Riders Association, Inc. has requested an outdoor assembly permit for their annual event "Bike-Boat-Bike" scheduled for June 3, 2018, and

"Whereas", the Association has provided the required application and compliance fees and certificate of insurance, and

"Whereas", said application has been submitted to the Shelter Island Highway Department and Shelter Island Police Department for their recommendations, and

"Whereas", the Shelter Island Police Department has approved the application as submitted and stated that the need for additional fees for police services will not be required as they will use scheduled staff to cover the event, and it was also noted that the water stop is on the Town property at the corner of Cartwright Road and Burns Road, and this location was used in the past and seems to work well for this event, and

"Whereas", the Shelter Island Highway Department has responded favorably with the following recommendations:

1. if the roads are to be marked, they must be marked with chalk or washable paint, and
2. if roads need to be closed, the Highway Superintendent must be notified no later than 48 hours before the event, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the requirement that permission is hereby granted to utilize the property at the corner of Burns Road and North Cartwright Road to stage their refreshment station.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 242

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $500.00 from the A3120.491 Police Department contracts account to All Traffic Solutions, 3100 Research Drive, State College, PA 16801 for the annual maintenance for the mobile traffic sign for the period May 25,2018 through May 25, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 243

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby approve the Service Award Program list of 2017 volunteer ambulance workers of the Shelter Island Volunteer EMS, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to execute a certified copy of this resolution and forward to the EMS Director with the certified list for the required posting.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 244

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following list of Building Department fees is hereby adopted, to become effective on Monday, May 14, 2018, to wit:

Cisterns: $350.00

Decks, patios, porches, (covered /screened) terraces (and additions and alterations to same):
$100.00 up to 500 sq. ft. plus $.50 per additional sq. ft.

Driveways-Near Shore: $100.00

Fences: $50.00

Fireplaces, Wood Stoves and chimneys: $ 150.00

Foundations under existing buildings: ECC $40.00 per sq. ft. x $4.50/1000 sq. ft. minimum $150.00

Garages (detached and attached, non-habitable and additions and alterations to same including roofing/siding): $90.00 per sq. foot ECC.

Generators, HVAC, Hot Tubs: $100.00

Multiple dwellings, hotels, motels, clubs, business buildings including wineries:

1st floor ECC $210.00 sq. ft.

2nd Floor ECC $125.00 sq. ft.

Pool Renovations (re-gunite or new liner): $75.00

Retaining walls: $60.00

Relocation of Buildings: $100.00 up to 2000 sq. ft., $.25 per sq. ft. over 2000 sq. ft.

Renewal Building Permit Fee: 25% of original fee or $100.00 whichever is more

Residential Entry Gate: $150.00

Revision to Permits:

Changes made after notifying Building Department & submitting paperwork $100.00

Changes made without Building Department notification $200.00

Roof or Siding: $175.00

Sheds, carports, gazebos, outdoor showers, pergolas and miscellaneous: $75.00

Signs (Business): $75.00

Single family dwelling (new, additions, alterations including porches, decks, fireplaces, chimneys in dwelling, accessory sleeping quarters, accessory apartments, cabanas with sitting rooms and bathrooms): Minimum $250.00/$4.50 per $1,000.00 ECC

A. <2500 sq. ft. 1st floor ECC $90.00 sq/ ft., second floor ECC $70.00 sq. ft.

B. 2500 sq. ft. - 4000 sq. ft. first floor ECC $175.00 sq. ft., second floor ECC $120 sq. ft..

C. 4000 - 6000 sq. ft. first floor ECC $220.00 sq. ft., second floor ECC $170.00 sq. ft.

D. <6000 sq. ft. first floor ECC $275.00 sq. ft. second floor ECC $230.00 sq. ft.

Solar Panels

ground: $150.00

roof mounted: Free

Swimming Pools: Above ground with/without fence $175.00

Swimming Pools: In-ground (including an apron surround 36" maximum from the water's edge; If decking/patio is to be installed, refer to deck/patio fees; $650.00
Temporary Trailers; Storage Containers: $25.00
Tennis courts with fence: $350.00
Accessory Apartment License: $250.00
Bed & Breakfast License 2 years
$150.00 Residential
$200.00 Commercial
Certificates of Compliance:
Principal dwelling and accessories other than sleeping quarters/accessory apartments: $125.00
Sleeping quarters/accessory apartments: $125.00
Vacant Land: $25.00 (Certificate comes from Town Attorney)
Duplicate: $75.00
Certificates of Completion:
$75.00 for Docks, bulkheads
$25.00 for anything other than a dwelling.
$50.00 Duplicate
Certificates of Occupancy:
Business: $100.00 (charged at time of issuance of building permit)
Duplicate: $50.00
Residential: $100.00 (charged at the time of issuance of building permit)
Updated: $50.00 (with inspection)
Unsigned copies: $1.00
Cell Tower: estimated cost based on cost of construction
Storm Water Runoff Review Fee: $250.00 (present) to be determined by Town Board
Consultation with Design Professionals pre-building (including research time): $100.00 per hour (as needed)
Demolition:
Accessory structure: $40.00
Commercial Building: $150.00 up to 2000 sq. ft. $.40 per sq. ft. over 2000 sq. ft.
Dwellings, accessory apartments and/or sleeping: $150.00 up to 2000 sq. ft. $.40 per sq. ft. over 2000 sq. ft.
Irrigation Permit Renewed Annually: $250.00 per year
Irrigation with Cistern: first year $250.00, renew annually $50.00 per year
Letter of Disapproval: $200.00
Re-inspection fee after failed inspection: $75.00
Relocation of Building: $100.00 up to 2000 sq. ft., $.25 per sq. ft. over 2000 sq. ft.
Walk Through, Safety Inspection: first inspection NO charge; each re-inspection $75.00
Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 245

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time on the 25th day of May, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled SHORT TERM RENTAL NON-SUBSTANTIVE MODIFICATIONS, to wit:

SECTION 1. Delete the present §133-14.1 and include the following new §133-14.1 as follows:
§133-14.1 Vacation rentals.

A. It shall be unlawful and a violation of this chapter for any person or entity owning, renting or leasing a vacation rental within the Town to rent, lease or permit the use and occupancy of such vacation rental property without having first licensed the property as a vacation rental property and paying the license fee established by the Town Board. Any such license shall be subject to the following requirements:

(1) An applicant for a vacation rental license must submit a completed, fully executed vacation rental license application or vacation rental license annual renewal application, with

applicable license fee(s) as established by resolution of the Town Board to the vacation rental examiner.

(2) The property where the vacation rental is to be located shall have a valid and current certificate of occupancy or certificate of compliance and shall be in compliance with the State, County and Town Building, Fire and Zoning Codes. There shall be no more than one vacation rental on a property.

(3) The total number of rooms utilized as bedrooms shall not exceed the number indicated on the filed building plans for the structure(s) in which the vacation rental is located.

(4) Occupancy of a vacation rental shall not exceed two persons per bedroom as permitted under subsection A(3) above except that children age 3 or under may reside with their parents.

(5) The lessor of a vacation rental shall maintain a rental registry and require each lessee to execute a lease or rental agreement; shall maintain such documents for a period of three years; and shall make such documents available for examination by the Town upon request.

(6) The Town shall publish a Good Neighbor Brochure in digital, PDF format, made available for downloading and printing on the Town of Shelter Island website.

(7) The lessor must provide a copy of the then current Good Neighbor Brochure to each lessee prior to commencement of the rental term. The lessor is further required to have each lessee sign a Good Neighbor Brochure indicating receipt, and it shall be made a part of the lease or rental agreement with the owner.

(8) Any sign identifying a Vacation Rental Property must comply with Section 133-27 of the Town Code; and

(a) Not be illuminated; and

(b) Not exceed 1 1/2 square feet in area and a height of three feet above natural grade in residential districts and eight square feet in area and a height of six feet above natural grade in nonresidential districts; and

(c) Be placed at least 10 feet away from any public or street right-of-way; and

(d) Not be placed on any property other than the Rental Property.

(9) Any owner of a vacation rental property must designate a local contact person. The owner shall provide to the Town current contact information for the local contact, including name, address, phone number, and email address. The owner must also provide the Town written certification that all neighbors within 200 feet of the property line of the vacation rental have been provided with owner's personal cell phone number to call in the event of problems with the vacation rental.

(10) The vacation rental license may not be transferred, assigned or passed through an estate and does not authorize any person, other than the person named therein, to permit or arrange vacation rentals on the licensed property.

(11) A written statement, executed by the owner(s) of the vacation rental property, which designates as agent for service for criminal and civil process pursuant to Civil Practice Law and Rules Rule 318 either:

(a) A person, firm, partnership or corporation with an actual place of business, or usual place of residence located within the boundaries of the Town of Shelter Island; or

(b) The Town Clerk of the Town of Shelter Island. Every owner of vacation rental property shall ensure that the address for service of process is current and shall advise the Town Clerk whenever the address is changed. The designated agent, upon receipt of service of process under this designation, shall forthwith transmit by regular and certified mail to the owner(s) of the rental property at the address included on the owner(s) application.

(12) The vacation rental license must be renewed annually.

B. Advertising.

(1) The following applies to all advertising of vacation rentals:

(a) No vacation rental may be advertised for use on Shelter Island unless a vacation rental license has been obtained; and

(b) The current vacation rental license number assigned by the Town for the advertised vacation rental must be displayed on all advertising material; and

(c) The advertised occupancy of the vacation rental must not exceed the maximum allowed by the vacation rental license; and

(2) Failure to comply with the requirements of subsection B(2) above shall be a violation of this chapter.

C. Limitation on frequency of vacation rentals. No vacation rental property may be rented more than once in any fourteen-day period. There is no minimum stay required within that fourteen (14) day period.

D. Penalties for violations.

(1) Violation of this Code shall result in penalties as set forth below.

(a) For the first violation, a minimum fine of $500, not to exceed $1,500.

(b) For the second violation within the 12 months following the first violation, a minimum fine of $750, not to exceed $2,500, and/or suspension of the vacation rental license for a period up to six months, and during said time the premises shall not be utilized for a vacation rental.

(c) For the third violation within the 12 months following the first violation, a minimum fine of $1,000 not to exceed $4,000, and suspension of the vacation rental license for a period of 12 months, and during said time the premises shall not be utilized for a vacation rental.

(d) The Town Board will be the review board for issues associated with implementation of this section, and may suspend or revoke a vacation rental license for any violation of this section following a hearing wherein the licensee has been given a reasonable opportunity to appear and be heard.

E. Applicability. This section applies to all properties which are used as vacation rentals, regardless of whether such activity occurred prior to adoption of these regulations.

SECTION 2. Delete the present §133-1 Definition of VACATION RENTAL and include the following new §133-1 VACATION RENTAL, as follows:

VACATION RENTAL

Any one-family dwellings, two-family dwellings, apartments, and any other buildings or structures, whether attached or detached to a primary structure used as a temporary living space by persons other than the owner or owner's immediate family (to include parents, siblings, children and grandchildren) for a period of fourteen (14) days or less, and for which money or other consideration or compensation is paid, directly or indirectly, for the use and enjoyment of all or a portion of the dwelling unit.

For the purposes of this Chapter, vacation rentals shall not include:

(1) Any premises or portion of premises rented to a tenant as a fixed and permanent home; or

(2) Any premises, or portion of premises, that is owner occupied as defined in §133-1 above; or

(3) Any premises used exclusively for nonresidential, commercial or nonprofit purposes; or

(4) Any legally operating commercial hotel/motel, inn or bed-and-breakfast establishment; or

(5) Rental of premises located in the B Business Zone; or

(6) Rentals of any duration by Taylor's Island Foundation, The Nature Conservancy, Mashomack, or Sylvester Manor that are used as fund-raisers for these non-profits.

(7) Rentals of property during Declared Emergencies.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 246

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:

$1,500.00 from the A3510.422 Animal Control corn account to the A3510.484 Animal Control office and miscellaneous account;

$700.00 from the A1490.419 public Works generator maintenance account to the A1490.424 Public Works fuel depot account;

$2,320.00 from the A1490.497 Public Works professional services account to the A8160.497 Landfill professional services account;

$19,200.00 from the A1990.400 Contingent account and dispersed as follows:

$5,000.00 to the A1010.484 Town Board office and miscellaneous account;

$13,700.00 to the A7320.408 Youth Center maintenance account, and

$500.00 to a new A8389.101 Water Quality Improvement personal services account;

$3,000.00 from the A4540.428 Ambulance communications account to the A4540.484 Ambulance office and miscellaneous account;

$500.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.408 Silver Circle maintenance account; and

$4,000.00 from the DA5142.447 Highway Snow Removal sand/salt account to the DA5142.147 Highway Snow Removal personal services account; and

BE IT FURTHER RESOLVED, That the following 2018 budget modification is hereby approved:

$1,495.00 from the Waterways Fund balance to the A5710.400 Waterways Management expense account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 247

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 604 through 728 in the amount of $101,328.24, Community Preservation Fund claim number 3 in the amount of $393.80, highway claims numbered 73 through 86 in the amount of $53,862.93, and West Neck Water claim number 13 in the amount of $2,019.50 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:05 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Brian Groves, 16 Glynn Drive, for permission to install a mooring in West Neck Bay at a location designated as approximately 100 feet south southwest of the Raheb W-2568 mooring and 166 feet north northwest of the Mooney W-3399 mooring, and also designated as follows: latitude 41.064675° north and longitude 72.364592° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: yes, they met on April second which was a week ago and 2018 and they voted by six, zero, one to approve and they didn't have any problems with it to be honest with you.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:07 p. m. and called to order the public hearing to be held as advertised on the application of Pandion Acquisitions, LLC, 64 Burns Road, for permission to remove existing dock, construct a new 6' by 50' ramp leading to a 6' by 122' main pier with a 6' by 66' "T" section at the offshore end and four 4' by 30' finger piers inshore, install 66' of splashboard system below offshore "T" section, provide 3' wide cross-over stairways at inshore end of main dock, install 10 mooring piling, provide water and electric services to dock, construct two 4' by 4' platforms with 32" by 12' aluminum ramps leading to two 5' x 20' floating docks secured by two 8" diameter anchor piling.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they met on April second again, 2018 and it was under old business, no problem with the community dock whatsoever as far as I know but the discussion between John and Rich had to do with lot number one with the addition of the possibility of a private dock, the one concern that the committee had, the biggest concern that they had was the fact that we have a boat ramp there and we have a major mooring area there and that they didn't want the dock to interfere with navigation in that area or with that mooring field so that was the main concern, the two of them have been constantly emailing one another and talking to one another back on the phone and trading messages and moving lines back and forth and Rich maybe you can fill us in on what the; yes so I'm happy to do so, the final resolution was to widen the twenty-five foot setback; right; along that property line to fifty feet, in addition we limited the length of a potential dock there to one hundred feet; right; so we agreed on the wording for that and I have already filed the covenant on that lot; we have that right here; and you have it; yeah we have it right here, which says all those the same things, the WMAC is meeting actually Monday night aren't they, no, yes, they're meeting Monday night at six o'clock on the seventh, I don't know if they're gonna, obviously, did he convey to you the fact that they were gonna put on the agenda to approve it, my understanding is that they are all on board for it; right, does there seem

be any time element involved because, and I can understand what the community dock but with this particular dock is there some sense of urgency that we; oh no not on the lot one dock, it's a dock that I hope honestly never gets built; we do too to be honest with you and that's why when you talked about that was part of the negotiations with the community dock and the __ properties of having; right; on one end and one on the other maximum, on lots one and five and are lots four and five actually combined now into one lot, is that; no, so, just the background on it, it's a twenty-five acre parcel; right; the subdivision is complete now; okay; it has been fully recorded; yeah; so it's history; yeah; there are eight lots now, two of which are homeowners association lots and lot four and five that you referred to are covenanted to be under single ownership; okay; so it allows for a house and a guest house but they can never be sold separately so the maximum you will ever have on the property is five primary homes; right; which, it's a big upzoning essentially from where, if you optimized the C zoning, you could have theoretically twenty-one houses there; right; and the max will be five, the maximum number of waterfront lots could have been nine so theoretically you could have had nine docks there and the maximum you will ever have is three and we're hoping it is only one; correct, and that one of course goes out to deeper water which affords the opportunity for larger boats to get into deeper water; right; which is a problem obviously in lot one where the water is somewhat a factor, the depth of the water is somewhat of a factor, just out of curiosity, are all the lots accounted for now; no they're not all, I have one that is going into contract and one that I am holding for a friend who is going to be renting the farm-house and they're hoping to buy it eventually, one I'm holding for family and two are for sale; okay, alright, thank you; did you put anything in the C&Rs on lot number two or lot number four or five as far as, four and five are supposed to be under single ownership hopefully; no, that's covenanted; that's covenanted okay, anything in the covenant about two not having a dock; yes, there is no dock allowed on lot two; okay, just making sure of that; okay; just out of curiosity, if the lot four and five has been combined you know, of the guest house and the main house on four and five respectively, if a dock was put in at the wing property, would it go in front of lot four or five, or would it matter, have you thought about that I mean; well I could tell you what I would do if I owned them, first of all I don't think you would ever be able to combine them and still have a guest house, you'd have separate lots for a separate guest house in the eyes of the Building Department they are two separate lots even if they are covenanted and in single ownership; okay; the way it is written, it's flexible as to whether the dock is located on four or five, I imagine that an order would probably want to put it well to the right, closer to the __ dock so it's not visible from the house but if they're gonna do that then they would just use the community dock that we're building there, we're hoping that it is not necessary for it to be built; thank you; so do we want to close the hearing, just leaving it open just for Waterways Management Advisory Committee report, final report; yeah I think the WMAC will take it up Monday night and discuss it and vote on it and then I will, if they don't have a problem with it, we probably won't have a problem, we just need their input first; didn't they review it already; they did review it but they again the Chairman of that WMAC Committee is in direct contact with Rich and they went back and forth in terms but the Committee itself has not seen, has not discussed it, the good thing about the committee now is in May, most of those committee members are back so at the last meeting, we had as many on the phone, I think three on the phone and three in the room; yeah; just keep in mind that he has applied to the Town Board, not the WMAC; okay; so we could move on it tonight, I'm fine with waiting for them, we could hold a special meeting if we have to, right, or do you want to move on it tonight, what do you want to do Al; I think I would rather have the committee review it; just so you remember that we are planning on having a special meeting on Monday, on the Tuesday meeting anyway so we could add it at that point; there's no sense of urgency either so, if there was a sense of urgency I could see that; so they meet this coming Monday and you folks have a special meeting on Tuesday of next week so you could; we have a work session; work session; a regular work session on that; is he correct that there's no sense of urgency; I would have said yes except that Jack Costello's wife I believe was being induced to have her baby yesterday so he might say there's no urgency but if we can get started on it soon, that would really be helpful to me as I go about showing property this summer in terms of selling the other two lots; in terms of the community dock; the community dock yes; I didn't think there was any problem with that, I think they were, I think they're on board with the community dock; that's what the application is for; that's strictly, then I think we're okay there; yeah; we're okay then.

The hearing was not opened for all to be heard in favor of or in opposition.

The Deputy Supervisor declared the public hearing closed at 5:16 p. m. and called to order the public hearing to be held as advertised on the application of Joseph Sessa, 15 Point Lane, for a wetlands permit to construct new retaining wall, swimming pool, patio and appurtenant structures partly within regulated area; all proposed work to be greater than seventy-five feet from wetlands.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for the report of the Planning Board.

Councilman Shepherd reported as follows: for the first time in my six and change is they failed to come up with a report, they usually come in at the eleventh hour so I didn't panic when it got to be eleven thirty but it never came so I don't have a report, Mr. Breiner; nobody in the back of the room either.

The Deputy Supervisor called for the report of the Conservation Advisory Council.

Councilman Colligan reported that the CAC unanimously passed a motion to deny the application as presented, they had some rationale why, the discussion was that some consideration to moving the pool location away from the landward edge of the CEHA line towards the east side of the property, consideration being given to decreasing the pool size which I think was looked at, discussed and consideration be given to the installation of an IA, new IA septic system due to the location near the freshwater and the tidal waters and so at their April ninth meeting they, again some discussion I believe __ they have probably addressed some of these concerns; somewhat, we haven't had a lot of conversation back and forth yet but we had some interaction; okay, could you enlighten us on some of that conversation; yes; thank you; Matt Sherman, Sherman Engineering and Consulting, I'm here with the Sessas, the property owners and with their contractor, Brett Poleshuk, this is a kind of a rare in which the owners and the contractor realized that a mistake had been made in the surveying of the property and finding out where all the different constraints were, as soon as they figured out that there was an issue, they stopped work themselves, even though it was a self imposed stop work order in order to make sure that everything was fixed prior to continuing with the work, the site on Point Lane facing out on Gardiner's Bay, the survey is up on the TV behind you, the original plan as proposed and this is the one that the CAC had issues that were raised, was for a sixteen by thirty-four in ground swimming pool, the way that the grade falls off and the way that the finished floor of the basement of the house, it's a walkout basement, the way it all falls out, that it was required to have a small retaining wall on the seaward side of the pool; right; so you've got, just for getting our boundaries straight, Gardiner's Bay up here to the north, Point Lane is to the south, there's a freshwater wetlands over here, this is the existing house that was a renovation, this is the deck, an existing deck and patio there, that was part of the renovation, the original proposed pool was this pool here so that was sixteen by thirty-four pool, the Health Department has approved a sanitary system coming down here on this side of the property, we've got a regular septic tank and leaching pools on that right hand side, there's also room for, the Health Department requires a fifty percent expansion area so that kind of takes up that whole right hand side of the, of where the pool is gonna be installed; is it an IA system; no it is not, when this was first put in, the IA systems, the permits __ that they were not a viable option at that point, that was the original plan, this is the revised plan, it is slightly different in that the pool shrinks down to thirty feet long instead of thirty-four feet long, so we pull it back from this wetlands area up here to the left hand side so instead of it being at seventy-five feet from the wetlands, we come back to about seventy, seventy-six, seventy-seven feet from those wetlands, so by shrinking that pool by four feet, it brings it back several feet from that wetlands area, the retaining wall which is what was the start of all of this; right; the construction started in mid to late October of last year; is that what that is, that whole thing; that was gonna be the form work and the steel; __ the wall wasn't poured itself; right, that's exactly right because what happened was they started building the wall, then all the vegetation that's on this bank here, died off in the fall and they looked down and said holy cow there's a wetlands right there, let's make sure that we're alright and that's basically what brings us to today so this, you've got this wetlands setback line here at seventy-five feet, the next one beyond it is one hundred feet so what we end up having is, part of the deck, part of the patio below it, part of the swimming pool, are all within the adjacent regulated area, excuse me, the vegetative buffer, that first

seventy-five feet from, let me go back for a second, the part of the pool, part of the deck and part of the patio are all outside of the vegetative buffer but within that adjacent regulated area so that seventy-five feet to a hundred foot, twenty-five foot wide swath is where this construction is, where we're looking for the approval, the CAC has, they had a couple of good points, the one of rotating the pool back so it was parallel to the house, that was; they were looking to do this; yeah, I've got more; that was a problem area; that's exactly right; having it down parallel to the house is how it was originally approved with the Health Department, the problem with that is we've got to get a drywell for the pool itself in there; right; and with the pool down close to the house, that drywell would then have to get closer to the wetlands; right; you're discharging from the pool, it's only fifteen or twenty feet difference but that makes a difference, so having the pool kicked out a little bit more like that, it gives us room to get the pool drywell in, the septic system, the expansion area for the septic system in, the stormwater drywell for the roof runoff, all of that goes into this what turns into a very congested drywell area in that part, so having that pool kicked out a little bit allows us to bring that swimming pool into this area here and it just kinda gives us a little bit of nook to get it away from the septic system, so having in the pool in this configuration and also shortening the distance of the length of the pool a little bit helps to give us a little bit of wiggle room, the pool profile, just to show we are getting nowhere near groundwater, right now the grade is about twenty-five point six feet at the top surface of there the pool coping is gonna be, groundwater in this area is gonna be is about a foot so we've got twenty-four or twenty-five feet to play with so um, having a typical eight foot deep pool, you've got more than fifteen feet or so to groundwater so you've got plenty of room so you don't have to worry about that issue, the swimming pool is gonna be installed with an automatic cover so we can keep water loss to a minimum, the automatic cover ends up being here on the right hand side of the pool, then you've got steps going down, there will be a shallow end going down to the deep end as you get over toward the left, they've got silt fence and erosion control on the, what is the coastal erosion hazard line boundary, another issue that they had with this has kind of snuck up and bit them a little bit was the, on the original survey they had the coastal hazard line and then the DEC came out, they had given them a letter of non-jurisdiction, at some point the DEC came back out and looked at the site again and the letter of non-jurisdiction was still valid but they moved that coastal erosion hazard line twelve feet landward so they just lost twelve feet of buildable property as far as they could tell, it turns into an inconvenience but not a problem because of right now we're hard up against that line, the DEC likes you to give it plenty of you know, cushion so you don't have an inadvertent step over the top of that line, the contractor just has to be very careful not to, not to encroach on that line, with the retaining wall already started, it's very easy to see where that openness, that installation location is going to be, it's been confirmed with the surveyor that it has not gone over that line so he has to be careful but he's already taken precautions he needed to make sure that he didn't get himself and the property owners into any type of issue with the DEC, the silt fence and erosion control, it goes along, I'll have some pictures of it in a second so you can see, it goes along the far side of all the construction area and it loops up around to, there's some trees over here on the property line that it loops up around, the DEC and the Town require that we put in a typical silt fence, the DEC suggests that we put in what's called a super silt fence which is typical chain link fencing with the silt fence fabric then sticks to that, what they had done prior to that request from the DEC is they had normal silt fencing in along with a wire backed silt fence which is a hybrid between super silt fence and an ordinary silt fence but they also put in hay bales and you'll see the pictures in a second, the hay bales are what's really doing the erosion control, __; that's what it looked like to me; yeah, there is a sand berm or sand dam behind those hay bales which is, it's almost, it's only a couple of inches from the top, so they're doing a perfect job, they're doing exactly what we want, it's a nightmare for the contractor cause when it comes time to take those out, they're full of sand and they're wet and they're a problem to take out but they also serve the purpose they're supposed to serve, much better than the silt fence does, in a site like this where you can get some high winds, any time a good storm comes through, that silt fence basically just gets torn to shreds, they've done a lot of work trying to fortify that, putting new connectors with zip ties and things like that to try and hold it all together and it is being held together fairly well right now, if we get another good storm come through there, they'll have to do it all over again; is super silt fence taller as well as stronger or the same height but made out of chain link; I think it's the same height, I've seen it anywhere from three feet to four feet depending so it really depends on the site and what you're doing, it takes, my problem with the super silt fence it takes more to install it, so the idea is to minimize the amount of disservice in that area, some sites it makes perfectly good sense; right; in other sites where you're really walking a razor's edge; right; it just doesn't seem to me to make as much sense;

it works better __ as the regular silt fence and the wire backed and the straw bales; yeah I like it but again I'm in the minority on that opinion, a lot of people don't like the straw bales simply because; __ it really doesn't matter to me, if it works, that's the important thing; yeah; __ if they don't work __; but the reason they don't like it is a lot of people will not take the extra effort it takes to maintain them and they start to degrade, they fall apart and then they become an erosion issue and then the erosion goes right through, that's not the case at this site and so; that's more or less true with every erosion device; that's exactly right, it's because they're harder to maintain, people have a less tendency to maintain them, is what it comes down to; fair enough; this is the vegetation plan we have put together, basically the vegetation at the site is pretty darn good so I like the idea if it's not broke, don't fix it, as you go on to the, there's a little clear walkway going down to where the stairs are to the beach which is this area right in here, in that area there but this is a bank going down toward that other freshwater, it's kind of a brackish wetlands and estuarine wetlands, so that's got a good vegetation on that side, that was the vegetation that was so thick that in the summer and early fall when it was still fully vegetated you really couldn't see through it enough to see how close we were to that wetlands and then this is the seaside bank which if you go out there now, there's not a lot on it but it's all starting to pop, you can see where everything is starting to green up and it's already starting to bush up a little bit so within the next couple of weeks that will be very well vegetated, it's a typical seaside bank vegetation, this is the original Health Department permit the CAC had been looking at where they were concerned about the location of the pool and then being parallel to the house, so on this you can see the existing septic system is right in the area in between, I should say the previously existing septic system is right in the area between the pool and the house, it was removed when they started the, __ in the truck, and when they put in the retaining wall and the pool, it's got the new septic system over here to the right hand side but it does not have the pool drywell and that's a fairly important part of this whole thing, we've got to have that drywell; Matt, the drawings now are to scale; yeah, what we had done, we had submitted one set of scale drawings and everything else was a reduced scale so what I did, I submitted twenty-five copies of scaled drawing so that the CAC would have those, here's some pictures, these were taken back in February and you can see, on this picture you can actually see the footings for the wall right here, this is the rebar that's going up into the wall, it's gonna be a cantilevered wall, it was gonna be a cantilevered wall so that as the soil and the pool is on the landward side, the wall is in an "L" shaped, that's gonna hold that wall up which will help support any soil that coming up laterally on the side, the original silt fence, from the backside you can see right up over here that, this is just one small section of it, this is the same thing from the opposite side, this is all that form work that you saw on the previous picture, if we're looking on the backside of it as we're looking at the backside of it from here, here is the original just regular silt fence and this day, it was a pretty windy day, it was already taking it off of those posts, this was the wire backed silt fence down here which has been shredded off of the wire and the posts in front of it and then here's the hay bales, you can see that it's only a couple of inches below the top of those hay bales, where that soil is, so they're doing what they were supposed to be doing, just to give you an idea of the deck and below that will end up being patio and this our problem today, earlier today, so a lot of these are already being cleaned up, they're getting ready to do final work on the retaining wall, get the pool going, at the same time we'll end up doing the work for, finalize the deck, patio and things like that below it, here's a new silt fence that they had put up, this is that wire backed silt fence that they, again it's been installed correctly, it's been maintained correctly, you can't see it in the picture but it goes down below the soil so the soil overlaps the bottom by holding that silt fence in place and make it so they can really grab anything that's coming running down that hillside, the same picture of the same hay bales so they're still in good condition, still doing the job they're supposed to be doing, a couple of months after that first picture, that's the vegetation looking down the bank toward that other wetlands area, looking off to the left hand side; well established; yeah very well established, this is on the other side of the stairs going down to the beach, looking from the stairs going, on the beach looking back up toward the house, it's in really good shape over there, this is looking down from in front of the neighbors' property so you've got, over here you've a lot of the vegetation, wetlands adjacent area of vegetation, typical bank, coming up over toward their side, you've got the same thing over here next to that stairway going up, same thing over here, this is an aerial photo of just the area in general, just to kind of give you a perspective of what else is going on and just because everybody else is doing something doesn't mean these guys should be able to and vice versa, but I just wanted give you, put things in perspective as to the way this whole area has been developed, this the Sessa's property over here and by comparison, looking at all the properties to the left and to the right of them, there are substantially back from that

wetlands boundary and from the coastal erosion hazard line so you've got, here's one that right on the wetlands boundary, another one that's right on the wetlands boundary, as you come over here you've got a third one that's right on the wetlands boundary, so all of these properties are substantially closer than what it is that we're looking to do, we're actually pulling it back a little bit, now granted different regulations are in place at different times but the reality of this site is the way that they've designed the site and the way that they're trying to develop the site is much more environmentally friendly and much more in harmony with any of the applicable codes than the vast majority of the other properties around them, so what we're, it's not your god's given right to have a swimming pool, a site like this is one that; __; I've got to check, I don't go to church enough to say that word one way or another I guess, it's one of those things where a site like this is calling for that kind of an activity, that kind of development and we've been able to design it and they're able to construct it in such a way that it does not create a hazard to the environment which is around it which is the whole idea of why we're here for this application, just to make sure that if it gets done, it gets done correctly; okay; that's all I have on that, I don't know what other comments the CAC had; you've addressed it that was the septic, the new IA system, that was the only thing that they, again it was only a recommendation; well is the IA system out of the question __ I understand that it would probably trip things up a bit, __ as far as the grade went because ___ obstacle and gravity; yeah and I had talked to him about that when I first started looking at this project because the idea of putting something like that in could be a good mitigation for this, it would make sense, he kind of hemmed and hawed a little bit too just because of the installation, one of the issues that we had with those IA tanks is we've got to make sure that they do not go anywhere where there is going to be any type of traffic and that was his big concern, is coming around to that side of the property, it's gonna be, it's poised to be where you could get whether it's pool servicing or things along those lines, it's ripe for having a problem of somebody trying to drive in that area, the other issue is having flows, gravity flows coming out into the way that, a typical concrete septic tank, we can have the lines coming in from any direction, basically from any of one of three sides, for the IA septic tanks that we're using the Fuji clean which is one of the two that's actually meeting the Suffolk County standards, you've got to come in dead end at the end of the tank so if you're gonna come in from a different angle, we've got to put another tank in front of it to help redirect the flow so that creates the flow, so that creates a problem, also going out to multiple leaching pools, we've got to have a distribution pool out there so we've then increased the installation space that we need by almost three, by almost a factor of three because of the separation you need from the house to the first redirection tank and then from that to the septic tank and then from the septic tank and then from the septic tank to the distribution pool, the distribution tank to the leaching pool so you've significantly increased that footprint, once they started talking it out, I really didn't sketch out a design cause it just seemed like it was a fool's errand to try and make it work, we're already tight as we have shown prior, we've already tight getting everything in there in a relatively confined system, you get something that starts stretching out __ you're just going back and creating another problem; that narrative you just described about the drawbacks with trying to fit that kind of a system in there, I think it would behoove you is you just put that in a paragraph or so and made it part of the attachment to the CAC; okay, yeah; cause you've got a lot of good things, you get the wire fence and hay bales, that's a positive, you've got a great vegetation plan which is positive, you've got an automatic pool cover which is what they are always looking for, you reduced the size and the length of the pool by four feet, you've got it out of the seventy-five foot area, the wetlands, you've got and the big thing they were looking for is the plan drawings to scale which are not available, they were hemming and hawing about that because it wasn't to scale so it's difficult for them, the explanation of what's going on in that area, why that pool couldn't be brought forward also is something I would put in a paragraph because I think with all those things, I think you stand better than an even shot of getting, most of these things have been taken care of; okay great; I'll do that and I'll shoot that out and I'll copy the Board on it so you guys have it; thank you very much; so what do we want to do with this hearing, close it; you could leave it open pending the Planning Board; __ the Planning Board; we could get a written submission for this; yeah sure; you could always open it if something pops up; right; okay, so we'll hold this open for written correspondence from the Planning Board; thank you; it will put a lot of light on for the CAC, I'll say that, for their concerns; okay, thank you.

The Deputy Supervisor declared the public hearing closed at 5:40 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled BOATS ON TOWN PROPERTY.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: we just have to do a good job in the month of November to remind boaters that they need to get the boats off the landings by December 1st, just that first year, they condition people because we have not done that in the past, so we need to do a better job in reminding people about that, that's something important to do, may put some notices just to remind people, other than that I think it's a great step forward; we probably should note that there is an addition to this; yeah; other than what was noted; that's D, that will be when you adopt it; right; it's not in the proposed but it will be in the adopt; ___ designated area; okay, yeah; I should think, the boat is stored in designated locations where signs have been posted, specify such areas; right, okay; now we will be adopting, this is on the slate for tonight for adoption with that provision in it; yes you are right; so I thought perhaps we should say something about it; sure; we're ready to go.

The Deputy Supervisor declared the public hearing closed at 5:43 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 248

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Brian Groves, 16 Glynn Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as approximately 100 feet south southwest of the Raheb W-2568 mooring and 166 feet north northwest of the Mooney W-3399 mooring, and also designated as follows: latitude 41.064675° north and longitude 72.364592° west, and

"Whereas", a public hearing was duly held on the 4th day of May, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 249

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Section 40-5. C. (2) of the Town Code, the Town Board is authorized to establish a fee to be charged for stickers issued to residents of the Town for boats stored on Town property, now, Therefore

BE IT RESOLVED, That the fee for said sticker is hereby set at $15.00 per sticker.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 250

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Pandion Acquisitions, LLC, 64 Burns Road, has petitioned the Town of Shelter Island for permission to remove existing dock, construct a new 6' by 50' ramp leading to a 6' by 122' main pier with a 6' by 66' "T" section at the offshore end and four 4' by 30' finger piers inshore, install 66' of splashboard system below offshore "T" section, provide 3' wide cross-over stairways at inshore end of main dock, install 10 mooring piling, provide water and electric services to dock, construct two 4' by 4' platforms with 32" by 12' aluminum ramps leading to two 5' x 20' floating docks secured by two 8" diameter anchor piling, and

"Whereas", a public hearing was duly held on the 4th day of May, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;

2. will not adversely affect the public's right to use Town waters or land under Town waters;

3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 251

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a public hearing was duly held on the 4th day of May, 2018, on a proposed Local Law entitled BOATS ON TOWN PROPERTY, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 4 - 2018 entitled BOATS ON TOWN PROPERTY, is hereby adopted, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, to wit:

Section 1. Section 40-5 C. (1) and (2) are hereby deleted and replaced with the following:

Section 40-5. C. Boats on Town Property.

(1) Any Shelter Island resident may utilize and/or store a boat on Town property between April 1 and November 30 of each calendar year provided that:

(a) The boat is firmly anchored or secured; and

(b) The boat displays the current registration numbers, if applicable; and

(c) The boat properly displays a valid Boat Storage on Town Property sticker; and

(d) The boat is stored only in designated areas at locations where signs have been posted specifying such areas.

(2) The Town shall issue a Boat Storage on Town Property sticker to any resident of the Town of Shelter Island for a fee to be determined by resolution of the Town Board, which shall remain valid until November 30th of the following year.

(3) Any boat left on Town property between December 1 and March 31 of any year or that does not otherwise comply with the provisions of the Section, may be removed by the Town without prior notice. Ownership of boats unclaimed after such period shall vest in the Town, which may sell the property at public auction to recover removal and storage costs.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

May 4, 2018 - continued

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 5:51 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 22, 2018

A special meeting of the Town Board of the Town of Shelter Island was held at Wade's Beach, Shelter Island, New York on the 22nd day of May, 2018, for the official presentation of a pavilion which was constructed and presented to the Town. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and approximately forty persons were present.

The Supervisor called the special meeting to order at 12:10 p. m.

RESOLUTION NO. 252

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the year 2017 was the 100th year anniversary of the founding of the Lions Club International, and

"Whereas", during the year 2017, the Shelter Island Lions Foundation unanimously voted to make a donation to the Town of Shelter Island as their legacy, namely a new 14' by 20' Pavilion which they purchased to be erected at Wade's Beach, and

"Whereas", said project has been completed, which includes a concrete floor and walkway from the pavilion to the facilities and was constructed by the Shelter Island Highway Department, and

"Whereas", the Shelter Island Lions Foundation declared the Pavilion to be their legacy project donated to the Town of Shelter Island, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby accept the most generous gift of the beautiful Pavilion, and

BE IT FURTHER RESOLVED, That the Town Board, on behalf of all the citizens of the Town, most graciously thanks the Shelter Island Lions Foundation for their most appreciative gift to our Community.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 12:25 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 25, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 25th day of May, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and approximately sixty persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

The Deputy Supervisor presented the following financial report for the month of April, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
APRIL 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen. Checking | 4,582,800.86 | 130,032.33 | 698,911.06 | 4,013,922.13 | 779,049.76 |
| Hwy Checking | 643,432.44 | 123,764.48 | 119,754.64 | 647,442.28 | |
| T&AChecking | 399,695.69 | 73,743.56 | 78.366.85 | 395,072.40 | 15,57 9.17 |
| T&A Savings | 12,227.89 | 0.31 | 0 | 12,228.20 | |
| Hwy Cap Res | 365,234.45 | 9.31 | 0 | 365,243.76 | |
| WNW Supply | 48,427.55 | 1,494.35 | 383.44 | 49,538.46 | 111,254.50 |
| Taylor's Island | 43,658.89 | 8.96 | 0 | 43,667.85 | |
| Comm Preserv | 5,471,636.56 | 228,804.33 | 2,000,000.00 | 3,700,440.89 | 5,627,391.05 |
| Waterways | 274,293.59 | 4,180.00 | 0 | 278.473.59 | |
| Reserve Fund | 744,417.54 | 5,654.97 | 0 | 750,072.51 | |
| Bridge St Escr | | | | | 357,209.90 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reser | 18,164.65 | 0 | 0 | 18,164.65 | |
| Ambul Reserv | 356,858.35 | 29.23 | 0 | 356,887.58 | |
| Ambul Train | 29,338.04 | 0.75 | 0 | 29,338.79 | |
| TOTALS | 13,005,936.50 | 567,722.58 | 2,897,415.99 | 10,676,243.09 | 6,890,484.38 |

The Deputy Supervisor read a Proclamation honoring Mr. Charles Beckwith for his 50 years of service to the Town as a fireman. (A copy of this proclamation is attached to these minutes.)

RESOLUTION NO. 253

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Josh and Ilana Levine, 37 D Westmoreland Drive, have petitioned the Town of Shelter Island for permission to re-install ramp and float on end of dock in West Neck Bay, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 15th of June, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 254

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Peter S. Reich as a member of the Ferry Study Group expired on January 29, 2018, and

"Whereas", Peter S. Reich has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Peter S. Reich is hereby reappointed to serve as a member of the Ferry Study Group for a term to expire on January 29, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 255

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Tim Purtell as a member of the Green Options Advisory Committee expired on May 10, 2018, and

"Whereas", Mr. Purtell has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Tim Purtell is hereby reappointed to serve as a member of the Green Options Advisory Committee for a term to expire on May 10, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 256

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Tracy Gibbs is hereby appointed to serve as Detention Attendant for the year 2018 to be paid at the following rate schedule:

for the first two hours or any part thereof $100.00;
for each additional hour at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 257

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Taylor Rando is hereby appointed to serve as Traffic Control Officer for the year 2018 at the rate of $18.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 258

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Desirae Hubbard is hereby appointed to serve as Traffic Control Officer for the year 2018 at the rate of $18.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 259

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", a vacancy exists on the Conservation Advisory Council, and

"Whereas", Mr. Craig Wood has expressed his willingness to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Craig Wood is hereby appointed to serve as a member of the Conservation Advisory Council for a term to expire on September 20, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 260

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from the Shelter Island Ambulance Foundation, Inc. in the amount of $6,795.00 to the A4540.200 ambulance equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 261

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the work session of the Town Board scheduled to be held at 1 p. m. on Tuesday, May 29, 2018 is hereby rescheduled to be held at 1 p. m., prevailing time, on Wednesday, May 30, 2018 in the Shelter Island Town Hall, Shelter Island, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 262

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", filming permit number 71 was issued to Jenny Landey Productions for Reid Productions for filming on May 22 and 23, 2018, at 60 Peconic Avenue, and

"Whereas", it has been determined that no portion of said fee was utilized for clean up, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Jenny Landey Productions, 207 Three Mile Harbor HC Road, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 263

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Superintendent of Highways has requested permission to attend the New York State Department of Environmental Conservation 4 hour erosion and sediment control training session to be held on June 18, 2018, at Old Bethpage Village Restoration, Old Bethpage, New York, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $100.00 from the 2018 A5010.440 Superintendent of Highways training account to Nassau SWCD, 1864 Muttontown Road, Syosset, New York 11791, for the registration fee for said training.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 264

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Conquest Sunshine Holdings/Jaf Glazer, have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 6 Sunshine Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 1.5 kilograms and recommended a conditional rebate of up to $15,000.00 be awarded; now Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated May 17, 2018 and certifies that the Low-Nitrogen Sanitary System project by Conquest Sunshine Holdings/Jaf Glazer, at 6 Sunshine Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the

manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 265

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,412.50 from the Police Department 2018 A3120.479 boat maintenance account to the Coecles Harbor Marina and Boatyard for the 2018 seasonal dockage for the Police boat.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 266

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Historical Society has requested permission as per application dated May 8, 2018 to hold a dinner dance fundraiser on July 21, 2018, at 6 p. m., and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 267

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Shelter Island Clinton Avenue LLC has applied to the Town Board for permission to renovate and expand premises known as 12 Clinton Avenue, Shelter Island Heights, New York, which is Zone "AA reverting to A-Residential" on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/5/3/11.1; and

"Whereas", the applicant seeks to attach and combine two (2) currently existing structures into a single structure through the addition of a connecting library as shown in a proposed plot plan from F. Michael Hemmer, LS, PC dated November 16, 2016 and last revised December 20, 2017 and plans prepared by Barbara Corwin, Architect dated November 28, 2017; and

"Whereas", it was determined that a special permit is required under §133-6(F)(1) of the Town Code to construct improvements with a SFLA of 6,000 square feet or above; and

"Whereas", the applicant has provided notice of the special permit hearing to property owners and filed proof of such notice with the Town Clerk; and

"Whereas", this Board considered the application and accompanying documents at a public hearing, pursuant to notice, on May 4, 2018; and

"Whereas', this Board now wishes to render a decision on this special permit application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an "unlisted" action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF Parts 1 and 2 and the Negative Declaration; and

BE IT FURTHER RESOLVED, That the special permit for a house with a SFLA in excess of 6,000 is found to be in compliance with the standards set forth in Section 133-35 of the Code of the Town of Shelter Island because:

a. This project proposes to combine two structures of 5555 total SFLA by construction of a library creating a single structure of 7,616 SFLA; and
b. This project is suitable for location in this part of Town because the area is similarly residential; and
c. This project will not be detrimental to surrounding property values because this will result in an upgrade of the existing structure; and
d. This project, although larger than the surrounding homes, is harmonious with the character of the existing and probable development of uses in this vicinity because it is residential in nature; and
e. Strict conditions will be placed upon construction to ensure utmost reduction of inconvenience to neighbors and the general public; and

BE IT FURTHER RESOLVED, That a special permit for reconstruction of the existing house with an attached addition/garage, renovation of the existing accessory structure/garage, and modifying decks and patios to create a total 7,616 SFLA at 12 Clinton Avenue, Shelter Island is approved as shown on the proposed plot plan from F. Michael Hemmer, LS, PC dated November 16, 2016 and last revised December 20, 2017 and plans prepared by Barbara Corwin Architect dated November 28, 2017; and

BE IT FURTHER RESOLVED, That the project is subject to the following conditions, and failure to meet these conditions may be the basis for issuing a Stop Work Order on the project until the failure is corrected:
a. The above-described project shall be constructed at the location and in the method shown on the on approved plans; and
b. No construction activities, including deliveries shall take place between May 25, 2018 (Memorial Day weekend) and September 2, 2018 (Labor Day); and
c. All construction materials must be staged on applicant's property; and
d. All deliveries must be made on property and no delivery trucks may park or stand on Clinton Avenue; and
e. A flag man shall be required for any commercial vehicle entering or leaving the work site; and
f. During construction, wire-backed silt fences shall be securely placed at the location shown in the above cited plans. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible.
g. Any increase in SFLA above 7,616 SFLA or other substantial change from the plans referenced above shall require the applicant to obtain an additional special permit for said increase or change; and
h. No project excavation can intrude into the water table or require dewatering; and
i. Applicant or his designee must keep the construction site cleaned of all trash and debris on an ongoing basis with a minimum once per week; and
j. Clinton Avenue must be maintained to the satisfaction of the Highway Superintendent and the Heights Property Owner's Association, and no Certificate of Occupancy for this construction shall be issued unless Clinton Avenue is in the same or better condition than it was at the commencement of construction, as determined by the Highway Superintendent; and
k. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion, neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project; and

BE IT FURTHER RESOLVED, that this approval shall only be valid for construction commencing within two years of the date of this approval, and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector and with the Building Permits Examiner.

Vote: 4 in favor 1 opposed (Councilman Dickson voted nay)

The resolution was thereupon declared duly adopted

RESOLUTION NO. 268

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Joseph V. Sessa II and Paula Sessa have applied to the Shelter Island Town Board for permission for installation of a pool, pool equipment, drywell, retaining wall, decks and patio s within the 100' regulated area at 15 Point Lane, Shelter Island, New York and "Zone

AA-Revert to A" Near Shore Overlay District, designated as Suffolk County Tax Map Lot 0700-1-2-1.3; and

"Whereas", the applicants seek approval to construct a new retaining wall, a swimming pool, a patio and appurtenant structures partly within the regulated area. All proposed work is to be greater than 75' from wetlands. A portion of the new pool, retaining wall, deck and pool patio are within the 75'-100' Town regulated area, and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered and recommended for passage; and

"Whereas", a letter of non-jurisdiction from the NYSDEC # 1-4732-00928/00002 was issued based on all work being landward of the 10'-0" elevation and landward of the CEHA line; and

"Whereas", SCDHS Permit #R07-17-0005 has been issued for (6) bedrooms; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on May 4, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the permit:

1. In the new plan the pool has been shortened by 4' on the NW end, thereby moving it further away from the regulated area. An additional dry well, 8' by 8' is planned for the pool discharge. The pool plan will include an automatic pool cover also decreasing water loss. The pool patio will be pavers on sand; and
2. The proposal is in keeping with the character of neighboring properties. The 17 Point Lane pool is constructed to the Landward Limit of Natural Protective Feature Line, 12' forward of the Sessa's proposal. The 13 Point Lane house is constructed far closer to the Estuarine and Marine Wetlands Area. There would be minimal run-off at the bank adjacent to the creek as it is absorbed by non-turf vegetation; and
3. Most of the house and proposed improvements are within the adjacent and regulated areas due to the close proximity of the estuarine wetlands and Gardiner's Bay. The house and pool area are located in a relatively flat portion of the property. The site drops off steeply in the direction of the both wetlands. Cleared portions of the site are covered with native grass species that have been mown in the past; and
4. The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands thus dictating the size and layout of the pool; and
5. The Town Board has determined that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and
6. To protect the wetlands, there will be typical project mitigation of wire backed silt fencing established, and there will be no stockpiling of materials near the wetlands or in areas susceptible to run-off; and

BE IT FURTHER RESOLVED, That the wetlands permit for installation of a pool, pool equipment, drywell, retaining wall, decks and patios within the 100' regulated area for the premises located at 15 Point Lane, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the proposed site plan by Sherman Engineering last revised 11/30/17; and
2) During construction, wire-backed super-silt fences shall be securely placed landward of the CEHA line. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and
3) Any disturbance over the CEHA line may result in a stop work order; and
4) No further trees are to be removed from the regulated area, and stumps and branches are to be removed; the area is to be replanted with natural vegetation; and

5) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands areas. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
6) Prior to issuance of a wetlands permit, the applicants must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with a minimum limit of $500,000; and
7) This permit shall only be valid for construction commencing within two years of the date of this approval, and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 269

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:46 p. m., prevailing time, on the 15th day of June, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled AMEND CHAPTER 53 DOCKS OF THE TOWN CODE, as follows:

Section 1. Amend Chapter 53 by deleting Section 53-12 in its entirety and including a new Section 53-12, as follows:

53-12 Existing Docks.

The following are exempt from the standards set forth in this chapter:

a) Any dock in existence prior to the adoption of this chapter that is maintained in kind and in place; or
b) Any alteration, modification, or repair to a pre-existing non-conforming dock which, after review, is determined by the Town Board to lessen the pre-existing non-conformity; or
c) Any repairs of a dock, deteriorating, damaged, or destroyed by any cause, including an Act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the pre-existing non-conformity.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 270

Councilman Colligan offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island calls for a public hearing to be held pursuant to Section 48-3 of the Shelter Island Town Code, at 4:48 p. m., prevailing time, on the 15th day of June, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the application of Elite Towers to construct a wireless communications tower at the Shelter Island Fire District property located at 61 Cobbett's Lane.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted

RESOLUTION NO. 271

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island calls for a public hearing to be held pursuant to Section 48-3 of the Shelter Island Town Code, at 4:50 p. m., prevailing time, on the 15th day of June, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the application of the Shelter Island Fire District to construct a communications tower at the Shelter Island Fire District property located at 49 North Ferry Road.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted

RESOLUTION NO. 272

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Lawrence Kogel, 6 Club Drive, has petitioned the Town of Shelter Island for a wetlands permit to construct a saltwater swimming pool, pool patio, pool fencing, and walkways, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:52 p. m., prevailing time, on the 15th day of June, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 273

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$1,000.00 from the A1990.400 Contingent account to the A1910.400 Unallocated Insurance account; and
$1,000.00 from the A8160.437 Landfill contingency account to the A8160.484 Landfill office and miscellaneous account; and

BE IT FURTHER RESOLVED, That the following 2018 budget revisions are hereby approved:
$54,819.00 from the Ambulance Capital Reserve to the A4540.200 Ambulance equipment account; and
$53,887.16 from the Highway Capital Reserve to the DA5130.483 Highway Machinery truck purchase account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 274

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That general claims numbered 729 through 876 in the amount of $195,028.86, highway claims numbered 87 through 106 in the amount of $120,078.68, and West Neck Water claim number 14 in the amount of $153.29 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:00 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the proposed Local Law entitled SHORT TERM RENTAL NON-SUBSTANTIVE MODIFICATIONS.

The Deputy Supervisor explained that this local law is not changing the nature of the law, it is just a clean up of the legislation and the wording, so that's why we did not expect so many people this evening.

The Supervisor mentioned that this is basically matching our Code to that of the website.

The Town Attorney reported as follows: essentially what came up was the way this was drafted, as everyone is aware of, the process that this all went through, so there were parts of the legislation that were inconsistent with itself and there were some other language problems related to it, there were some things that were redundant, all this is an attempt to clean up the language of the law, make it a bit clearer, a little more understandable, the only part of this that was a substantive change, all the procedures, everything is still exactly the same, the only thing there was a change on was we eliminated the provisions that banned signs and the reason that we did that is that we already lost that litigation with regard to real estate signs so we changed that portion of

the law to mirror the same thing we did with the real estate signs, creating size and type, limitations and those sort of things.

Correspondence included the following:

1. An e-mail from Angelo Piccozzi with several recommendations concerning this law.
2. The report of the Suffolk County Department of Planning which was as follows: Pursuant to the requirements of Sections A 14-14 to A 14-25 of the Suffolk County Administrative Code, the above referenced application which has been submitted to the Suffolk County Planning Commission is considered to be a matter for local determination as there is no apparent significant county-wide or inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: ___; ___; I can actually read it for you; __; ___ be eliminated, not exceed one and a half square feet in area; __; and the height is three feet above natural grade in residential district and eight square feet in area and height of six feet above natural grade in non residential districts; that's exactly the same as the real estate signs dimension; the other major change of course was to get the website to be consistent with the actual law itself, the actual law itself reads that a person is entitled to one rental per fourteen day period and actually on the website and then when we did the law, we realized that it was inconsistent, it said that the minimal was fourteen day rentals which obviously it is not, you are entitled to one rental per fourteen day period, we're changing that to be consistent with what the law actually is, there are no major substantive changes in the law itself like you said, ninety-five percent of this is all language change and cleans it up a lot, I'll say the two things that we're gonna try to work on for the summer of 2018 as opposed to 2017 and just to give everybody to get on the same sheet of music, remember last year 2017, it was April before the law was passed and a lot of people that had short term rentals, already had some rentals in the mix so it was very difficult to tell, for us to tell, it kinda started so late in the game so we were fairly forgiving in that first year in terms of just getting people, trying to get people registered, did we get everybody registered, no, are we gonna try to do a better job in terms of registration in 2018, you bet, that's something we have to do, it's a law so yes we do need people registered, are we gonna do a better job in enforcement, we hope so, did we have an enforcement officer last year, no, do we have one this year, yes, so I think that helps __, that's kind of a synopsis of where we're at in terms of this, the only other thing I could say is I've been questioned about this and just as all my colleagues have been questioned about it and, when the law came into existence, it seemed that the people at the extremes of the argument were very disappointed, those people that wanted minimal fourteen day rentals, nothing less than a fourteen day rental and those people at the other end that absolutely wanted no law and what we did, we attempted to put in some type of compromise, if you compare our law with the other towns on the east end of Long Island, it is the most liberal law in terms of allowing less than a fourteen day rental, but one per fourteen days, so we felt that we had as a Board tried to compromise and I think we tried to achieve that, I do admit though that a law is only as good as we make it and the two things that we have to do a much better job on, we know we have our work cut out for us is getting people registered, getting everybody registered and the other thing is the enforcement piece, I will say that the 2017, what our feedback was from people, after the law went into existence, there were less problems in 2017 than there were in the summer of 2016, was it directly contributed to the law, I don't know, is it part of the education of people, neighbors trying to be good neighbors and people understanding the spirit of what Shelter Island is all about, I hope so because I think Shelter Islanders, we pride ourselves on being neighborly and fair to your neighbor and I think the good neighbor policy that we developed, no other town has that, no other town went to the extreme that we went to in terms of developing a good neighbor policy, no other town went into the extreme that we went to in terms of, if you are a short term rental person, there's the checklist of things that you do, we're not going into the homes and checking on smoke detectors and smoke alarms and all that kind of stuff but we are, when you check that off and you get that notarized, we're assuming that you do, you have informed your insurance company, that you are paying the three percent Suffolk County tax, we're not intervening, we're not prying into that and see who has paid the tax, not our job, we were not looking to do that but if you know, just like we can check, Suffolk County can check as well and we just want people that were in the rental business by the way, we tried to make good suggestions to them so it was a safer situation, one of the things that we asked about, was insurance coverage, to make sure that you have insurance, to make sure that you have notified, God forbid there is a major

problem on the property when you are not there and it's non-owner occupied, there's nothing in terms of owner occupied, if you're owner occupied, you can rent every weekend if you're there on the premises, we think we had, with what we had done with this law, we felt we went long and hard on this thing, did we pay a price, yeah we did, it was tough but we hung in there and as a Board we are determined to see this thing through, thank you; I have to take exception to that, I'm kind of going beyond the resolution, there are two new members on the Board, let's work with the resolution right now, we'll have the time to focus and speak out on the short term rental, I have consistently been against this, this is the taking of property without due compensation, recent appellate decisions are reversing the short term rental and ultimately it will be taken to the Supreme Court but myself, we have a new Board member, Albert, we are trying to work together, we've been compromising on many issues, we're in the process, the next two weeks of introducing, whether or not you're for an amendment, this is, Craig Wood will be doing a presentation, this is an exemption from the New York State homesteaders law, this will give the people owning a house, primary residence, an exemption, I'm working with a couple of Councilmen and we're going to look at that in the next two weeks so we've got to work together, everybody has to and I'm for a lot of the enforcement, I'm looking for the quality of life but we're trying to compromise and bring a law that will be appropriate for all of us so why don't we get back to the resolution and focus on that; let me just, I know we should start off just going down a different avenue here and I just ask everybody at least for the purpose of this hearing, you can have a chance afterwards on any subject that you like but for the purpose of this hearing until it's closed, can we just stick with what we're discussing, the resolution in front of us, any problems or any improvements or anything else that could have for this, once we close, we can open the meeting to the public and discuss anything; could I just, I just have something to say, while this is a bone of contention on Shelter Island with many people, neighbor against neighbor and the whole thing, we're away for the winter and we're in Pinehurst North Carolina, there was an editorial in the local paper, I sent you guys all a letter, May first, and I don't know whether you got them or not because I never heard from anybody; we did; but at any rate, this editorial, I have a copy for you; Georgiana, would you hold it; I only want to read two sentences out of it, okay; ___ speak; I know they want to speak, I just want to read the two sentences to you, please; okay; this is the first sentence, which is Pinehurst history, which has always been centered on its internist nature, James W. __, the little village among the pines was a place for people to come and rest a while but not reside permanently, now we could change __ to Sylvester and we could change village to island, the last sentence I'm going to read for you, this goes on and on and on about short term rentals, the pros, the cons, the bad, the good, the whatever, same thing that we hear all the time, the last sentence is, so while the idea of regulating shore term rentals is not without some merit, the practicality of it doesn't make sense, visitors are Pinehurst history, it's presence and it's future; okay let us get back to the hearing; we just ask that everybody just stay with regard to this proposal, once we get to the public hearing part or after this public hearing you can talk about the general idea of short term rentals; we have to stick with this for now; this __ proposal and I'm standing in for Tim Hogue because he sent a letter from the Shelter Island Association, Tim apologizes, he could not be here and I will read a very short letter because I know everybody wants to keep a time limit on the individual speakers so if I may, the Shelter Island Association would like to take this opportunity to thank the Town Board for all the time and effort that they have spent to protect the quality of life on Shelter Island by having enacted a short term rental legislation, the number of properties registered in the Town as required by the short term rental regulations appears as Jim just stated to be much fewer than the actual rentals, therefore we ask the Town Board to review its enforcement policy and procedures to ensure compliance with the regular ones, one additional area of concern is the proposed changes before the Town Board regarding signage, besides the aesthetic considerations of permitting signs, we would like to make two other points, number one, signs that indicate short term rental ability can have a potentially negative impact on the value of neighboring properties, this is especially important if the Town Board would prefer to attack new full time residents versus absentee owners seeking business investment properties, number two, if most short term rentals are arranged through online sites, what is the point of the signs, thanks again to the Town Board for addressing the problem created by the short term rentals, signed Tim Hogue, President of the Shelter Island Association, thank you for your time; hi, I'm Bob Kohn, I'm an attorney, licensed in California but not in New York and I read the proposed changes and I'm not gonna address the substance of issues, what I want to vouch for the Town Attorney is he is describing it correctly as it is mostly changes to make it simply easier to read; right; I know the process last year was a lot of changes were being made and obviously these things have to be cleaned up and I want to vouch for the Town Attorney, the main

substantive change as was mentioned was in the signage, there was another change here under advertising where he struck the minimal rental period shall be not less than fourteen days, that's what the advertisement __ have to say and that's inconsistent with what the law says so I would consider a substantive change to clean it up to make the thing internally consistent so again I have masters degree at Columbia Law School and I do think the Town Attorney has done a good job in conforming this to what it should be and there's nothing strange, nothing hidden in here that I could see that's not what he has stated; thank you very much; Bob Cacciola, in reference to the signage, I know there are different numbers as far as the amount of houses that are listed for short term rental, so on the low end, even though it's disputable, is there a number that you guys have in your head and on the high end, is there a number that you have in your head, so how many short term rentals, not licensed, how many are out there that are being advertised; seventy-five to a hundred and twenty-five probably; I was gonna say seventy-five to one hundred and thirty-five, somewhere in there, I would say the same; so for the entire season; yes, yes; there's only one hundred thirty-five; that's not, I'm talking about individuals doing it, not the number of rentals that would transpire within that group; well what I'm trying to __, during the course of a season, are there going to be, cause we've heard some numbers that are a little crazy, are there two thousand homes that are gonna be listed online for short term rentals or are there one hundred seventy-five; that's a possibility; well I've read some numbers that were very high, I don't know if you __; that's on the high end what I would guess; okay so, this is where I'm going with this cause I've been here long enough to have it __ some amount of things that can __ me, when it went back years ago to the signage that was out on the properties that real estate companies were __, there were two, three, four signs in some cases so a good thing happened, one sign only was allowed, I see what's going on now here that there may be five hundred 'for rent' signs, that is _; __ five hundred some; but we don't know what the number is, are there going to be or do you anticipate because the law is being made in anticipation of something, I'm only wondering, are we setting ourselves up that when people come to Shelter Island and this is I guess what Tim Hogue was making reference to, are people going to see 'for rent by owner' too much, so should that be allowed, any signage 'for rent'; well you can't exclude it based on content; __ exactly for what you brought up earlier with the real estate signs, what ended up happening, we tried to ban them outright, we got taken to court and we were told that you can't ban a sign based upon what it says so we can't ban a sign because it says 'for rent', so it's basically complying with the law; I'm opposed to the law in a lot of ways and I'm also opposed to the fact that I see the potential that the neighborhood, Shelter Island is gonna be overwhelmed with 'for rent by owner' signs; I just have a question about zoning, if you're in a residential zone, zoned residential A or whatever, we can't run a business, is that correct; that's correct; is renting your house, Airbnb rental a business; no; there are a number of __ working on that right now; okay, the question is; okay; the question is it's an open question; okay but my question is also, signage is advertising for a business; as was real estate signs, so it's really the same situation; I mean you're running a business in a residential area; you said we can't ban signs, can we ban all signs; nobody behind you can hear you; yeah, come up and speak; he asked, can you ban all signs, the answer to that is we could ban all signs as long as we include things like name signs on houses and sign whatsoever but that's a much bigger issue than what would be in this law, that would have to be a general law; Supervisor and Councilpeople, we'd like to really ask that you enforce the zoning laws which exclude __ in residential areas and specifically in this situation, we'd like you to provide significant __ to deter the proliferation of professionally owned Airbnb's which are businesses in residential areas; thank you; in particular some of the findings proposed are insufficient for those that will just treat them as a cost of doing business and we think you should be much stricter and we'd also like to have you share with us what resources you will apply to the process of enforcing this new proposal, thank you; we __ a new proposal like what I talked about earlier, this was just a lot of language clean up with the exception to the signs, the __ we talked about before would be new proposals but those are not up here in front of us at this point; again we're willing to listen to all you would like to say; we can't hear you Gary; we're anxious and willing to listen to all you want to say, we're trying to do this resolution which just makes a change to the __ and afterwards we'll be glad to listen to all comments; can you please describe the changes in enforcement with the law, last year there was talk that enforcement was lax, we have a new __ enforcement officer, how will this function change and what will he be doing; there are no changes in enforcement with regard to this particular resolution; well there was no enforcement last year, so what are the proposed changes; there are none in this resolution, which is all we are talking about at this point; __; that's not the question; this does not concern enforcement, this is a resolution, we're bringing our code in compliance with the website; I'm not trying to speculate because; ___; ___; ___;

we've moved on to that part of the meeting; when will we get around to that part of the meeting; as soon as it's voted __, let them vote on this ____; are there any other questions on this resolution in particular; please come forward; Jim you said that the new thing this year was enforcement, you said that ten minutes ago, yes; yes; and you're saying there's no change in enforcement; no I'm saying it's not in this particular resolution; well we're asking what is the enforcement __; can we address that question after the hearing; after we've dealt with this particular; ___ five minutes and then you can ask the same question; and further; I'm President of the Hay Beach Association, my board is unanimous that you've worked hard last year for a four to one vote to put the law into effect and you tried to compromise, most of us feel that you were not strict enough, as you said, most of the east end laws are more strict than ours, in Hay Beach at least, based on my board, we do not want to turn it into an Airbnb paradise and we do not want you to go in that direction, thank you; any further questions solely with the guise of the proposal before the Board right now; if you are gonna vote now; yes; and in that resolution there is the signage and a lot of us have questions about the signage, are you going to discuss it among yourselves; __ one of the questions about signs and you know that part of this proposal, I just don't want to get into the general __ again so if you have more sign questions, by all means; but I do, I do want to know if it makes a difference to you all that a sign is advertising a business in a residential area; it does not matter to the law, that is the problem, because the same argument in the real estate sign case, they were putting those up in residential areas, that was exactly what the case was; but a real estate is a business and it is not located right there, the real estate is in an office in a commercial area, okay, so they're selling; I'm not talking about that __ signs on real estate offices, I'm talking about the signs they put up on the residential properties for sale; I under- stand that; the law was; that is part of their business; correct; but somebody who is doing Airbnb, it is a house in a residential area, it is a business in a residential zoned area; it goes against zoning, it's a very important law that you're not __; I'd like to respectfully correct the Town Attorney; okay; when you talk about the sign law, there was a very aggravated and passionate period over the sign law for real estate, it went on for a considerable period of time and I don't think you were on the Board or participating with the Board, I would respectfully correct the Town Attorney when you say that the Airbnb sign is not a business sign, you may be right, you may be wrong but it does not equate to a real estate sign, a real estate sign has been upheld because they are not running a business, they are sending a message from a particular residence for a particular item, it's a lot different than an ongoing business, than running construction at this house, painting and other things at this house so I would respectfully correct you when you equate the two signs, you may be right about Airbnb but when you say it categorically that that is not a business, you were issuing an opinion that I don't think you; I apologize, I did not __; ___; what I, at the moment, courts in this country and there is nothing in this area at this time, have yet to rule on whether these Airbnb's are considered to be a business in a residential zone; well then if that's the case __ and you are you, I shouldn't say you, I should be speaking to the Board, they're the policy makers, the Board then has within its jurisdiction to designate that as a business until proven otherwise so the fact that you are saying that there is no determination is within your power if you wish to make that a business; well they've done that, which is why those laws exist; who has done it; well they haven't done it in the law but that was the rationale behind the creation of the law to begin with; wait, wait, what is the rationale behind the law; that this is a business; that it is not a business; no, that it is a business; then it is a business; but what I'm saying; well then if it is a business, you can't have a sign; __; ___; zoning; ___; if it is a business you can't have a sign, if it is not a business, if it is a real estate transaction, if that's what you're designated, we can argue that point but if that's what you're designating as, then you have a right to a sign but if it is a businesses which the Board has already taken the position that it probably is, then the Board has within its power to ban a sign until the courts prove otherwise; here, here; banning a business in a residential area, yes; why have ___; one at a time; ___: ___; that's a logical ___; why have zoning laws that you undermine by this law; yes; why do you undermine your own laws; right; you are doing that, recognize that; __: has this been tested, has the idea of having a sign advertising rentals been tested in the court and been struck down the way the real estate law was determined; I will leave that up to the council if they want to; well I think they are two different things, I think one is the business and the other is this new thing that would be signs on my block where I live, I have two facing me and they could put up signs, that's wrong; could we speak; one second; okay; you should probably stop taking bullets, I appreciate it but, on the business zone, obviously that was my first inclination cause we regulate regular b and b's and that type of thing you know, the problem I had when I put myself to the test, the absolute truth is that we've been renting houses on Shelter Island forever and people actually put signs out to rent the house, they advertise rental of the home,

houses so the question I had for myself was what is the period and for me it became, excuse the metaphor but it became parallel in concept to the abortion discussion, at what point; ___; I know; but let me finish, at what point in the rental; __;__; __; __; you embarrass me; I was speaking, I will finish, I could not legitimately determine when an appropriate rental began and ended, what's the right length of time, the people, a lot of you asked for two weeks but I saw nothing magical in the two week number, I think it was picked because a lot of us hoped that there would be nobody there, they would ___, at any rate, that is the why of the business question, in fact __ when __ in our residential neighborhoods but won't ___ but the ___ was much longer, alright, that's the problem so __ a business, or not but it's the money that makes the business, not the period difference; now Paul let me help you out, wasn't __ is the advent of Airbnb and similar companies and greatly, greatly intensified rental activity here and across the country; yes; __ they're offended at the outcome and they don't want to have it really in their face with little ticky tacky signs all over the Island, they are unhappy, the other issue is I do believe that the council, you're working on affordability, __ affordability is taking __ low income people working on the Island trying to survive on this Island, away from the __ and putting them in the hands of I want to be rich type of people coming from elsewhere, where are we as a community, where are our values, think about your values; I would like to talk to values, I've never come to a Town Board meeting before so I know I am in a minority here but I hope you'll hear me out, I __ self interest and to make it sound like God and something is on the side of the bnb is ridiculous, I have a side, you have a side, we both have merits and what I don't hear is anybody of either side saying let's look at the other side, let's find your stand, let's have a dialogue, let's compromise; oh no; no; no; __; ___; __ has anything ___ that's going on; I don't have a thirty million dollar corporation on speed dial or in my backyard; but I do; ___: stop with the Airbnb; okay I'm gonna; somebody said to me, I have friends who want to come and rent your house for a week, how __ your resistance __ the law; ___; ___; __; ___; okay, let's, excuse me, let's have one meeting here, wait a minute, we've got to have one meeting, let's let the councilmen, please sit down; Stella, excuse me; of the six people sitting up here, Paul and I have been here for the duration of this discussion and it went on for sixteen months and it was a tough discussion, at no time that I can remember during the sixteen months that the issue of signs was discussed, everything other than that had been discussed, these people made some valid points about the signs, I love the changes that we've made, I like the fact that the website will reflect what the law is reflecting, I would like to take the signage out because I think that until the courts resolve that issue of whether renting your homes are a business, we shouldn't encourage the signage thing, it opens up another whole can of worms; here, here; can we proceed with the resolution, is that okay; do we want to vote on the resolution tonight, I would like to like take a closer look at at the advertised, the signage piece, discuss it at a work session and then deal with the resolution or do you just want to take it entirely out; let's see what the consensus is, Robert what do you recommend; well why don't we do this, I think this is probably the best for everything that's involved, vote on the resolution without the sign part, we can bring that back separately after discussion at the, cause __, cause we have to ___, does anybody out there have any problem with any of this outside of the sign portion; no; okay; ___; ___; ___; you have penalties in here, who is going to enforce it; pardon me; there are penalties in here; right; who is going to be the enforcement agent; that's an administrative issue rather than; you can't have penalties without enforcement; there is an enforcement officer, Arthur Bloom; __; ___; __; if you look up Airbnb's ___ as of the moment; no, no; ___ know where we are; ___ it brings up Greenport, it brings up everywhere; right; again, forget that __, with the signage removed from the proposal, does anybody else have anything else to say, strictly in regard to that issue; many places have it three strikes and out, this is a ___ minor set of ___ talking about discouraging more commercial; let's ___ that the Board has the ability to call a hearing to revoke the license; yes; so it's a Board function as well as an enforcement officer, is that, so when we ask about enforcement, we have two bodies, is that what you're saying; ___, the way that it operates according to this is that the enforcement person is the field person who does determine what ___ the appearance ticket, that would actually be a court issue, if you have three, you would be able to come to the Board and they would be able to determine whether or not to pull the license; ____; that can be at the Board's discretion; right; Stella __ doesn't belong in this section of the discussion, why couldn't it be an automatic three strikes and you're out; thank you; I wasn't trying to change anything that was already there, we were just trying to clear it up so that we could move on from that point; well you didn't answer the question; which was what; ___; it could be, that could be changed but again we're trying to do this to be something; please consider it; that's fine but we're not going to do it in this draft; to be fair to ourselves, we were trying to see what, we have yet to see what the impact of it is when implemented, so we're still to get up to speed on

the bloody and then we'll see if everybody is still as upset as they are; I think you've been more than generous with this, I think you should vote on this resolution and then let's ___; let's just get this off the table so we can move forward; right; that's fine; I just want to make sure that the people who want to talk about it have the opportunity to; they're not talking about that one; __ our law compared to those of the other towns; are the penalties compared to the penalties of the other towns; you want to know what the other towns are; are the penalties equal or greater than those that are in Southampton and East Hampton; Southold; I don't know off the top of my head; ___; ____; we looked at every one of them, are we comparable to some of them, no, no, we tried to be fair though and what we thought; why don't we vote on this resolution ___ taking out the ___; thank you; one more; no, no, I mean then readdress them; does somebody want to call the question; yes, I'll call the question, that we adopt it without the signage, we need one to amend to remove the sign provision and then you need one to ___; I make a motion that we eliminate the signage from the __: also make a motion that we eliminate the penalties; this is one meeting, we need a motion; no, no, we have to close the public hearing first; okay; so we need to close the public hearing; I make motion to close the public hearing; and I will second it; all in favor say aye; five ayes; so moved.

The Deputy Supervisor declared the public hearing closed at 5:45 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 275

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 25th day of May, 2018, proposed Local Law entitled SHORT TERM RENTAL NON-SUBSTANTIVE MODIFICATIONS, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 5 - 2018 entitled SHORT TERM RENTAL NON-SUBSTANTIVE MODIFICATIONS, is hereby adopted, to wit:

SECTION 1. Delete the present §133-14.1 and include the following new §133-14.1 as follows:

§133-14.1 Vacation rentals.

A. It shall be unlawful and a violation of this chapter for any person or entity owning, renting or leasing a vacation rental within the Town to rent, lease or permit the use and occupancy of such vacation rental property without having first licensed the property as a vacation rental property and paying the license fee established by the Town Board. Any such license shall be subject to the following requirements:

(1) An applicant for a vacation rental license must submit a completed, fully executed vacation rental license application or vacation rental license annual renewal application, with applicable license fee(s) as established by resolution of the Town Board to the vacation rental examiner.

(2) The property where the vacation rental is to be located shall have a valid and current certificate of occupancy or certificate of compliance and shall be in compliance with the State, County and Town Building, Fire and Zoning Codes. There shall be no more than one vacation rental on a property.

(3) The total number of rooms utilized as bedrooms shall not exceed the number indicated on the filed building plans for the structure(s) in which the vacation rental is located.

(4) Occupancy of a vacation rental shall not exceed two persons per bedroom as permitted under subsection A(3) above except that children age 3 or under may reside with their parents.

(5) The lessor of a vacation rental shall maintain a rental registry and require each lessee to execute a lease or rental agreement; shall maintain such documents for a period of three years; and shall make such documents available for examination by the Town upon request.

(6) The Town shall publish a Good Neighbor Brochure in digital, PDF format, made available for downloading and printing on the Town of Shelter Island website.

(7) The lessor must provide a copy of the then current Good Neighbor Brochure to each lessee prior to commencement of the rental term. The lessor is further required to have each lessee sign a Good Neighbor Brochure indicating receipt, and it shall be made a part of the lease or rental agreement with the owner.

(8) Any owner of a vacation rental property must designate a local contact person. The owner shall provide to the Town current contact information for the local contact person, including name, address, phone number, and email address. The owner must also provide the Town written certification that all neighbors within 200 feet of the property line of the vacation rental

have been provided with owner's personal cell phone number to call in the event of problems with the vacation rental.

(9) The vacation rental license may not be transferred, assigned or passed through an estate and does not authorize any person, other than the person named therein, to permit or arrange vacation rentals on the licensed property.

(10) A written statement, executed by the owner(s) of the vacation rental property, which designates as agent for service for criminal and civil process pursuant to Civil Practice Law and Rules Rule 318 either:

(a) A person, firm, partnership or corporation with an actual place of business, or usual place of residence located within the boundaries of the Town of Shelter Island; or

(b) The Town Clerk of the Town of Shelter Island. Every owner of vacation rental property shall ensure that the address for service of process is current and shall advise the Town Clerk whenever the address is changed. The designated agent, upon receipt of service of process under this designation, shall forthwith transmit by regular and certified mail to the owner(s) of the rental property at the address included on the owner(s) application.

(11) The vacation rental license must be renewed annually.

B. Advertising.

(1) The following applies to all advertising of vacation rentals:

(a) No vacation rental may be advertised for use on Shelter Island unless a vacation rental license has been obtained; and

(b) The current vacation rental license number assigned by the Town for the advertised vacation rental must be displayed on all advertising material; and

(c) The advertised occupancy of the vacation rental must not exceed the maximum allowed by the vacation rental license; and

(2) Failure to comply with the requirements of subsection B(1) above shall be a violation of this Chapter.

C. Limitation on frequency of vacation rentals. No vacation rental property may be rented more than once in any fourteen-day period. There is no minimum stay required within that fourteen (14) day period.

D. Penalties for violations.

(1) Violation of this Code shall result in penalties as set forth below.

(a) For the first violation, a minimum fine of $500, not to exceed $1,500.

(b) For the second violation within the 12 months following the first violation, a minimum fine of $750, not to exceed $2,500, and/or suspension of the vacation rental license for a period up to six months, and during said time the premises shall not be utilized for a vacation rental.

(c) For the third violation within the 12 months following the first violation, a minimum fine of $1,000 not to exceed $4,000, and suspension of the vacation rental license for a period of 12 months, and during said time the premises shall not be utilized for a vacation rental.

(d) The Town Board will be the review board for issues associated with implementation of this section, and may suspend or revoke a vacation rental license for any violation of this section following a hearing wherein the licensee has been given a reasonable opportunity to appear and be heard.

E. Applicability. This section applies to all properties which are used as vacation rentals, regardless of whether such activity occurred prior to adoption of these regulations.

SECTION 2. Delete the present §133-1 Definition of VACATION RENTAL and include the following new §133-1 VACATION RENTAL, as follows:

VACATION RENTAL

Any one-family dwellings, two-family dwellings, apartments, and any other buildings or structures, whether attached or detached to a primary structure used as a temporary living space by persons other than the owner or owner's immediate family (to include parents, siblings, children and grandchildren) for a period of fourteen (14) days or less, and for which money or other consideration or compensation is paid, directly or indirectly, for the use and enjoyment of all or a portion of the dwelling unit.

For the purposes of this Chapter, vacation rentals shall not include:

(1) Any premises or portion of premises rented to a tenant as a fixed and permanent home; or

(2) Any premises, or portion of premises, that is owner occupied as defined in §133-1 above; or

(3) Any premises used exclusively for nonresidential, commercial or nonprofit purposes; or

(4) Any legally operating commercial hotel/motel, inn or bed-and-breakfast establishment; or

(5) Rental of premises located in the B Business Zone; or

(6) Rentals of any duration by Taylor's Island Foundation, The Nature Conservancy, Mashomack, or Sylvester Manor that are used as fund-raisers for these non-profits.
(7) Rentals of property during Declared Emergencies.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 6:19 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 30, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 30th day of May, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and three persons were present.

The Supervisor called the special meeting to order at 2:03 p. m.

RESOLUTION NO. 276

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island 10K Run Board has requested permission as per letter and application, to hold the 38th annual Shelter Island 10K Run and their annual post race party on Shelter Island on Saturday, June 16, 2018, from 2:30 p. m. to 9:30 p. m., at the Shelter Island American Legion Post and Shelter Island School; and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", pursuant to Section 33-2 B (2), the Town Board has determined that the proposed Run and Walk will benefit the Town, and no fees will be required for Police and Highway costs associated with the event, and

"Whereas", the Police Department has responded that they are prepared to assist with this event as they have done in the past, and also will assist with the post race party, (with the understanding that the 10K Run Committee has hired a private security firm to help manage the post race party; specifically alcohol consumption, crowd control and other safety issues); and

"Whereas", the Town's Emergency Management Team (Police, Fire, EMS and Highway) met with the 10K race planning committee on Monday, May 7, 2018 and reviewed the post race party site map and emergency plans, and

"Whereas", it has been determined that regarding the amplified music at the post race party, the 10K will be considered exempt as per statute as a charitable organization; and

"Whereas", the Superintendent of Highways responded that if there are any markings on the street, they must be washable, and any signage removed immediately after the race, and the Highway Department will coordinate any details with the racing committee, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the Highway Department recommendations as follows:

(a) if there are any markings on the street, it must be washable and any signs removed immediately after the race, and

BE IT FURTHER RESOLVED, That the Town Board strongly encourages all runners, residents, and visitors to cooperate in order to protect the health, safety and welfare of all.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 2:06 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 15, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 15th day of June, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, and Albert Dickson and Councilwoman Amber Brach-Williams. Councilman James T. Colligan was absent. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and approximately forty persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

The Deputy Supervisor presented the following financial report for the month of April, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
MAY 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen. checking | 4,013,922.13 | 212,813.64 | 876,956.74 | 3,349,779.03 | 780,135.40 |
| Hwy Checking | 647,442.28 | 219,474.48 | 247,735.35 | 619,181.41 | |
| T&A Checkng | 395,072.40 | 1,944,684.37 | 1,215,413.80 | 1,124,342.97 | 15,600.85 |
| T&A Savings | 12,228.20 | 0.31 | 0 | 12,228.51 | |
| Hwy Cap Res | 365,243.76 | 9.26 | 53,887.16 | 311,365.86 | |
| WNW Supply | 49,538.46 | 3,985.97 | 2,172.79 | 51,351.64 | 111,409.53 |
| Taylor's Island | 43,667.85 | 12.97 | 0 | 43,680.82 | |
| Comm Preserv | 3,700,440.89 | 68,599.88 | 393.8 | 3,768,646.97 | 5,635,233.20 |
| Waterways | 278,473.59 | 3,330.00 | 1,495.00 | 280,308.59 | |
| Reserve Fund | 750,072.51 | 75,784.90 | 0 | 825,857.41 | |
| Bridge St Escr | | | | | 357,707.70 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reserv | 18,164.65 | 1,880.60 | 0 | 20,045.25 | |
| Ambul Reserv | 356,887.58 | 30.2 | 0 | 356,917.78 | |
| Ambul Train | 29,338.79 | 0.75 | 0 | 29,339.54 | |
| TOTALS | 10,676,243.09 | 2,530,607.33 | 2,398,054.64 | 10,808,795.78 | 6,900,086.68 |

RESOLUTION NO. 277

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Jay Sessa, 15 Point Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.106724° north and longitude 72.331624° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 278

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", George E. Deman, 4 Summerfield Place, has petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound at a location designated as latitude 41.087816° north and longitude 72.356746° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 279

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Donald C. DeVries, 24 Winthrop Road, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08753° north and longitude 72.34643° west; said mooring location was formerly occupied by the John Gruber D-1280 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:44 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 280

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Peter Martini, 28 Hilo Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as 41.05005° north and 72.34691° west; said mooring location was formerly occupied by the 7 Winthrop LLC D-3304 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:46 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 281

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Michael Reale and Virginia Reale, 106 South Ferry Road, have petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050800° north and 72.315430° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:48 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 282

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Seth and Bonnie Harris, 6 Bootlegger's Alley, have petitioned the Town of Shelter Island for permission to remove two existing mooring piling, construct a 5' by 50' main dock extension with a 5' by 30' "L" section and splashboard system below, construct an additional 25' splashboard extension below existing main dock, install two 1800 pound capacity davits, install a 3' by 14' seasonal aluminum ramp onto a 6' by 30' seasonal floating dock, and install two 8" diameter anchor piling in Shelter Island Sound, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:49 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 283

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Kristie Ortmann is hereby appointed to serve as Assistant Recreation Leader for 20 hours per week for the year 2018 at $20.00 per hour effective July 9, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 284

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That Barbara Bloom is hereby appointed to serve as FIT Aide for the year 2018 effective July 6, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 285

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Patrick Anderson is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $17.00 per hour effective June 20, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 286

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Domenico Seddio is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $16.50 per hour effective June 16, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 287

Councilman Shepherd offered the following resolution, which was seconded by Councilman Brach-Williams, to wit:

BE IT RESOLVED, That Josh Zweifach hereby appointed to serve as Lifeguard for the year 2018 at the rate of $16.50 per hour effective June 16, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 288

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Morgan McCarthy is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $17.00 per hour, effective June 20, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 289

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That David Jenkins is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $16.50 per hour effective June 16, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 290

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the term of Lisa Krekeler as a member of the Zoning Board of Appeals will expire on July 8, 2018, and

"Whereas", Lisa has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Lisa Krekeler is hereby reappointed to serve as a member of the Zoning Board of Appeals for a term to expire on July 8, 2023.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 291

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the term of Henry Amann as a member of the Deer & Tick Committee will expire on June 24, 2018, and

"Whereas", Mr. Amann has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Henry Amann is hereby reappointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2021.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 292

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Stephen L. Carr is hereby appointed to serve as Traffic Control Officer for the year 2018 at the rate of $15.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 293

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That Andrei Oraseanu is hereby appointed to serve as Summer Intern for the year 2018 at the rate of $18.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 294

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from Lamb & Barnosky, LLP, in the amount of $242.21 to the A1010.497 Town Board professional services account, the reimbursement funds in the amount of $919.00 received from The Nature Conservancy to be credited as follows: $319.00 to the A3510.491 Animal Control Officer four poster maintenance account and $600.00 to the A3510.422 Animal Control Officer corn account; the reimbursement funds received from The Nature Conservancy in the amount of $842.50 to be credited as follows: $750.50 to the A3510.422 corn account and $92.00 to the A 3510.491 four poster maintenance account; and the

overpayment funds in the amount of $105.00 from The Hartford Steam Boiler Inspection and Insurance Co. to general fund.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 295

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Public Library has requested permission as per letter of application dated June 4, 2018 to hold a 'Family Drum Circle' event on Tuesday, July 10, 2018, at 4 p. m., and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved, and

BE IT FURTHER RESOLVED, That the Town Board hereby waives the $100.00 application fee and $100.00 compliance fee.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 296

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Public Library has requested permission as per application dated June 1, 2018 to hold a Fund raiser Under the Tent event on Friday, July 6, 2018, at 6 p. m., and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved, and

BE IT FURTHER RESOLVED, That the Town Board hereby waives the $100.00 application fee and $100.00 compliance fee.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 297

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Suffolk Bicycle Riders Association, Inc. paid a compliance fee of $100.00 for the Bike-Boat-Bike event on June 3, 2018, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to the Suffolk Bicycle Riders Association, Inc., 6 Doyle Court, Lake Grove, New York 11755.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 298

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,190.00 from the A3120.484 Police Department office and miscellaneous account to The Alice Training Institute, 3593 Medina Road #320, Medina, Ohio 44256, for the registration for two Police officials to attend a training session on Tuesday, July 17, 2018, at the Southampton Fire Department.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 299

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending May 31, 2018 in the amount of $200.17, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $200.17 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 300

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", specifications for "Highway Standards for Low Volume Roads in the Town of Shelter Island, State of New York" were promulgated in 2016 by John C. Cronin, Jr., P. E., Town Engineer for the Town of Shelter Island, now, Therefore

BE IT RESOLVED, That said standards are hereby adopted, as attached. (See attached copy.)

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 301

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Town Code Section 36-14.2, John D. Eicher, President of Shelter Island Shuttle Co., LLC, has filed an application with the Town Board for a ship to shore tender service from anchored vessels to below the high water mark at Crescent Beach for the 2018 summer season, and

"Whereas", the Town Board has reviewed said application, now, Therefore

BE IT RESOLVED, That the Town Board does hereby grant authorization to John D. Eicher, President of Shelter Island Shuttle Co., LLC, to conduct said activity.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 302

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 2018 A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period July 1, 2018 through September 30, 2018.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 303

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Marvin and Alice Deupree (Deupree Family Trust) has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 16 B South Midway Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 3.5 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated April 29, 2018 and certifies that the Low-Nitrogen Sanitary System project by Marvin and Alice Deupree (Deupree Family Trust) at 16 B South Midway Road is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 304

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", The Larsen Family Irrevocable Trust/Paul F. Larsen has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 18 B South Midway Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of approximately 4599 grams per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated June 7, 2018 and certifies that the Low-Nitrogen Sanitary System project by The Larsen Family Irrevocable Trust/Paul F. Larsen at 18 B South Midway Road is eligible for a conditional rebate of up to $15,000 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 305

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Fire Code of the State of New York prohibits the use of speed control calming devices (Speed Bumps) upon public or private roads without the consent of the Fire Marshal; and

"Whereas", the Shelter Island Fire Department, Shelter Island Highway Department and Shelter Island Ambulance Corps have all indicated that traffic calming devices cause damage to equipment and endanger the health and safety of patients during transport, especially those with neck and back injuries; now, Therefore

BE IT RESOLVED, That the Fire Marshal is to consent to the installation of traffic calming devices only where, in his professional opinion, there is proven to be an extreme hardship and a threat to health and safety that outweighs the threat of potential further injuries to ambulance patients and emergency service personnel and potential damage to Town emergency equipment; and

BE IT FURTHER RESOLVED, That in making his decision, the Fire Marshal must require the applicant to obtain the written consent of:

a) If the traffic calming device is to be installed upon a public road, the written consent of the Superintendent of Highways; and
b) If the traffic calming device is to be installed upon a private road, the written consent of every person or entity that owns any portion of the road or holds an easement, right of way or any other implied or conveyed right of passage over the road and who must travel over the speed calming device if using that private road to reach their property, and

BE IT FURTHER RESOLVED, That should the Fire Marshal grant permission to install a traffic calming device, the Fire Marshal may dictate the location and height of any such traffic calming device or otherwise regulate or set limitations on its use.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 306

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Highpoint Rock, LLC, Blair and John Borthwick, 71 Nostrand Parkway, has petitioned the Town of Shelter Island for a wetlands permit to renovate an existing single family residence and accessory deck, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:50 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 307

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Gordon Thompson, 8C Pheasant Circle, has petitioned the Town of Shelter Island for a wetlands permit to renovate existing residence, construct additions outside of regulated area, reduce existing decks and patios within vegetative buffer, and increase coverage within adjacent regulated area, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:55 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 308

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", David Portilla/Allison Herron, 76 Gardiner's Bay Drive, have petitioned the Town of Shelter Island for a wetlands permit to remove 980 square foot existing deck, remove 300 square foot second floor existing deck, remove existing outdoor shower, remove basketball

court, replace 590 square feet of existing deck and steps including new barbecue area, remove approximately 15 square foot existing bumped out area by chimney, install 3 new drywells and 3 new HVAC units from the 75 foot vegetative buffer, install new 5' by 6' outdoor shower, install new patio (approximately 240 square feet) and retaining wall, remove concrete walkways, install new concrete/stone walkways in a new layout, new front entry with stone patio and 1 new drywell; an existing shed that has a small portion in this will be entirely removed, all within the additional 25 foot adjacent regulated wetlands area; and additionally, remove existing driveway and walkway and replace with a new pervious gravel driveway, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 5:00 p. m., prevailing time, on the 6th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 309

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That at the request of the Town's accountants, the following transferals of 2017 funds are hereby approved:

$149,404.17 from, as follows:

A1110.106 Justice Court part time clerk personal services account $2,959.00
A1330.476 Receiver of Taxes computer software account $10.00
A1355.104 Assessors clerk personal services account $2,457.00
A1410.105 Town Clerk deputy town clerk #2 personal services account $2,282.00
A1410.107 Town Clerk deputy town clerk #2 overtime account $1,433.00
A1410.484 Town Clerk office and miscellaneous account $583.00
A.1490.103 Public Works secretary personal services account $548.17
A1490.106 Public Works custodian personal services account $5,264.00
A1490.114 Public Works personal services account $971.00
A1490.115 Public Works personal services account $2,404.00
A1490.120 Public Works personal services account $2,500.00
A1490.121 Public Works regular overtime account $215.00
A1490.410 Public Works grounds maintenance account $93.00
A1490.421 Public Works Congdon's Creek Dock account $20,284.00
A3120.102 Police Department personal services account $21,560.00
A3120.491 Police Department contracts account $6,008.00
A5010.400 Superintendent of Highways office and miscellaneous account $218.00
A6772.142 Nutrition Program food service worker personal services account $3,196.00
A6772.485 Nutrition Program van maintenance and fuel account $6.00
A6775.156 Residential Repair personal services account $1,867.00
A6775.256 Residential Repair equipment account $82.00
A6776.139 Silver Circle personal services account $840.00
A6777.143 Senior Center longevity account $394.00
A6777.144 Senior Center personal services account $1,427.00
A6777.145 Senior Center AAA driver personal services account $1,920.00
A6777.422 Senior Center meals and snacks account $55.00
A7020.103 Recreation FIT Coordinator personal services account $2,474.00
A8160.101 Landfill hazardous waste longevity account $59.00
A8160.113 Landfill personal services account $1,373.00
A8160.113 Landfill personal services account $270.00
A8160.119 Landfill part time personal services account $1,206.00
A9010.800 Employee Benefits state retirement system account $31,000.00
A9015.800 Employee Benefits police retirement account $8,000.00
A9025.800 Employee Benefits LOSAP account $9,612.00
A9040.800 Employee Benefits workers compensation account $9,000.00
A9050.800 Employee Benefits unemployment insurance account $6,834.00, to the following, in the amount of $149,404.17:

A1110.103 Justice Court clerk personal services account $1,734.00
A1110.104 Justice Court clerk overtime personal services account $274.00

A1110.484 Justice Court office and miscellaneous account $829.00
A1110.410 Justice Court interpreter account $122.00
A1220.104 Supervisor administrative aide personal services account $21.00
A1220.107 Supervisor discretion overtime account $46.00
A1220.110 Supervisor confidential secretary longevity account $1,722.00
A1220.484 Supervisor office and miscellaneous account $1,163.00
A1330.102 Receiver of Taxes part time personal services account $106.00
A1330.414 Receiver of Taxes postage account $10.00
A1410.102 Town Clerk deputy town clerk #1 overtime account $1,309.00
A1420.100 Town Attorney personal services account $2,989.00
A1490.102 Public Works part time clerk personal services account $264.00
A1940.104 Public Works part time personal services account $548.17
A1490.122 Public Works double overtime account $215.00
A1490.124 Public Works interns personal services account $971.00
A1490.125 Public Works retro pay account $9,904.00
A1490.409 Public Works beaches and parks account $93.00
A3120.103 Police Department personal services account $8,259.00
A3120.110 Police Department regular overtime account $4,022.00
A3120.112 Police Department night differential personal services account $56.00
A3120.122 Police Department bay constable personal services account $342.00
A3120.124 Police Department unused vacation personal services account $8,302.00
A3120.130 Police Department retro personal services account $579.00
A3120.484 Police Department office and miscellaneous account $652.00
A3120.488 Police Department uniform cleaning account $11.00
A3120.493 Police Department equitable sharing account $5,603.00
A5010.103 Superintendent of Highways part time secretary personal services account $727.00
A5010.440 Superintendent of Highways training account $218.00
A6772.141 Nutrition Program cooks personal services account $2,196.00
A6772.143 Nutrition Program cooks personal services account $1,355.00
A6772.145 Nutrition Program food service worker personal services account $1,512.00
A6772.484 Nutrition Program supplies and rent account $6.00
A6776.144 Silver Circle aide personal services account $388.00
A6776.145 Silver Circle therapeutic aides personal services account $90.00
A6776.239 Silver Circle equipment account $362.00
A6777.140 Senior Center personal services account $394.00
A6777.141 Senior Center personal services account $3,347.00
A6777.200 Senior Center equipment account $55.00
A7020.102 Recreation aides personal services account $211.00
A7020.105 Recreation FIT aides personal services account $2,263.00
A8160.101 Landfill hazardous waste personal services account $59.00
A8160.105 Landfill hazardous waste personal services account $1,373.00
A8160.108 Landfill hazardous waste personal services account $270.00
A8160.199 Landfill unused vacation, deferred compensation account $1,206.00
A8160.488 Landfill high visibility clothing account $85.00
A8510.484 Taylor's Island office and miscellaneous account $750.00
A9030.800 Employee Benefits Social Security account $9,629.00
A9060.800 Employee Benefits medical insurance account $32,733.00
A9060.801 Employee Benefits health insurance stipends account $5,851.00
A9089.800 Employee Benefits Medicare reimbursements account $13,894.00
A9785.600 Installment Purchase debt/principal account $20,284.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 310

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved: $2,000.00 from the A1490.419 Public Works generator maintenance account to the A1490.200 Public Works equipment account;

$100.00 from the A1490.479 Public Works boat maintenance account to the A1490.420 Public Works signs and signals account;
$2,275.00 from the A1990.400 Contingent account and dispersed as follows:
$500.00 to the A1420.484 Town Attorney office and miscellaneous account,
$1,450.00 to the A1910.400 Unallocated Insurance account,
$200.00 to the A6410.438 Economic Assistance fireworks account, and
$125.00 to the A6775.439 Residential Repair supplies account;
$619.00 from the A3120.113 Police Department part time police personal services account to the A3120.119 Police Department DARE personal services account;
$766.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.486 Silver Circle van fuel and maintenance account;
$500.00 from the A8160.437 Landfill contingency account to the A8160.484 Landfill office and miscellaneous account; and
$8,000.00 from the Part Town Contingent account to a new B3620.110 Building Department summer intern personal services account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 311

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That general claims numbered 877 through 1024 in the amount of $98,631.96, Community Preservation Fund claim number 4 in the amount of $3,300.00, highway claims numbered 107 through 116 in the amount of $10,157.39, and West Neck Water claims numbered 15 through 17 in the amount of $774.37 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:55 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows, as reported by Councilman Dickson: Dottie was there any further discussion, let me start; okay; the issue came up with the Waterways Management Committee, it seems like the dock is not, they don't have the records of proper permitting that the dock apparently has been, looks like it's been added on to; right; and they really in essence tabled it cause it was incomplete really; okay; they found that there were additions made on the dock and what not and they wanted to clarify that before they proceeded; right, right; okay; the Chairman has been in and talked about it; he has, okay, John has come in, good; should we go ahead with the public hearing; you can get the public input; conduct the hearing and then hold it open if you want; okay, so is there anyone here for the applicant; anyone wish to speak on the applicant's behalf; adjourn it; hold it over, thank you Bob.

At 4:58 p. m., the Deputy Supervisor declared the public hearing held open and called to order the public hearing to be held as advertised on the application of Lawrence Kogel, 6 Club Drive, for a wetlands permit to construct a saltwater swimming pool, pool patio, pool fencing, and walkways.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd presented the reports of the Planning Board and the Conservation Advisory, which were as follows:

The Conservation Advisory Council reported as follows:

DATE: May 14, 2018
RE: Lawrence Kogel Wetlands Applications
6 Club Drive, Ram Island

Lawrence Kogel submitted a wetlands application to construct a salt water swimming pool 15 ft by 30 ft, a pool patio with steps 27 ft by 41 ft and pool fencing 27 ft by 48.3 ft and 4 ft height of anodized aluminum. The proposed pool is 75 ft from the wetlands boundary, and the patio steps are 64.5 ft from the wetlands boundary. All construction is behind a bulkhead and retaining wall. The pool has been designed to withstand flotation and lateral movement during conditions of the base flood and will not transfer flood forces to the elevated building or neighboring buildings. Related to the pool construction, this application also contained the architect seal/stamp of Michael C. Gentile.

Special Note: This is a revised application/plan from 6/22/2016 and 9/1/2016.

The CAC discussed this application at the May 14th meeting. The members expressed concern related to the pool construction and the possible need for dewatering which is not allowed according to Shelter Island Town Code Chapter 113-5E.

The membership decided to postpone any vote at this meeting until a clarification of pool construction and possible need for dewatering is clarified by Mr. Kogel.

The Planning Board reported as follows:

June 14, 2018
Re: Kogel Wetlands Application
6 Club Drive, Shelter Island, NY
SCTM #700-12-01-27
Residential Zone AA - Near Shore Overlay District

On June 30, 2019, Lawrence Kogel submitted a wetlands application for the construction of a saltwater swimming pool, pool patio, pool fencing and walkways.

The Planning Board reviewed this application in October 2016 and submitted its memorandum to the Town Board. At that time, the Town Code had just been amended to prohibit de-watering for the construction of a swimming pool.

The Planning Board's issue at that time was the ground water level and the elevations of this property.

On April 24, 2018, Lawrence Kogel filed a new wetlands application for the same relief. As previously noted, the applicant received a DEC Letter of Non-Jurisdiction dated 16 January 2009 based on the bulkhead in existence prior to 1977.

To that end, Emory Breiner emailed Michael Gentile, the Kogel's architect, attaching the October 2016 Planning Board memorandum and requesting an explanation as to how the new application differed from the old application. Mr. Gentile responded and satisfied the questions as to the elevated construction of the salt water pool, drywell chambers and FEMA required pilings. This documentation is made a part of this memorandum.

<u>We make the following recommendations:</u>

From the pool section, the shell bottom is shown as 2' 6" above the tested water depth. The pool fence is not required to meet wetlands setbacks. There will be wirebacked silt fencing as necessary.

The stone pavers are individual and appear to be permeable.

The top of the swimming pool will now be at elevation 11.0', and the adjacent property to the north will be 9.5', and drywells are to be installed for pool maintenance. Mr. Gentile indicated swales will be created between the pool and adjacent property to prevent stormwater from flowing across the property line. There will be 15 piles driven to support the pool per FEMA regulations.

As usual, the Town Board should request an automatic pool cover. They may also wish to require a vegetative buffer as they have done of other applicants.

It is unclear if roof stormwater is currently being collected and recharged to the ground via drywells. If this is absent, it should be included as part of an approval.

The attached satellite photo shows the property's relationship to neighboring properties.

With the above considerations, the Planning Board recommends approval of this wetlands application.

By: Emory Breiner, Planning Board Chairman
Marcus Kaasik, Planning Board Member
For the Planning Board

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Larry Kogel, the property owner; hi Larry; I had to modify my existing plans due to the __ change in the Shelter Island requirements for the dewatering, we have decided and looked at other alternatives and decided to elevate the pool approximately four feet above grade which would eliminate the need for dewatering, given the only one area of the property that we can actually site this pool and because of the elevation of pool we have to build a little patio and walk around to protect the people that are using the pool at the time so I think it's a good application, I've met with various people within the Town and satisfied all their questions, the previous correspondence we received this week from the Planning Board clarified all the technical details of what they are requiring and I see have addressed everyone concern and it will be a beautiful pool when it's completed, if there are any questions, I'd be happy to answer them; so there's no dewatering expected to evolve with the __; nothing, not at all because when we set the pilings we can see where the water is and we're not gonna go down as deep; okay; so we have total control over the situation; how about the pool cover business; that's possibly an issue because I was told based on the design of the pool and the shape; is it a __ kind of shape, kidney or; it's chamfered at the edges and; okay; I was told that they don't make an automatic cover that would handle that; okay; so I would ask for relief on that basis, I don't believe I'll be able to change the shape of the pool due to the setback requirements in one corner and again it will be an elevated pool and it will be fenced entirely so the probability of somebody getting up there; right, safety is a secondary thing with a pool cover, the first is usually a matter of water conservation and for you particularly in that area, it's kind of for you; right; you've got that much water and you don't want to be topping off the pool; that's true, that's true; how far away from your neighbor's well are you; actually my well is on the neighbor's property; understood but are they close proximity to each other or are they; the two wells are within fifteen or twenty feet of each other; unusual, that's another reason we don't want you pumping water into the pool too much, that's all; well we wouldn't be pumping water from our, we will be bringing water in; well initially you would but topping off is almost a ritual here, everybody tops off with the hose because you don't get the water truck in for like a few hundred gallons, you know what I mean; yes I know, there's a way of figuring a pool cover to __; I understand your situation, just so you know why we ask for those things; yes; the vegetative buffer thing, they put a non-vegetative buffer thing along the bulkhead when you did the house, right; yeah; gravel there, that's actually the splash zone; yes, that's a good thing there so we're all set, anything else; I don't, he made the adjustments on the pool so the dewatering is not a main concern; thank you; thank you.

The Deputy Supervisor declared the public hearing closed at 5:05 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled AMEND CHAPTER 53 DOCKS OF THE TOWN CODE.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: anyone wants to discuss it; I have a thought or two on the thing as regards to the ___; I was actually gonna ask, at any event, because I have received too late to mix the amendments, some requests from the WMAC with some thoughts on this so I'd actually like to hold this open til the next meeting, I mean obviously Paul you can ___ now or you can just incorporate what you; are ___ dramatic effect or; no, just; what are you telling me, are we gonna go forward or, I mean; I'd like to hold this open until the next meeting; right; so that we can __; ___ to say what I have to say; yes __; thank you __ to be helpful; okay.

At 5:08 p. m., the Deputy Supervisor declared the public hearing held open until the next meeting, and called to order the public hearing to be held as advertised on the application for a cell tower for the Shelter Island Fire District, and because of full disclosure, Councilwoman Brach-Williams is the Treasurer for the Shelter Island Fire District, and so that there is no appearance of any conflict of interest, she is recusing herself from any discussion and voting on this topic, and the same holds true for the second public hearing coming up on the tower application in the center, and she left the table and the building.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: is there anybody in the audience that would like to speak on this cell tower; yes Mr. Supervisor, thank you, John Coughlin, attorney for the applicant; thank

you John; the applicants are the Shelter Island Fire District, Elilte Towers and New York __ which is more commonly known to us as Verizon Wireless, the applicants come before this Board pursuant to Town Code Chapter 48, in particular 43 which requires applicant seeking to construct a communications structure such as the one proposed, obtain a special permit from the Town Board, a special permit as council knows is a permitted use so long as the applicant can demonstrate certain conditions are satisfied and I believe by the nature of the materials that have been submitted to the Town and by testimony you will hear tonight, we're gonna demonstrate those criteria have in fact been satisfied, the Board has been provided with several reports, some very technical and I have the experts here this evening who prepared those, sponsored those and can go into a little more detail on each of them but before we get into the technical elements of the application, I will introduce a couple of gents from the Fire District and Department who would like to come up and speak briefly and then I'll come back up and pick up from there; my name is Larry Lechmanski, I'm a volunteer fireman, been captain and Commissioner of the Shelter Island Fire Department; welcome Larry; as we know the Fire District is being asked to change their frequencies of communication, our low band system that we now have is being phased out, the County is going to shut, according to Jeff, they're gonna shut us off on January first, 2020, which is only a year and a half away, Southold is still a little iffy if they're gonna be ready to go to high band paging or not but whatever happens, it's gonna happen and low band is gonna disappear, the problem with the high band system is, number one, the Fire District is required by Federal and State law to provide an adequate and operating communication system for both people trying to call in a fire and for the volunteer firemen and to the chiefs and to the officers, like we don't have on Shelter Island, a centralized dispatch like Southold does, Southampton, East Hampton, if that was the case, then you guys would be in charge of maintaining the system but since we don't have that, the Fire District by law, has to provide this for our firemen, okay, a little bit of history just so you know, the wild fires of '95 in Westhampton which I happened to be there as a Chief, raised all kind of communication questions about what's going on on Long Island, it kind of went up and then it just kind of disappeared again, then 9/11 came, there were problems with the fire departments that were responding to the city, the whole thing went back up again but then it came down again, four or five years ago we had another wildfire in Manorville and it was realized that really nothing's really changed, it's still a communication nightmare so the high band system puts each fire department on its own operating system so we're not gonna be on top of Greenport, Southold, Sag Harbor, there will be what two channels that will be regular for the whole township, Southold and us, that we can talk, and the rest will be just for us, so if we're on a fire call, let's say it's a mutual aid, it's a big event, plane crash, something real terrible, we will be told what to do but then our function will be handled by our own frequencies, we won't be stepping and standing on anybody else, that's the big plus of going to UHF, the negative is it doesn't like going through dirt, rocks, houses, anything, trees, Shelter Island's topography is unlike the rest of Long Island, I mean we go from I think one hundred twenty-five or one hundred thirty feet above sea level in the Heights to beachfront property four miles away and all in between, we've got __ here you know, the low band and this has not come out yet, I just found this out today, is able to be put out at a hundred watts of power to go out and trigger our pagers, talk on our radios for less __, these new high band systems which is regulated by the FCC are only allowed to be pumped out at twenty watts, that's the reason that every seventy miles this system has to be boosted and then has to be boosted and then has to be boosted, and why is that, because if everybody had more power, then everybody would be stepping on each other like we did before so the theory is that we just need enough power to handle your own fire district which for us is unique because we're sitting in the middle of the water, other fire departments are within a mile of each other so it's unique to hear that we're all alone out here in the middle of the water, so on the fact that the signals won't go through stuff and the fact that they'll only be sent out at thirty watts, we've had the luxury of watching the other fire districts in towns on the east end, fight with this thing from '95 til now, we took a back seat for a long time, there was a lot of money spent in other districts and in other towns and it was wasted because the system didn't work, most of the reasons it didn't work is because everybody had short towers like we, ours is only sixty-five feet and the low band, sixty-five feet works just fine, high band, it doesn't work so everything has been tried by FRES which if you don't know what that is, Fire Rescue and Emergency Services at Yaphank that runs Suffolk County Emergency Services, they have tried everything and now they know that they to put one or two towers up on the Napeague stretch on the south side just to get to Montauk, just to make these frequencies get out cause __ you go up over Hither Hills, you come back down the other side, it's behind a huge hill, there's been nothing proven yet to make this stuff better that to go over top of whatever to get it to your men and get it to your people, so

the tower, since we are required by Federal law and State law to have this system, whether it's a cell phone tower or an antenna, there will have to be a hundred and twenty foot antenna at Cobbett's Lane because it's been proven through testing as you guys have all seen I assume, right and I have two sets here, one is for the cell phone coverage and one is for our own frequencies, they did two separate studies that even with the new one here which is gonna be one hundred twenty feet hopefully, we still need the one on Cobbett's Lane, the study was done for the Fire Department, according to GPS, Shelter Island is twelve and a half square miles give or take you know, the existing system, if we just did nothing with what we install over here, we can cover four square miles out of that twelve and a half, that's not very good, alright, with the addition of a hundred twenty foot monopole down on Cobbett's Lane, without doing anything even to this system here, we go up to seven square miles of coverage so you almost double just from the one tower and now with this one over here at one hundred twenty feet we should be able, well we will be able to cover the whole Island, Elite hired a firm to do the testing down at Cobbett's Lane, Paul you were there, some people were there, they started at eighty feet, ninety feet, a hundred feet, taller and got up to a hundred twenty and you guys have I believe the sheets to show you the coverage between eighty and a hundred twenty, a huge difference, the tower here, we did our own tests, we tried to save a little money, we took our ladder truck which is eighty-five feet tall, figure ten or twelve feet for the truck itself, Andrew put a fifteen foot antenna up so we got up to and a hundred ten feet and the chiefs were getting a little weak out towards Camp Quinipet, in the outskirts of Nostrand Parkway in those places that are on the other side of the hills at Louis' Beach, they picked it up and it would trip the pager and they could talk so that hundred and twenty feet, we are pretty confident, you're never gonna get a hundred percent I mean there's always gonna be a dead spot but it's our responsibility to make sure that we make this thing as best and tight as we can and the other part, one more thing I'm gonna say, I've got a lot I could say but there are a lot of other guys that are more important than me, the cell phone part of this, when this started was strictly in the Fire District's mode of phones to the people of Hay Beach, the people of Ram Island, North Cartwright Road, that whole area that's in that dead zone plus Elite is going to pay us to put the tower there and they're gonna pay us rent, lease for a year for amount of people who are on it, that would pay for the one that we have to put here so basically the taxpayers would not get hit with either one, we would get the income from the one to pay for the infrastructure we need to put up here to get rid of that old tower but since, this has been going for what three years I guess, the carrying instructors in Yaphank, that teach our guys, we teach our own guys but they do the official, cell phone now is being considered a means of communication for firemen in a house meaning it's a big you now, little ranch house or something, the guys all have radios but if we go into one of these big mansions, we don't have enough portable radios for everybody to have a radio, somebody could literally fall through a floor, fall through an attic, fall down in a basement, even if they had a radio, the radio might __ we don't know where it is, the cell phone now is telling, keep your cell phone and it's your last way out, if nobody knows where you are, you can use the cell phone, so the cell phone now becomes not just a nice thing, it becomes a way of saving a man and what's happened, the County has already done it, commenced with it and Southold will when they get to it, besides the siren and horns and besides the pagers, there's always issues, there's weather issues, sometimes the pagers go off and there's no messages, sometimes they don't go off at all, the County started a program where all calls will be registered by the County and they will text your, the fire and where it is, and the exact place on Shelter Island through GPS so I don't hear the horns, my pager doesn't work, my battery is dead, there you go, perfect example, what timing was that, I'll shut it off now or it will keep doing that, that's perfect, so my cell phone becomes an alarm and it also becomes a way to get out and it's also, more and more people on this Island are getting rid of their hard line phones, the 749 line, more and more people are going with their cell phones so it's now changed my attitude toward the cell phone part of it cause now I know that's a possible way to help our guys get out and the testing that was done from the County, we watched Mattituck spend thousands of dollars and have to do it over, Southold, East Hampton now is gonna have to put up a hundred and twenty foot antenna in Springs because they can't get the __ into Springs, so this problem is not Shelter Island, the not in my backyard thing is probably mostly Shelter Island but the issue is out there for all the Fire Districts, these signals have to be made amplified and they have to be done right and the equipment has to be put in the right place and at the work session I showed this picture, I hope you guys all have it __ doesn't have it but this picture of the spoked wheel, alright, it shows to me why that tower at Cobbett's Lane is so important because it can ping off Plum Island, East Marion, Orient, Greenport, all the way over to Sag Harbor, now they're gonna put that new pole in Springs, okay, plus our own pole, I can see now why Cobbett's Lane is the perfect place for it

because it becomes the center of the hub which means if the Southold tower is down, the Greenport tower is down, we have the ability to ping off any of these other towers for help whereas, no you can't do that, alright we can't do that, so like I said I just want to end with, unless you have some questions, I think that everybody in this room, everybody that's in that brick building across the street and everybody that's a taxpayer on this Island should do what they have to do to support and protect the volunteer firemen that are running into your house to put it out which you're running out and that's where I end it; are there any questions for Larry, Paul; no; Albert; no; Robert you're okay; okay, __ a question; oh okay; no it's not a question; two minutes; okay; thank you, I will be very short, this is brief, my name is Bob Fredericks, I'm president of Hay Beach Property Owners Association, about a month ago I sent out a survey to all my membership about how they felt about the cell tower, I have the results and I'll just quickly report them, I had forty-nine responses to my e-mails, that's a little over fifty percent responses, forty-one want the cell tower, that's eighty-four percent, seven do not want the cell tower, that's fourteen percent and one was neutral, I spoke to Marc Wein, president of the Ram Island Association, he sent the same survey out to his membership, I don't know what his base is but I got forty-one responses from Ram Island people, twenty-seven or sixty-six percent want the cell tower, five or twelve percent do not want it and nine felt in between, so the totals and then I'll sit down, out of my two surveys, Ram Island and Hay Beach, sixty-eight people or seventy-six percent want the cell tower, twelve people or thirteen percent do not want it and ten people or eleven percent were neutral, do you have any questions on that; Paul, Robert; thank you; I do have some other witnesses for the applicant; yes please; I understand that many of the neighbors want to speak but if I could, Chief, if you could come up here; sure; and everybody has a chance to speak so we're not going anywhere; hi everybody, the Board, Chief Anthony Reiter, my main concern is safety, we're here to protect and serve the community, taxpayers, everybody in this room and that side of the Island is one of the worst communications we have on this Island, it's our busy season and most recently we've had a couple of calls out there that I've already had the instance where I've had to use my cell phone because I couldn't talk to Southold, I couldn't talk to our radio station here and at the end of the day our family members are the ones who are volunteers, we want everybody to go home safe and it's unfortunate that we're even here discussing it, it should not be an issue, safety and concern is everybody's biggest part here, if something were to happen out there, technically I'm liable and from this point on I don't feel safe having firemen going into a building where I cannot communicate with them and hopefully this tower works and if not we're going to go other ways but we want everybody to go home to their loved ones; thank you chief; well with what Larry was saying, we had a call two weeks ago in the general vicinity of Cobbett's Lane and I had no radio communications with a portable radio, I had to take out my cell phone and call the PD, call Southold dispatch and I don't know, some of the people here, know what it's like to have a command center in the back of your car and not be able to talk to anybody, it kind of defeats the purpose of having a command center, on that note, thank you, we'll move on; thank you chief; so those are _ , the Fire District and the department used the consultant IWT for their communications, Andrew Hines is here this evening and he can talk a little bit more about the changes to the system and why that's so important __ feedback on some of the things that Larry mentioned, so Andrew is gonna come up; okay thank you; welcome; good evening, I'm with Integrated Wireless Technologies, we're the two way vendor that works with Shelter Island to enhance and maintain their two way communications, we're also a Motorola manufacturer's representative on Long Island, so as Larry had mentioned, a lot of this is becoming an issue because of the phasing out or the obsolescence of the low band technology that was used on Long Island for years, not only the Suffolk County fire rescue that is phasing that technology out but it's the manufacturers, Motorola Solutions has abandoned completely the low band, the only product that's available from them on low band is a product that they purchased for a tech standard, the pagers that the Fire District carries, you have to buy refurbished pagers to continue to meet the demands of the membership, along with Motorola, manufacturers have abandoned low band, Federal signal which provides receivers for all the sirens, they were heard around seventeen hundred tonight, they've gotten out of and been away from using any low band technologies, it's easily interfered by, you know, it's forty-six megahertz, all of our electricity, sixty cycle, it received that interference so it's not just the County, the townships, the fire districts, it's the manufacturers that are driving this migration away from the low band technology, to compensate for the loss of the low band, Suffolk County Fire Rescue is going to a UHF paging system, the fire districts call that high band, it's four hundred fifty megahertz, Suffolk County FRES is in the process of finalizing their west end paging system, the next phase of that project is their eastern end paging system where they intend on placing UHF transmitters at Greenport water change, there is gonna be one in Hampton Bays at

Southampton Town PD headquarters and others around the Town, Southold Town which is the primary dispatch point for Shelter Island Fire is also going to be rolling out their own UHF paging system, their UHF paging system is gonna have three transmitters, one on the Greenport town tower, the old Cablevision tower at the DPW tower behind Southold PD headquarters and on the Jamesport National Grid tower, so that's the direction that the town is going with UHF paging which again will be the primary dispatch point for Southold, each of those structures are still going to have deficiencies within the Town of Shelter Island, the members are gonna be on these pagers in their residences so we need to take that signal even and be able to redistribute it focused for the Shelter Island Fire volunteer membership, as the Commissioner did discuss, there are other devices that can be utilized to dispatch that alarm, we have seen a lot of the calls go out over the cell phone, the problem with those alternative technologies is when we get hit with that hurricane or there's a long term blackout, we're gonna see those cell phone technologies go by the wayside, the only thing we're going to have left are these two way pagers so it's very important that even though there are alternatives out there, we preserved this two way paging system, we'll also call right in the middle of Shelter Island, the south fork, Town of East Hampton has gone with a completely trunking seven and eight hundred megahertz spectrum system for their voice communications and then you have the north fork fire districts that at went with a UHF communications system, Shelter Island is caught right in the middle depending on which side of the Island, your mutual aid may be coming out of Sag Harbor, your backup, your support may be coming out of Sag Harbor on the eight hundred megahertz spectrum or they may be coming out of the North Ferry, Greenport, East Marion and Southold on the UHF spectrum so it's very important that the Fire District be ready to communicate on either, the trunking system is very expensive to expand, the Town embraced an expansion project just last year, I believe the total figure was six point two million and that was just to replace what they own to keep it from becoming obsolete, there is no expansion on that project, past spring they are taking a site that was formerly in Amagansett and looking for locations in Springs for that, even if they were to utilize that system for communications on Shelter Island Fire, the same area, Hay Beach past Cobbett's would still be in the shadow of that system, the individual fire districts on the north fork each have their own communications system on their own towers, East Marion we spoke about, Orient, Greenport, they all have their own towers to support their communication, we're looking for a similar system on Shelter Island, we've looked at either single pole as a possible solution, one on Cobbett's Lane or one at Shelter Island Fire, neither are going to give us that ninety-fifth percentile of communications that we need for a public safety communications system, we need those two systems to work in unison to give us the coverage that we need throughout the entire Township for voice and paging communications, with the UHF communications, it is governed strictly by the FCC, low band was issued years ago, the congestion on low band is next to nothing but even with a hundred watts of low band, the chief has stories about interfering with Connecticut State Police and in order to vacate this own operating channel by Connecticut State Police which obviously is not gonna give you the license ___ user but he has to, with him, do that __ communicate while to operate on his fire scene so the FCC has gone out of its way to coordinate the UHF spectrum better so that when you get a license you don't have to deal as much with this overlapping spectrum, I wanted to point out that we've heard the legislation in the attempt to allow for what's called the T band spectrum to be used by the fire service, a lot of the fire districts in western Suffolk jumped on that T band wagon when that T band spectrum became available, within two or three years there was a freeze on the entire spectrum which is everything above four hundred seventy megahertz, what we like for public safety use if from four hundred fifty to just below four hundred seventy megahertz, twenty megahertz of band to operate the communications and that's why we limit the output powers on the systems because there are very few channels to pick from, you need to be able to spread the allowable channels throughout all the fire districts not only on Long Island but also we have to deal with Connecticut and in some instances where we __ with New Jersey, so are there any questions I can answer as far as the technical end of what efforts were done by the Fire District to avoid it, I'd be more than happy to answer those questions; Paul; Albert; no I'm okay; thank you; thank you; so that is the ___ on behalf of the district, I would just underscore a couple of points, Fire District is like FCC, they are obligated under their Federal license to provide this service, obviously you've heard about the emergency __, Verizon Wireless is also licensed by the FCC, they are obligated to provide a service, other carriers __ to accommodate other carriers, the Town Code encourages that they go on the same structure, you don't have multiple poles, the Town has limited tall structures and the Code wants to keep it that way, so the design is preferred by the Town Code, the property location itself, aside from being owned by the District which obviously they prefer for security,

maintenance, repair, is encouraged by the Code, this is a top priority location to construct a new communications tower so with the property identified, I'd like to have Greg __ come up, he's from the company that prepared the plans that the Board has had for some months and he can walk through a little bit more detail of the site design and how we're proposing to achieve the __; Greg __, __ Engineers; welcome Greg; thank you for having me, I've been in the wireless industry for close to eighteen years, professional engineer for the last four, so I've done thousands of these __ installations from Maine all the way down to __ really, so I've been around this industry for quite a bit, so just a description of the site here that we're working with, we have a one hundred twenty foot tall __ pole, it's a four and a half feet diameter at the base, tapers up, tapers down, excuse me, three foot at the one hundred twenty foot mark, it's within a fifty by fifty foot by six foot fenced area that's situated directly behind the fire department, I am within that compound, we have a four by six concrete pad that the fire department's equipment sits on and then a nine foot by seventeen foot three inch Verizon Wireless pad that will house the Verizon Wireless outdoor equipment and that will have an overhead canopy above that except for ice and rain when the ___ are on site and also within that fenced area, a five hundred gallon underground propane tank that serves the Verizon Wireless backup generator and then the necessary utilities to the site you will have a __ stand cabinet which is a telephone fiber cabinet located just outside the fenced area along with the transformer as the utility company will dictate to us and then a multimetered utility __ to provide power to the __ so that's ___ the property will require minimal grading so there will be very little change in topography, I'm talking maybe a foot over fifty feet, somewhere along those lines and that is really the entirety of the installation as is currently proposed; what is the equipment that is located at the base of the tower; where is it; what is the equipment; okay; to look at, obviously a generator, I heard you put a propane tank but what else is there; yeah well __ fire district equipment itself, that's, you know maybe someone else can __ to what they are planning on installing, the Verizon Wireless equipment will __ what we call a power protection cabinet which is basically a disconnect and circuit breakers like we all have in our house along with a telco cabinet which basically will manage the incoming __ and provide the landline service back to the Verizon hub and we're proposing at this point __ equipment, two additional cabinets that are about two and a half foot square by six feet tall like maybe you know the size of a refrigerator really, also at grade, cause this is a concealment __, you will have ancillary equipment that we call rhs or remove radio heads, the remote radio heads, you know they are basically the size of a shoe box, they are now really doing all the work that the larger older installations used to do, where we used to have a twelve foot by thirty foot ten foot tall equipment shelter, we really scaled that down to these individual shoe boxes and there will be about nine of those on site depending on the frequencies Verizon wants to cover; okay thank you; if I could, there is a question in the Town Code Chapter that talks about wireless structures about fall zone __ follow __ structural integrity, can you tell the Board a little bit about the analysis; the design of the site of forty-eight dash seven which deals with fall zones; right, so the, forty-eight dash ___ half the height of the tower, I have a letter here from Bellmont Structures, they are the tower engineer, they've been around for twenty-five plus years of design and construction and built probably hundreds of thousands of towers around the world, they are one of the leaders in the industry and I believe everybody has this letter and what we're dealing with here is a class three tower meant for emergency safety so it is a, it's really an over designed tower, the way they over design it, they over design it up to sixty feet so if there is ever any damage to this tower which they're designed not to fall, it will kink at the sixty foot mark and fall within that sixty foot mark and thereby just falling under that under forty foot fall zone, that we're gonna be out sixty feet so we're not gonna fall off the property; is there a warranty against damage; I'm sorry; a warranty against damage; a warranty against damage for the tower owner, that I can't tell you a hundred percent to be honest with you, I don't really deal with you know, getting into the purchasing of the tower and that's where it stops, if there was any damage to the tower, it would certainly be repaired; but who would pay for it; if it were my tower, I would pay for it; okay; they are ___; thank you; I have a question, will you need FAA for the tower and what type of light will go on top of the tower; yes every tower does need to be approved by the FAA, the documents will, once we get the final __ submitted, so there would be no __ where the tower is located in relation to any airports in the area, we are not proposing any lights, lighting at the top of the tower, at the top of the one hundred twenty foot tower there will be the five foot whip antenna, that serves as __, so there's not any lighting proposed on the site ___; thanks Chris, and we can leave this out in case anyone else wants to refer to it, Elite Towers asked me __ that analysis, the tower complies and will not be lit or striped or anything like that based on current location, the next individual I'd like to have come up is Ivan Joseph, he is the gent who actually prepared that map that Larry

mentioned earlier showing the modeling of the coverage, the improvements to the coverage that the Fire District expects from the construction _ , he can go through that in a little more detail, I believe you all have copies of them, I have a couple extras if anyone needs them but; good evening, my name is Ivan Joseph, I'm from a company called Enterprise Engineering, LLC, we're based out of Fort Lee, New Jersey, the company did the analysis for the Fire Department's system and for the proposed tower that's going to be going up, basically we're hired to evaluate the Fire Department's network and perform what they call a dry test at the facility to determine the minimum height required for the Fire Department to be able to cover that section of the Island, again I'm a radio frequency engineer, I have over twenty years of experience designing wireless communication networks primarily for the cell phone carriers but I've also done analysis for other towns such as the Islip Fire Department and local municipalities so as the Chief, Larry explained, after our analysis we reviewed the existing Fire Department facility located down the block which is operating at forty-six megahertz and we found that it is not sufficient to cover the Island, right now it's only covering about four square miles of the Island which is about twelve and a half square miles and performed what they call a dry test and we supplemented that with radio frequency simulation using a software called the __ mobile which basically simulates what the radio frequency signal would look like, I may have copies of that report so from our analysis we found that there is significant deficiencies to the north of the Island along Ram Island Road, Manhanset Road, Gardiner road, about three or four miles of roads up there and that the proposed facility at one hundred twenty feet works with the facility here to provide approximately seven square miles, with three square miles of new coverage which would benefit the north area of the Island and as you know the Island is isolated and the lack of coverage, the lack of usable signal is very detrimental to the Fire Department; __ is anything less than one hundred twenty foot height going to serve the Fire District's need in that portion of the Town; I don't believe so, even with that, the Fire Department will still have deficiencies throughout the Town and again with the moving to the higher band frequencies, it's going to limit the amount of coverage that they would have throughout the Island; any questions, thank you; well certainly I would submit that the District has demonstrated the need for its facility, again the Code encourages co-location by other operators, this proposal has Verizon Wireless coming in on the tower as well, their antennas will be concealed within the tower, the tower itself is a unipole, there's nothing on the outside of the pole __ the whip antenna for the Fire District on top, there will be no cabling or antennas on the outside, Martin Lavin has done engineering studies that are __ for the Fire District, he's done it for Verizon Wireless, he's also prepared a series of maps detailing the coverage improvements that Verizon expects from the proposal and he can walk through those for the Board as well and I'm gonna help him cause he doesn't have __; I'm Martin Lavin, Radio Frequency __ for Verizon, __ qualifications, ___ engineering and I've been doing re __ engineering for over thirty years and on three different continents so, this is basically, this is the same map the fire ___ or commissioner referred to and spoke about showing our nearest sites all the way around __ course and the coverage ___ a good distance in any direction, __ topography, elevation in this area ___ , ___, this is the depiction of our current coverage, one is in red and one is depicted in green ___ in blue, white areas are those that __ right now, and as you can see there is a very considerable area right now that __ is coming over from the Greenport area right now; Martin can you tell the Board about this; you want to see the waste facility; yes; and what height __; we're at one hundred twenty down there right now; this shows the impact of the facility on the proposed tower at Cobbett's Lane which we see __ great deal of that area, it has one point three square miles of coverage addition __; ___; one point eight almost and __ more people covered, __ two hundred sixty-five more people covered ___ so that's in terms of year round population, __ minus eighty and seven businesses minus eighty, in response to a request from the Town __ our existing and __ coverage at ninety minus, minus ninety-five __ standard coverage, as you can see at the lower levels of coverage it might be indoor and outdoor levels of coverage __ building, a whole area turns green ____ ninety level until you get out to the end of Ram Island and we're down into this area here, it's a very dramatic pickup of coverage; any questions for Mr. ___; good, thank you; again Mr. Lavin prepared the supplemental maps at the request of the Town's consultant __ this evening, he's also in receipt and his company has approved the structural documents that Greg __ mentioned earlier about the ___ design of the tower, another gentleman we have here this evening is John Elsworth, he's from VHD, the planning and engineering company, they were part of that crane test that was conducted, the visual component thereof and Johnny can speak a little bit about the site design, site location and basically walk through the simulations of what the proposal will look like if approved and constructed, John give your ___ and I can hold __ if you like; John Elsworth, I'm chief environmental planner for VHB, 100 Motor Parkway in Hauppauge, I've

been doing environmental planning for over thirty years, we did, or the VHB did the one mile visibility study and included a, two components, it was the one mile drive to see where the crane was visible on __ roadways in the surrounding area and we also analyzed the simulation photographs so these are the, this is in the report, this is the one mile visibility study and it shows where the tower would be visible in the surrounding area, the red lines are where the tower, where the crane was clearly visible and again this was in March so it was very leaf __ season which is the requirement for the worse case scenario and the blue areas right in close proximity to the location of the little green star and then one location here and then the blue is where it would be partially visible through the trees, during the leaf __ season, right now if you went out there and if the crane was up, the areas where you could see the tower would be much less than what's shown on this diagram here and we also examined the simulations that were done for the, and these are also in the report and just quickly going through them if you were to look quickly and this is actually photographs in which an accurate rendering of the proposed tower is, it's actually photoshopped into the photo and if you look quickly at these, in most of the photographs between the trees, it's very hard to see where the tower is because of the coloration, it's essentially the same color as the sky, so there's some locations where you can see the tower sticking up through the trees, this is the existing, that's the proposed and here is a little nub sticking up at that distance of nine hundred fifty feet and the others pretty much the same so this photograph here, this is the last one, this is right on the property and you can even see in that photograph that it matches the sky, obviously when you're right on the property you can see it but it blends in, it's essentially a big utility pole and it's a very narrow profile, it's not the old style, the lattice or even the monopoles with the antennas sticking off the outside, all the antennas are on the inside so it's just a single pole all the way up; and again these are included in the one mile visible study that were in the January packets that were submitted to the Board, John is there anything __ by the way of your conclusion about your opinion of the impact; alright so on our conclusion is that based on our one mile radius scribed in our analysis of the simulations that the proposed facility will not have a significant adverse impact on the neighborhood; sir, may I ask you a question; John one question; you were representing the Fire District on this, right; no, I'm representing Elite and Verizon; okay, fair enough; okay, have you ever found that there was going to be a significant impact originally; for a monopole; yes; in the projects that I worked on; yes; typically not because the monopoles are designed again they're, the location is carefully selected and they're designed with the colorations that blend in with the sky and the narrow profile to minimize the adverse impacts; if I may Mr. Shepherd make a footnote that our clients won't proceed with a site that is perceived by the expert as being one that has that sort of significant, potential significant impact, the attorneys and the experts wouldn't let the project get to this point so I think that's probably underscoring Mr. Elsworth's point; just kidding; giving you a free ride here; quite frankly I kind of quarterback and wouldn't let it get to that point; okay; I would hate to put up a witness who would say _, the next witness I do have for you this evening, his name is Kwan, he has done an acoustical study, __ back to the Town Code Chapter 92, __ location __ decibels, there is a provision that accepts noise generated by municipally sponsored or sanctioned functions designed to promote health, safety and welfare of Shelter Island, I submit to the Board that the Fire District is almost certainly covered under that, their generator does make noise, Kwan can talk about this in the acoustical analysis, I would request that the Board also consider whether Verizon Wireless is part of that emergency communications infrastructure also fall under that exception and I can come back up after Kwan has presented his analysis and we can talk a little bit more about it but I would just draw it to the attention of the Board and the counsel and in particular that provision as he presents his findings to the study, say hello, give your background; hi my name is Kwan __, I work with VHB, I've been doing acoustical studies for over eighteen years _ so I look at it as a fact finding study, we looked at the noise sources that potentially comes out of ___ as we identify the Fire Department's emergency generator and then also the proposed emergency generator so it would be outdoor equipment that would be part of the project, so using international standards for calculating sound noise at the abutting property lines, I determined that based on the national loads of the generator and the maximum ___ of the outdoor equipment that the __ equipment associated with the new tower of Verizon Wireless, we're gonna be tested to fifty-one or fifty-two __ which exceeds the Town Code of fifty, and that's the existing generator run by the Fire Department actually exceeds it to about sixty-six decibels which is also above it, above the Town Code and keep in mind that these are only sort of maximum levels that we looked at __ look at it so at the conclusion of it, my recommendations as is that we could shift the equipment around the project site, the proposed equipment out away from the nearest property line that we're exceeding out of the __ that we looked at around the project

site so the mitigation would be looking at the site and potentially shifting the equipment away since the levels are just slightly above the Town Code; how much of that comes on in an emergency right or is there periodic testing; there is periodic testing; what's the period; typically the testing could last for a half hour to an hour once or twice, once every other week during the daytime cause it would be done during business hours; okay thank you; in the plan, I wish we had it mounted on the board to show you the detail of the compound detail plan which I can draw the Board's attention to, the Verizon generator is located here, most approximate to the western property line, the Fire District's generator is here, I think what Kwan is suggesting is that if the generator were located to the interior of the Verizon compound, there is a portion of the compound that would likely get down within the threshold, if the Board is disinclined to agree with our position that the Fire District and Verizon fall under that exception, the applicants would agree to any condition of approval that they reorient or if necessary add some type of mitigation sensing or __ to lessen the impact; whether or not you can get away with making noise, it obviously would be better if you didn't for the people that live nearby, right; I don't know, Mr. Shepherd I would submit to you that the applicants are exempt, however if the Board disagrees with our position, the applicants would acquiesce; what mitigation measures would you propose; Kwan would you come back up and talk about the sort of measures that could be pursued; so typically we, if we could allow this at the site, move the equipment ___ away from the ___, the other is typically installed __ fence around the equipment itself to mitigate that noise level; my question on the solid wall, what would that bring the decibel count down to; so for something like this where __ perceivable by the __, you need more than three decibels to get a difference, __ reduction so with a solid fence you should get at least that; would it involve any kind of acoustical material like wooden fencing; well this site, probably not just because it's only a decibel and a half over the threshold, typically we see sort of the acoustical material used when we see that essentially eight or ten decibels higher where it needs to be that high to sort of mitigate that or it absorbs the sound waves; so for something like this where we're just above a __ less than three decibels, typically a tall fence, not a typical stockade fence where you have something solid with no __ mitigate; would PVC be something you could recommend or something more solid; typically wood, PVC could be hollow and doesn't have that density; okay, so what is then __; right; which is essentially __ at the site so; how wide of a panel of fencing would you say based on this current design layout; I would look at sort of, to me the source, the generator or your cabinet so I would say like an "L" shape where you are able to cover the equipment itself; what height; the height would be essentially the height of the cabinet or the equipment or above it so it is out of site; out of site but we're talking about a line of sound; right so sound actually travels in a straight line so as long as you block that line so typical ___ as well, six feet so the equipment is about six feet tall so __ then to block that line of sight; if you're below somebody you would have to do a different kind of thing, in other words; so if the receptor, so you're saying if the source is below the receptor, then you would need a higher fence; right cause it does radiate outwards; the existing firehouse has it's generator now and does that go on every two weeks; I'm not sure how long they, their frequency, every owner has their own __; I guess once a month; does anybody complain about that; Art; we never got a complaint about it before; for perspective, how many decibels is it for doubling the sound perceived; well it __; we're looking at say fifty versus forty-five, I'm looking for a relationship for people again to understand what we're talking about at fifty-one and a half; yes; okay, how does that relate to the ambient sound for instance which would be measured at roughly forty-seven decibels here; __; okay, how does that relate, can you get a picture of like how much louder it is and what's the normal __; __ what a measurement needs to be, to be perceptible to the average human here; so in general the typical ear can only hear things that are greater than three decibels; right; so as sound travels, I would say five decibels, five to six decibels when you can hear the difference; okay, so this would be slightly different above ambient sound really, it's not like; yeah; it's not __, I'm trying to get to __; any other questions; I guess just in case the sound thing becomes a bigger issue, how, what is the statistic to __ that; the applicant or the district would bear that cost; alright and in your estimation would like that add to the visual impact at ground level, I mean I don't want to turn, you don't want to turn this into a circus; as not the visual expert, I would submit you to someone who has worked on these a lot, it would not, especially if it's that simple as reorienting the equipment so that the generator is closed in as opposed to furthest out to the line, it would just be a reshuffling of the cabinets that are gonna be behind the fence that is proposed around the whole square and that much further away from the property line; I'm not looking to run the District through hoops; understood; but the fact that the people that may have issues with this because of proximity or whatever else, are

in the vast minority, doesn't make them go away; I understand; or diminish their concern; which is why the applicants would agree to any condition that if they need to move the generator to be located in a fashion either relocated or reoriented in a fashion so that it complies with the fifty and if necessary adding the sort of fencing that Kwan just discussed; they'll do it; they'll agree to that condition if any resolution of this Board is inclined to; __ not a back breaking __; it is not; that's important, okay thank you; that is not a deal breaker for the applicant; thank you; I have one more, you heard a lot about the health, safety concerns from the Fire District, generally I say something along the lines of __, you can't consider __ and you know that under Federal Law you can't, the health improvement, the safety improvement to the Town are really important in this application but I do as a matter of Federal Law, need to demonstrate to you that the applicant has conducted that study so we can satisfy that notch, we have a report, Frank Barber is here from Cyanetics, he can tell you the actual numbers, what the conclusion was so then we can at least you know, mark that off but I know the Board is aware that that can't be considered as part of the decision making process; but we'll consider it anyway; we'll make sure that we made it __ compliant, Frank; good evening everyone, my name is Frank Barber, I'm with Cyanetics LLC from Stamford Connecticut, I have over thirty-three years of experience with radio frequency systems for both the military and commercial, I have a masters of engineering from Stevens Institute of Technology and a bachelors from Manhattan College, I'm here to discuss our report that we submitted from Cyanetics, as John said, this is about FCC compliance for a radio frequency emissions on the proposed site, as you've heard many times tonight, this is a one hundred twenty foot monopole site with an antenna on top of the Fire Department and Verizon located below __ lines of one hundred seventeen point five feet and one hundred twelve point five feet, what we do is we analyze all the __ emissions of the site, all channels at maximum frequencies, we actually put in a __ factor on this and we measure the, we calculate and analyze the, at various points about the community, and nearby residences and we come up with our calculations and I guess, another thing is this is a co-location tower so any new sites that would come on the tower, a similar study would have to be done to add those to this location, we use the worst case analysis like for instance we put a down tilt of the Verizon tenants maximum four degrees which they probably won't be, they'll probably be at two degrees so it's, it will be typically above, higher above the public, general public, we also like I said, we add in factors for continuous operation of all frequencies which again is not typical and basically in conclusion, the numbers we came out with are point eight nine percent, less than one percent of the allowable one hundred percent which is greater than one hundred times the maximum permissible exposure allowed by the FCC, so with this in mind, any future, we don't see any problems if there's, there's plenty of margin in that for future carriers so it's not like an issue for expansion so there are obviously no issues that we see on this report, any questions; no, thank you; did I give all the reports to you; we got that already, I read that; that has been submitted; unless there are any questions; __ John Breslin, New York State licensed Real Estate appraiser, you do have his report, it was in the January packet, I'm happy to read his conclusion to you but I believe the written records speak for themselves, if anybody has questions about real estate values, we can address those at a different time but really his summary kind of ties to my conclusion of the presentation to the Board, the special permit criteria in the Code require that we the applicant demonstrate the project is suitable, that this is the right location that it is gonna provide a benefit and not a detriment to public services, are there any environmental concerns, if it's not gonna generate any type of weight, minimal vehicle traffic to check on, the generator check on the site every couple of months, the site development, this is the site, this is the site that the Code prefers, this is the site that the Fire District needs and this is the site that also works for when the co-applicant that your Code encourages you to utilize, all that being said, thank you, I and my team will stay through the questions and comments from the public and your consultants; well briefly I would just, the real estate thing if I recall, the judgment of the individual gave the summary, that there was no known observable impact on the real estate, no negative; it was Mr. Breslin's opinion that it would not depreciate or tend to depreciate the value of the property surrounding the site; and that was based on other installations around it then; yes based on all his studies; right, he agreed that; yes sir; okay; and I would request that you do stay and answer any questions; absolutely, it could be information for any residents; absolutely; thank you very much; good evening Mr. Supervisor, ladies and gentlemen, members of the Board, Town Attorney, my name is Al Taglifari, I'm with CMS, we are the wireless consultant to the Town, we were brought on to evaluate the application and to review it pertaining to your Code and whether the need for the site was warranted, we did submit our recommendations, our letter __, we did look at originally at the, when they first did propose the site, I was also out here when they did the crane test over a year ago; sir, can you speak louder, I can't hear you

talking back here, I'm sorry to interrupt you; and we did analyze the maps that they had done, the _ maps to identify if there was a need at that location, to demonstrate a gap in their service primarily for Verizon as well as the Fire Department, they did submit maps I believe beginning at __ and going all the way up to one hundred twenty-five and we did also in addition to the, what they submitted, we asked them to submit, which was demonstrated a weaker signal ___, ninety-five ___ and __ the material that they submitted we determined that at the hundred twenty foot height would be what they required, what they were demonstrating to cover that need, the gap in their coverage as well as to the Fire Department and to Verizon, the, we then looked at the priority locations under your Code and this would qualify as the highest priority of municipality to the Fire District in that general location, everything else around it is residential so this would be __ hierarchy __ Code __ top priority location, we also looked at visual impact, different types of installations and what they're proposing is a __ pole where all the equipment would be within the pole itself, there would be no visible __ outside the circumference of the pole and it also allows for co-location so in the future if AT&T or Sprint or T-Mobile approached the Town and said they had a deficiency in coverage, they would be directed to that pole and could also locate their antenna within that same because there are slots available so it would alleviate the need for another structure somewhere in that area, some of the _ come with the need, we also looked I believe at the structural, we wanted to make sure that it was the more stringent structure class, primarily that it would also __ the emergency services as well the cell phone service which was discussed earlier, so much of it, emergency services are transmitted via hand held cell phones, not just through traditional needs, so based on all of the material that we looked at, we concluded that the application was complete and they have demonstrated that there is a need for a facility at that location and that location is the highest priority under your Code and the type of facility would provide the least visually, visual impact as opposed to a fake tree or a typical monopole and could be painted various colors but what they're proposing is the color of the sky, it's a judgment call basically but that being said, if there are any questions; thank you very much; thank you; David; thanks for allowing me to speak, I'm David Harms; welcome David; I live at 55 Cobbett's which is directly behind the fire station where the tower is supposed to be, let me back up just a little bit, when this topic first came up four years ago, I went out and I organized a petition, I got about two hundred fifty people to sign up with, but it was an unusual petition, it did not say I'm for a tower or I'm against a tower, what it said was, let's get the facts and then let's decide if we really need a tower and if we do, what's the least intrusive way to put it up and that's right out of the core principle of Chapter 48 of the Town Code which basically says yes we need a pole, we will put it up but we will try to mitigate the impact in whatever way we can that doesn't interfere with accomplishing the purpose, okay, I still believe that's the right approach and I think what I'm gonna say now to you may surprise some of you, it surprised me a way back but having studied this now for at least four years but intensively the last year with my expert Jacob Sharvoney who I'd like to come speak after me, I had come to the conclusion that there's a case for a tower at Cobbett's Lane, we need better cell service coverage around the northern part of Island, particularly Hay Beach and Ram Island, I get all that, I've got a lot of friends, they say the same thing so I'm not gonna stand in the way of progress, I also get the point, I really get this one, that we need to have an improved emergency communication system, Chief Lechmanski and your colleagues, I could not support you more in that, a hundred percent, the question is what do we need to do to make sure that they get that protection and I would not support any move that does not give them that protection okay, now with that my way of background, I looked at this proposal a lot and I think it's a way forward with two changes which I think are important to mitigate the impact on those of us who live right next to this thing, number one is sound, I've heard the testimony and read the reports, we need to make sure that the tower does not come with equipment that creates a nuisance for noise purposes, now the testimony given has basically been about the generator and yes the generator is probably the noisiest machine that they will have but there's a lot of other equipment there, including cooling equipment and the electrical side of this gets very warm and has to be cooled so these things will come on when the generator is not on, can you hear them for example at the dump site, the question is when they come on, they may come on for long periods of time, night, day, it doesn't matter, the question is does that noise raise the ambient noise level of this area, now if you know the area, the ambient noise level at night basically crickets and leaves blowing, very, very quiet and if you look at the study and I think our colleagues mentioned the same study in their report that the ambient noise level for a quiet rural area like this or even a quiet suburban area at night is around twenty, twenty-five, maybe thirty decibels; that's not what we measured here; that's what they've got in their report and that's what our research says is particularly accepted, now their counter to that is that as long

as it's not over the fifty decibel limit that the Town imposes, that ought to be fine but I have to say that that's not the right standard, right, that's for people having noisy parties, people having music, that comes up once in a while, these things go continuously so there really needs to be an effort to keep the entire equipment pad quiet, I think there's a way to do that and that is to put up a soundproof barrier, it's not that expensive, certainly not for Verizon and their colleagues, I think it has to be well above the limit of the equipment, I would say something like ten feet to make sure that that sound goes up and not out and it has to be thick and dense and it's got to have soundproofing or a sound absorbing material on the inside, that's not a big deal to do, in fact I put one in my own backyard around an air conditioning unit and it really cuts the sound and that could be done here so I think I would respectfully request that if this permit gets issued, one condition of the permit be they should install and maintain a ten foot high sound barrier with proper acoustical deadening in it and the goal should be to keep that ambient sound down around twenty-five or thirty, that's where it is now, we shouldn't have to give up our peace and quiet for this, that's the first point, the second change that I think could be made here to make this really workable is that as you know, the proposal calls for a tower of one hundred twenty feet, that's a lot, it's two or three times the tree height in the area and notwithstanding the visual diagrams, it's very noticeable, the question is though and the Code requires us to answer this question, is it necessary at that height to do what they need, now my expert Dr. Sharvoney will talk to this in a little more detail, he's written a report and he will give you that as well, we are comfortable and very confident that with a tower of seventy feet, seventy feet, that we could have very reliable, both cell service and emergency communication service over the whole northern part of the Island, let me show you what I mean, can we have that picture, you'll recognize the territory, right, the northern part of the Island, these three concentric circles as one mile apart, here's the proposed fire station tower, if you use a single strength known as minus ninety-five dbm, by the way, my expert will testify that that's the normal standard used in planning these towers and Vic Homey, your colleague, Al, he actually questioned the proponents and said look you've got this for minus eighty-five dbm, that's ten times stronger than minus ninety-five, why don't you use minus ninety-five, that's what everybody else does and they revised their coverage maps and all and it didn't change that much but if you go to minus ninety-five, you will get that signal all the way out to this line here, well beyond the _ of land, Hay Beach and Ram Island, okay, Jacob will talk to that a little bit more but that's an important thing and the reports that were given showing what tower coverage would be eighty, ninety feet or so, those assume a minus eighty-five dbm standard which is ten times stronger and they basically show anything that doesn't meet that, is no good, it's kind of like saying hey we need a Maserati to get around on Shelter Island when a gold ford will do, right, that's the difference, Jacob will talk to that some more, one other point I would like to make here on this question is that Mr. Comey, when he reported to the Board his reaction to the submission said, let me get my notes out here, he said in particular, quote, he said that the application quote does not substantiate the need for a structure height of one hundred feet end quote and he asked the applicants to please provide more information showing what the coverage would be at lower heights with the minus ninety-five dbm, that has not been done; it was done and you have copies of those; it does not, it does not show, it shows anything below minus eighty-five is basically no good; so that's, unless there was something that was submitted that was not provided to us; while they're looking at that, let me; I'm happy speaking out but if you'd like to continue; no; the materials look, were emailed to you and your attorney, the Board received them, Mr. Comey received them, he revised his letter dated May fourth; yes; do you have that; yes; his colleagues said that all these materials were acceptable and we need __, so you're referring to prior versions of the letter that has been revised with supplemental material; no; you're misrepresenting the record for the Board; no, I'm looking at the only copy we have from the record, it's this one right here; okay; this was the supplemental affidavit March 29, 2018, alright, and it shows that anything less than minus ninety dbm would not be green, okay, now maybe I'm misreading your legends on here but it says what it says, now my point about all this, I don't, let me go to __ first, when it comes to firemen, it's absolutely imperative that they get the coverage they need, no question about that, I'm with them a hundred percent and one thing to note here is that the difference between regular cell service and the so called high band transmission, they're very different, they run on different frequencies and the high band transmission uses more sensitive __ so that generally will pick up a signal better than a normal cell phone would, my point about all this is that if we have good cell phone service coverage, it by definition should work even better for the hand signals and I understand, these guys need both and deserve both, they deserve good cell service and good hand signals but if we get something that works for the cell service, it definitely will work for the other, and my expert will talk to that also, one other point

about height, and that is the fall zone question, as you know, the fall zone section, what they're proposing to do here is to put up a one hundred twenty foot tower at a distance which right now is supposed to be sixty feet from my property line, now under the fall zone in the Town Code, it says specifically that it must be situated that if it should fall, it doesn't say if it should fall the way the manufacturers say it should fall but if it should fall, it doesn't touch any other property, you can pretty much see that if this one hundred twenty foot tower fell and that's not likely to happen and I get all that but floods can come in and weaken the base, whatever, and it falls sixty feet into my property, now, I worry about this a lot less if that tower goes down to the height we think would actually work, it's seventy feet, so that is not necessarily a show stopper from my perspective, so in sum, I'd be prepared to support this with the two changes I mentioned, the full robust sound barrier and cutting this down to the height which we can all agree, cause physics are physics, right, there's an answer to this question, if we got it wrong and we've analyzed the physical properties incorrectly and you guys are right that you have to have one hundred twenty, then I'll give up on that, I'll agree but there's a physical answer to this and I think we've got it and I'd like now to call up my expert to present that and show you a little bit more about it, he by the way is a very shy man so I'm gonna tell you about his credentials, he doesn't like to brag but he's got PhD in electrical engineering from Columbia University, he teaches graduate school classes there, he's been in the industry for the last twenty years, maybe twenty-five, so I guess he's young but he also has his own consulting group called Mobius and he's worked all over the US and outside the US in a whole range of cell service issues for carriers, manufacturers and the like, so he's very qualified to talk about this, let me ask him to come up and just present what we're getting at and why we think the seventy foot tower should be acceptable, Jacob; thank you David; __ my name is Jacob Sharvoney, and I want to present to you that ___ the members of the Fire Department as well as the __ in the Town, quickly ___ I got my bachelor in 1979, it's almost forty years and since I graduated from Columbia, I worked with ___ , so I want to take you through that ___ but I won't talk too much to make it complicated so it would be __ if you have any question, if something is not clear so I would start with the need that is beneficial for the public in the Island as well as communications, emergency communications need __ Fire Department ___ now the method that they use here basically rely on __ regulations and __ by __, if the ___ generation _ I've been developing base stations, small __ and I've been in the ___ teaching at Columbia ___ , so __ basically the way it works, you basically start from the base station, ___ at certain power __ the height effect, it tells, and then the signal ___ so along that way and the generator and experience loss of power and hopefully it will arrive at the handset with enough power you know to get a signal otherwise ___ enough power so ___ for the base station for the __ I give __ and was submitted by __ so __ is given, we don't usually stand up __ and then they go and basically use the signal and arrive at the handset, now when you design an FCC base station, you start at the base station where the signal is high and you go all the way to the edge of the stairs ___ or basically we can't __ we'd be nationwide with many ___, at the edge of the cell and everyone can check it __ android phone you can make a perfect phone call with minus one hundred five and this has been documented in minus one hundred five dbm, this is hundred times signal which is ___ than the minus eighty-five as it was mentioned, I'm not saying that minus eighty-five is not a good signal, it is a very good signal but you can pick a very good phone call and send text messages if you go to minus one hundred five, now, __ called me from the company and suggested a signal of minus ninety-five __ it's a good signal but it could go another __ and still you could make a phone call and you can try that, there's nothing new about that so I will start with ___ we are not going, I'm not teaching a class here so __ the equation but this is __ that has been taken from the __ body which is called three gpt that governed the __ of ___, now the way that they got the __ is __ like an equation, it is basically based on __ people ___ in rural area and they get all the ___ and they tweak it so __ and they take into account almost all __, the height of the tower, the ___ of the __, the foliage of the area and the vegetation, the trees etc. so I would give __ back in the summer to see the Island and we went to different locations to observe the foliage of the area, I mention why __ so in my __, this was in figure one, now I would like to go to figure two quickly; this is not the man that ___, it is not the man who ___ and this is in figure two, basically when you ___ it basically gives you the __ that the signal would experience going from the base station all the way where the handset is; that's page nine in your book; yeah it's page nine in my book so as expected, as we go further from the base station, this is a higher __ as expected, __ but what I want to show __ which is basically three hundred forty, on sort of a _ of what we see here, as we go further it shows the base station at 61 Cobbett's Lane, we go one mile, two mile and it showed the signal so in this case we see the affected area on less than three miles because we cover Hay Beach and Ram Island which is around two point eight miles, something like that,

now if we go here, so this is the __ end from the base station, one mile, two miles, three miles and this is the signal that you can see from a one hundred twenty feet tower and seventy feet tower, obviously there is a difference because a one hundred twenty feet tower will give you a better signal but as David mentioned, we don't need __ right, so under this, what we see that around three miles which covers all of Ram Island, the signal with green line, the green line is the seventy feet tower, is about minus eighty-six dbm, that is a very good signal, and if we go a little up, if I said one hundred twenty feet, it would be around minus eighty-two, that's a signal but do we need it, not necessary because the minus eighty-six would suffice, now in this line, the magenta line, this is the minus ninety-five dbm that Mr. Vic Croney basically suggested and I __ he basically said the falling, if you are below this line, you will not be able to make a phone call, if you go here, six miles, it's below the red line, you may not be able to make a phone call, but we are not talking about six miles from here, we are talking about three miles so this is, would be __ by a seventy feet tower; Jacob, sorry, now just to make it clear, talking about where you lose the strength of a minus ninety-five dbm signal, right; correct; and that's considered a reliable signal, a good signal, and that's what Dick Comey said as well, just the fact that you get out past the minus ninety-five, suddenly oh boy maybe you can't make a call, that's not the case, it's perfectly reliable out to that point to where it drops below the minus ninety-five dbm, everything above it __; as I mentioned before, you can make a very good phone call with minus one oh five but for economity I adopted the minus ninety-five which is ten times stronger signal, so you can say so why do we need a good signal, well, for _ or you need to do a __ or you want to move local data, well yes, certainly the minus seventy-five and we could go a little up if I said one hundred twenty feet, it would be around minus eighty-two, better signal, but do we need it, not necessarily because the minus eighty-six would suffice, now in this line, the magenta line, this is the minus ninety-five dbm that Mr. Dick Comey basically suggested and I adopted in my analysis, he basically said the falling, if you are below this line, you will not be able to make a phone call, if you go here, six miles, it's below the red line, you may not be able to make a phone call, but we are not talking about six miles from here, we are talking about three miles so this is, seventy it would be thirty-five by seventy feet tower; Jacob, Jacob, sorry, just to make it clear, we're talking about where you lose the strength of the minus ninety-five dbm signal, right; correct; that's considered a reliable signal, a good signal and that's what Dick Comey was suggesting to us, the fact that you get out __ minus ninety-five and maybe suddenly you can't take a call, that's not the case, it's perfectly reliable out to that point before it drops below the minus ninety-five dbm line; right; everything above it ___; as I mentioned before you can make a very good phone call with minus one oh five now, so you can say, so why do we need a good signal, well for several __ if you want to stream __ a movie or you want to do a __ or you want to move a lot of data, yes, seventy, minus seventy-five and minus sixty-five and minus eighty-five won't help at all but if you are telling me that you want to make a phone call and send a text message, you can go to minus one oh five so this will __ for a rural area which is similar to what we have here, now I want to mention here because you can see in the legend that I said rural area with twenty-five bd __, this means that, I wanted to be very conservative because you __ calculate the average signal that you would get but we are not talking about average, we care about the real world and the nature of the signal, it always fluctuates, there are buildings, there are obstructions, there are trees that we have to account for, so I basically provided additional penalty from what was calculated based on the __ and this calling ___, sometimes they use __, we call it shadowing because of __, I took twenty-five because there was also vegetation __, just to calibrate you what twenty-five means, I say you know what, I will take based on the __, not a penalty of about four hundred times, see this how this reaches so this is why we said with twenty-five penalty so this was for the __, well by taking the twenty-five I wanted to account for the reward with the __, this is page twelve that you're looking for; now, I went and said maybe __ but what I did ___ so I __ and then I did the very same thing, the very same amount __, we see the minus ninety-five line here, the green line is a seventy feet and the one hundred twenty feet tower is the blue line and again we see the close to three miles, around two point eight we are still above the minus ninety-five again and this is basically the line that we saw here, this is the three mile and the edge of Ram Island is about two point eight miles, so what basically covered, I basically went through figure three and figure four and figure five so from here what we see is the seventy feet tower will certainly provide a reliable wireless service, you would be able to make a phone call or text messages and seventy is reliable, this is base or the minus ninety-five dbm that we adopted, alright; question for you, shadowing, you refer to object, does that include terrain as well; yes, it could be here; land mass; huh; well it's not just objects; yes and __ the wireless signal can basically, even if you have like an old __, they can be __ and basically go around, this frequency __ high frequency __ different story, it

would be almost like _ , now we have here some __ like low band and high band ___ low band to high band, it's about four hundred fifty megahertz, these are very good bands, the lowest band that we have __ is seven hundred eighty megahertz and people just paid a few billion dollars to get six hundred megahertz, these will __ for a very, very long range because as you go high with the frequency, the __ signal dies so we have __ in addition to the seven hundred, we have six hundred, we have twenty-one hundred, we even have two point five __, we have twenty-five hundred, this signal will go very quickly, the benefit for ___ so when we talk about seven hundred megahertz, it will __, now __ about frequency and how high it is supposed to get, in addition to the cellular __ that I just described here and I found that a seventy foot tower will be sufficient to provide good reliable cell service covering Hay Beach and Ram Island, I did also an analysis for the Fire Department _ and these separate analyses assume that the firemen use their two way radio rather than __ they would rely on their cell phones and this one operating at 460 megahertz that they call the high band and it's a two way radio, now, this looks like the walkie talkie of Motorola devices, it's a two way and you can send also text messages, now given the __ operating frequency four sixty it is better than seven hundred __ better with experience __ in addition based on classification of equipment in the market, the sensitivity or what is the minimum powerism that is acquired by this, I call them walkie talkie or two way radio, minus ninety-five, not minus one oh five, is below minus one twenty so whatever __ is __ for the Fire Department, in my opinion if the Fire Department would put their antenna on top of the tower at the dump site where there is a tower there, it would cover everything, based on this analysis, so I have a graph, the other one, so this appears on page fourteen, in page fourteen in my report and the Fire Department analyses is on _ B which starts, so what we see here, now the minus ninety-five that we had before is minus twenty-four, this is basically the sensitivity that this two way radio needs and why, the more __ like in next week's __ movie, you need a good signal because we have many people that use it at the very same time and you need higher capacity, you need high signal, these devices, they do voice __ and calling for the specification of Motorola, you need the lower than one twenty bdm, this signal is not good for __ communication, as I mentioned before, you need, you don't want to go below minus one oh five, you can go but if you want to stay reliable when you make a phone call, you have to be above minus one oh five, as I mentioned several times during my presentation, we adopted the minus ninety-five and which will be more reliable because it's __ any cover below, everything below three miles so the conclusions for the Fire Department using two way radios, their own equipment is, one of the conclusions that even to have a tower erected at 61 Cobbett's Lane, for the cellular I would say it's a good place to put it, you also have to stay a little bit further from the dump site, there is also a cell tower there, you cannot, you could but it would interfere, if I put another cell tower in the center of this island, half a mile or something like that, with Cobbett's Lane, it's like a mile and a half so in order to reduce interference, you want to put it there but seventy feet would be enough, this is for optimum communications, for the Fire Department, the conclusion is even much, much more relaxed __, so I stop here, if you have any questions would be happy to answer; what possible motivation would they have for overbuilding it; it could be several possibilities; I'm asking for conjecture, I understand but I'm just trying to piece this thing together in my own mind why; okay, so based on the evidence as we saw, as we saw from the applicant, the tower is sixty feet and on top of this tower the six canisters, think about __ them, we can put in the first __ there, and this would be satisfied because the analyses basically __ study, there is nothing more than that so as I showed, we can fit within the seventy feet, so think about the __ canister, now the way I see, __ now they erect six apartments because there are six canisters, each one ten feet, it is more __; maybe it is for expansion later on; you can get expansion, you can ___; okay; which is fine but maybe we can fit within the one feet so this is my, now we saw here, can I use one of these __; okay; thank you, we see the __ in the area, so this is Cobbett's Lane and here we have around Sag Harbor, East Hampton, Orient Point, do you know what's the height of these towers, it's in the report, it's sixty feet, sixty-eight feet; so the tower reaching from Cobbett's Lane would be shorter than the one at Cobbett's Lane; they're shorter I mean, the tower itself; is that what you're saying, yes; yes; okay, now knowing that, they are about fourteen feet above sea level, thirty-eight feet above sea level and the tower go up on top of it but the _ could be about fourteen feet above sea level and then the tower goes so altogether about sea level it's eleven hundred feet, I mentioned thirty-eight or sixty __, Cobbett's Lane is a great place because it's starting from fifty-four, fifty-five feet above sea level and now if you put one twenty, it makes it one seventy something so I'm not surprised why this location was chosen because __ a question why they want a bigger or a larger tower; well let's ask this question, who is they; the occupant; okay, __ say the Fire Department would be looking for a larger tower so that perhaps the thing would be more valuable in the future;

possible; okay, I'm laying the groundwork for rebuttal later; I can address that; alright; the way the _ is going now; you want to come up Andy, I mean probably you don't want to but we kind of need you to; I'm not really a; Larry was talking about how things are going being paged out now, and on my phone, which a lot of guys have, it's an app that's called, show you the location of the call and you can go to a map and that requires more signal I would assume, to go to a map so that's how things are going now so in the future maybe all of our guys will have this app and then they'll be able to go, get the page and go and get the location of the call; you're saying that the application itself and the use of the phones may be put to in the future may be required __: and that's the way it's going; that's why the app is not an outrageous assumption; no, a lot of firemen have a central command where the map will come up and show them where the call is, they'll be able to direct their guys; right; but that's the way it's going, it's all going on the; okay Andy thank you, I appreciate that; good, thank you; I spoke to the Motorola __ of one hundred twenty meg and is that specifically to open squelch by squelch or is that specification for quality of communications; to make a phone call; we're talking about two way radios at this point; yeah to communicate and make a phone call; when we do preventative to check on our radios, those specifications that are __ are to break squelch, to open the radio, it's still a very statical signal so when we talk about our two way radios which have external antennas, we can operate like to ninety-five signal strengths, obviously that's a very robust antenna, because this is an all band radio that encompasses UHF, VHF and eight hundred, the communications system that the Fire District is going to be using is also for activation of pagers, we engineer our systems to the ___ no worse than meg ninety-five at street level because we have a compromised device receiving the signal inside somebody's old, on their night stand, so we don't know to meg one hundred, we go to a minimum of meg ninety-five at street level outside so that we can account for additional __ of the compromised antenna in the pager as well as the interior of somebody's residence; okay, I'll just respond, I just want to make one thing clear and we're not saying let's have a minus one oh five signal or a minus one twenty signal, we're saying that's possible for some of the hand held but what we're saying here is that a seventy foot tower for both cell service and radio service for emergency will have minus ninety-five all the way out to the three mile area and minus ninety-five is not just adequate hang by your fingernails, it's very reliable and that's basically what Dick Comey endorses as well, I want to make that clear, we're not saying come on guys, you can go with a lot less; which strength do we need; why; so __ so Dick Comey is ___, okay __; so unfortunately they are extremely different radios, that's a commercial radio, that's not engineered to life safety allegations, that's a commercial radio used by our landscapers and not engineered to life safety specifications; what's the difference; no, no, no, no, no; __; the difference between the radios of landscapers and firefighters; it's a matter of dbm, that's the question; I don't have that specification available for you; okay go ahead; I don't know if this is an answer but I don't think so because we took it from Motorola, I work at Motorola, so, we took this from the website so this could be for a landscaper's communication __; __ radio; the Motorola ___ two way radio now it's about the sensitivity of the radio, the receiver and if you look, it basically __ sensitivity, __ sensitivity __ and when you ___ dbm minus twenty so what you mention minus ninety-five, this has to do with the wireless communication and since you mention __ two way radio, the digital sensitivity is five percent __ that's minus twenty-four, the only reason we could adjust the voice call, it's not live, when you do video and the like, that's why I mentioned before we work on what's called __ you want to __ the spectrum __, if you go in Manhattan, you know how far the base stations are, it's a block, __ because we want to __ capacity, here it's important, I see a hundred percent the need for another communication, I'm just saying it's a low capacity system, relatively speaking; to speak to the low capacity system, in the IT world like our digital cell phones, if that text message is sent by a family member then this phone is off, that message stays in a que until that phone is turned on, right; __ behind digital technology, it stays in a que, the __ get re-requested, we requested that again, in a voice communication system there is no que, that message is sent once, if the operator did not receive it, they were wearing their radio in their vest jacket as they do and they happened to be behind and obstacle that increased the __, that signal is not in a que, it does not get resent, they missed that call, correct; okay; __ minus number twenty-four, to open squelch to make the radio receive something, it doesn't mean that it's receiving quality communications; it's __ a professional thing, right; that's the difference between static and nothing so at that threshold the radio receives static; what __ ninety-five, new radio; meg ninety-five is generally what we classify it as a two by, two out of five scale and when we get to out meg eighty-five, we're a five by five or a five out of five, meaning you were able to hear the entire conveyed message, at eight meg, meg ninety-five, you will get static and you will get voice but the voice is generally audible and understandable, another thing I wanted to speak to real quick

and I noticed it on your sheet, that we would have to apply back to the FCC for a forty watt transmitter, is that correct; why; you're documents say that, your documents say that at seventy feet you calculations were based on forty watt __; I used seven sixty-five; I am talking about public safety communications on the Island, the Fire District's public safety communications representative; so I took the number from the Fire Department; can you bring up your slides behind you there, that represented the slide scope of the communications; right; that seventy foot tower has a forty W next to it; right; that's forty watts; right; that power output is not permissible by the FCC; ___ FCC; you're using the safety report that Mr. Barber got up and said I've multiplied this by many safety factors, I pretend like it's much stronger I think he indicated, safety factors multipliers to show a much more signal strength than would actually be found so he can make sure for the FCC emission standard that __, what Andrew is speaking to is the actual usable __, it's double; the FCC has issued a license for twenty watts, not to exceed twenty watts; for one twenty, that's what it says here, one twenty, twenty watts; it does not mean that __ of seventy, we can double that; we're still going to be kept at twenty watts because if we're at seventy watts above the trees, we're going to __ Connecticut, at one twenty watts we're still gonna affect Connecticut, at seventy watts we're removing all this local interference and we're going to affect Connecticut, the FCC specified twenty watts, if we go up to forty watts, we're going to affect Connecticut drastically more; correct, you are absolutely right and the FCC was also right, they said the higher you go with the tower, the next __ because __ and that's what they need; seventy is lower __ fifty __ just put this number because __; have you applied for an FCC license on behalf of the Fire District; no but I __; ___; no we do not __; we do not know that the Fire District will be able to get a license for forty watts; __; _ __; ___: ___; __; ___ report; you spoke to what report those came from; yes, from the health and safety report which we again talked about site designs __ reported and ___; __; __; here's my report, I'm not sure there's forty; we used a fifty watt here __ we didn't go for the maximum __; worst case; worst case maximum power if something malfunctioned and the transmitter violated their license and we could put out that much with some margin; right; it's not __; yeah, we're actually limited by the FCC; I'm not sure what the forty is, we have a fifty, so; yeah because the twenty and forty are based on the __, they ___ something called the high of the tower above ground and _ ; I just wanted to point out that it didn't, in order to achieve the __ fall out that he presented, he had to double the power, I just wanted to point that out; I'm a little concerned with the way the conversation is trending in that I'm really concerned about talking about minimum possible standards when we're talking about firemen's lives, as far as what we'll do, what we'll get by with, instead of what they really need; understood; am I allowed to something to that since I'm a Fire Commissioner, first of all you've got to look at the future, trees aren't gonna get any smaller, houses aren't gonna get any smaller, you're gonna invest this time and money into this thing, we're gonna put a seventy foot monopole back there for one twenty, it's still gonna be a white pole if somebody's gonna see, you've got to look at what's gonna happen down the road and I'll say what I said in the beginning, we should be doing the best we can to put the best thing out there to support the guys that are going in your house when you're running out and if seventy makes it today, is it gonna make it next year when the trees grow another ten feet, you have to look to the future of the Island, spend this kind of time and money, you've got to do it right and you don't do a bare minimum, you do it so it works for the future; ___ to give you minus one twenty-four, I never said to go to minus twenty-four, __ minus ninety-five or minus one hundred, it's still hundred times __ and to answer your question, on page eleven when I calculated these numbers and next I calculated, according to the FCC regulations, all backed by FCC regulations ___ power, a hundred watts or different; did you evaluate the Fire District's FCC license; __: yes or no; I don't need to; did you evaluate it; because; I'm just asking you a question; __ this is not a courtroom, I'm just trying to clarify; just answer the question; so your answer is no you did not evaluate the Fire District's license; because we did not have to; that's not the question I asked you; you gave him an answer; __; okay one at a time alright; you expect a presentation ___; I will show you __ on page eleven and explain how I got these numbers and the FCC was right, the higher the tower we will allow you less and less power because ___ the tower, if you remember I had two __ for seventy and one twenty, if you remember I had two __ for one seventy and one twenty, you remember the one twenty was above the one seventy because the signal came further so that's why they cut the tower, if you go on twenty you can go on twenty watts, when you go seventy you can go forty watts, why, you can _ double power but you would experience more __ so, when I __, I __ as was mentioned, this is one twenty and this is seventy and this point is more than two times, it's __ double so if I give you twenty watts here and forty watts here you will still be less than this, this is just to explain; at the risk of being here for another hour, __ with everybody, what if anything __ to five G; to five G;

yeah; okay so _ works on five G and I teach at Columbia University __ on five G, and on five G the high band is twenty-eight __ and sixty ___ so this property is small, it's under an acre so we have basically keep them again and again but this is really for Monty __ which we are not talking here, for five G you use what's called small cells and you put them every 200 meters, but this is not the case here so in __ I just did an analysis, I have no interest here, I respect firemen, I've worked with them, they saved some people, my family, I'm just __ to assist and verify what the height would be needed to provide reliable cell service and would be good enough for the Fire Department __ I can __ ask the question __ something __ I would explain but __ 70 feet cell tower would be enough for the Fire Department using two way radios, the requirements are much, much more reliable __ more stringent; okay thank you very much for your presentation; okay; let me just finish the presentation for Mr. Harms, if I could speak now and then the rest of the public, I'll be very, very brief, I'm Frank Eisler, I'm a partner in the firm of Smith, Finkelstein, Lundberg, Eisler and Yakaboski in Riverhead, I represent Mr. Harms, I won't get into any of the arguments that have been already made, as a layman reading this stuff, I have __ very confused cause they're talking about negative numbers and the larger the number, like one twenty sounds to me to be a bigger number, it's actually a smaller number cause it's a negative in front of it and it's hard to get my head wrapped around that negative one twenty which is actually weaker than negative one ninety-five, it's hard to understand that really, I have __ that I'll hand in now and I won't actually go through; what's in it; __ part of the record cause I know you've been here a long time but one of the things I would like to point out is, it is in response to counsel's question about the lease for the Fire Department, why are we giving a lease for __, what we're, we're not here for that, I heard what Mr. Harms said about what he said about __, your Code says that no special permit related to a telecommunications facility shall be authorized by the Town Board unless it finds, unless it finds that such facility meets all of the following criteria and the one that I'm focusing on is that it is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities and what our expert has shown to you today is that can be achieved with a substantially smaller, lower tower and we think that that is why you have to consider the seventy foot tower when you are evaluating the special permit application, there's another piece to this, the property is a Fire Department site and as your Building Department has put into the record here, this site is a pre-existing non-conforming use and your Building Department has said the introduction of Verizon or telecommunication companies is adding a new use to this non-conforming use and this is really an issue primarily for the Zoning Board because they're gonna have to go back to the Zoning Board, they think they need a special exception to expand the non-conforming use, we believe they're really adding a new use so they'll need a use variance to do it but that's for the Zoning Board to talk about, what I read up here is the question of why six apartments on top of this tower, that's all primarily, it would be for the primary commercial purpose only, some cell companies, not the Fire Department, they can get their signal across __ but wireless and they're too way, on a seventy foot tower and that they get the benefit and I know it's a wonderful thing to have a commercial user at the site but some time it's the responsibility of analyzing whether or not they need to have a tower that is the Masarati when they can more than adequately and I have to stress more than adequately because of your comment, we can meet the needs of the Fire Department and at the same time improve and give very reliable cell service through that whole area that has been identified as __ as not getting adequate service, that having been shown, they're gonna have to show to you why they can't do it at seventy and whether these numbers which, these are all scientifically calculated numbers, not an opinion, Jacob wasn't giving you his professional opinion, he was telling you this is when you crunch numbers, this is what happens and that's not subject to an opinion, that's either science or it's wrong so just to sum it up, I really ask you to read __ but the primarily the place that Mr. Harms __ before you and supplement it by the very strong testimony from Jacob, thank you very much; thank you; Anthony; just in conclusion, we had a crane set up at Cobbett's Lane, on that day we checked eighty feet, ninety feet, one hundred feet, one ten, one twenty, I drove around with a two way radio all over Shelter Island, those tests were unconclusive until a hundred and twenty feet, the facts, the facts are not real world, you drive around Shelter Island, that's long enough, up down, cliffs, __, the facts are when you drive around in the car with a two way radio, it only works at a hundred and twenty feet, that's why we want it, thank you; thank you; if I may, for the dry test that the chief was just referring to that was conducted when the crane was on site, the actual test analysis measurements from the field are in the record, not the theoretical best case, worst case multipliers, when they actually put up the antenna to see how far it would reach, they measure the point in the field and that's what those maps are based on, I know __ probably chomping at the bit to really drill into that a little bit further and I'm happy to let them but I know

we've taken up a lot of the Board's time, if you would like to hear more technical response to that issue or just piggy back on the Chief's comment on the dry test and again that is the Fire District need, the Fire District needs to be on top of a hundred twenty foot pole and I submit to you that Verizon __ strongly demonstrated that they need to be in the canister, below that hundred twenty, it doesn't change the fact that the Fire District, the primary applicant and operator on the property unquestioned by the Town's consultant, CMF, has demonstrated the need for the whole height, the whole proposed height and again I just want to note that the summary read by Mr. Harms as an introduction to the opposition fail to include Mr. Comey's response, the governmental submission that included those maps of the meg ninety-five that Mr. Lavin prepared, the material provided indicates that there is a need for the proposed facility at this location, CMF, the Town's consultant, thank you, I just have one final question; for me or for; for you, it's kind of interesting, you were talking about, I did listen to acoustic ten foot baffle, it doesn't seem like a big ticket item and make a difference of being up at fifty-five; again; __ twenty-seven; those ambient noise levels, forty-four and the Fire District generator is sixty-four and change, if the Board wants to condition any decision on the property being brought to compliance for Verizon's additional equipment and it wasn't just their generator, all their equipment was included; okay; applicants __ ; well the only thing, Councilman Paul and I were out the other night, we're getting complaints from people where it was at fifty, so I'm just trying to think, maybe you could do that one; I would defer to your attorney as to whether the Board can condition above and beyond the noise ordinance; okay; we'll look into that, I don't want to give you a snap answer; thank you; is there anybody else who would like to; I'd like to speak; please come up to the mic; my name is Mr. Coraccio, or Lou Coraccio, I live at 2 Primrose, almost directly across from the fire station; right; so I've listened to a lot of testimony back and forth here and I guess there's two concerns I have, that I need this Board to assure me you are gonna address, the first one is the issue of the height of the tower is a major concern, I will be in my back yard and I will see this tower sticking up in the air, no matter how you slice it, no matter how you cut it, it's gonna affect me, I am three hundred feet from that property, not a mile out, not three miles out, so it directly affects me, the height of the tower is important, I understand we need to make sure there is adequate coverage for the Fire Department and I support everyone's comment, the Fire Department needs to be first and foremost, if the height is required to be one twenty versus seventy or eighty-five, so be it, the real consideration though is noise, that noise is going to be disturbing to me on a day in, day out basis, no matter how you slice it or dice it, a wooden fence around a fifty foot slab is not gonna buffer anything and don't kid yourselves to think that it will, we don't know that, a seven foot high fence when the equipment is six feet high makes, it's silly, we're talking something, talk about statistics, talk about sensitivities, about calculating paper, seven feet versus six feet, we all know that's not a consideration, it's got to be ten feet and it's got to be insulated and I need to know that we're gonna do the utmost to assure that the noise level is gonna be kept to a minimum, otherwise we're gonna be hummin' along day in and day out, twenty-four, seven between coolers, generators and God knows down the road, additional equipment that will be put on that slab because now there'll be other tenants in that tower, so if we're gonna talk about the future, let's build something that makes sense for the future, let's make sure we provide adequate coverage, let's make sure we provide adequate insulation and let's not kid ourselves to think that a wooden fence is gonna do anything here; thank you; I have a question sort of related to that, nut for you; well thank you for listening; thank you; I'm gonna ask you a question; okay; regarding the noise level and then I don't recall when I did the reading that I did, did they break out the noise, the differentiation between the generator time versus cooling time and you know what I'm saying, the sustained noise level versus the occasional level; everything on versus nothing on; pardon; is everything going or thing going, that's what you're saying; well yeah, what kind of noise, if you're living next to it; I was gonna ask Mr. Coraccio, does he hear the generator that runs now; occasionally that generator, when it kicks on, it's quiet in theory but that's one generator kicking on on rare occasions, we're talking about cooling systems that are gonna be required on a day to day operations for equipment that is now being added to this, to this complex; that's just pumps; maybe Kwan can come back up; okay; and verify a little bit; Larry, I'm sorry, we'll get this; that's alright; so __ take into consideration the chances that __ associated with the equipment __ mechanism that cools the __; so that fifty-one and a half that's associated with that; yes, so that's included; that's sustained noise that you could assume in the summertime for instance; yeah so that, the fifty-one value includes the generator operating at a hundred percent or full load __; __ that's a max number; correct; what was the numbers, I couldn't hear you; fifty-one and a half; it was like fifty-one point six or something like that; that's over the legal limit but that's okay; so that includes any fans and the generator that's operating at full max load; I think the

legal limit also applies to amplified music ___; well it's considered a reasonable guide but the only thing is Mr. Shepherd, as you well know, it's one thing to say okay, we'll live with fifty decibels, my neighbors will have a big party, okay, I'll live with that but to live with, again it's a condition, not just the; so, let me just finish my question; right; there's a big difference between the generators, I understand that, and they only go a couple of hours a month, okay, that's fine, you can live with that but the other stuff is what goes continuously and it goes harder and longer in warmer months; that's what I was wondering about; and it goes all night; I'm trying to find out just how much that is; that's why, excuse me, that's why my question, if you put this acoustic ten foot barrier in, what does it do, does it bring it down from fifty-three to twenty-seven, what does it do, is there any measurement; so, to answer your question, the equipment, the __ equipment was a fan actually operating at about forty-seven, forty-eight decibels, similar to the proposed generator so by combining the two you end up with a fifty-one; okay; so on top of it, the existing generator actually operates at fifty-six which is much louder and combined with the new equipment, you're actually not gonna hear it because of the old generator so the generator will drown out the air conditioner; I get that but the air conditioning doesn't run twice a month for an hour; right so if you; it runs constantly; it does run constantly so it actually operates below the sound, if you just look at __ actually operates below the sound; you're talking about a hum that's gonna be in your ear constantly, not on occasion, it's gonna be there six o'clock in the morning and twelve o'clock at night; it's also operating at a level below the Code; the Code is not the issue, it's the noise level that we in the area are gonna have to sustain, that's the issue, don't tell me the Code is fifty, tell me that you're gonna bring it down to twenty-five where I'm not gonna have to go outside, and I walk outside and I hear that hum; the level __ according to your ambient which is forty-four, is what we measured; what would you speak to if you put additional equipment on the tower, that would require additional cooling; __ type of equipment __; ___; more equipment on the pad, yes; more generators, more cooling equipment would be required; ___; I__; I don't think we can make any assumptions about the number of generators were required for additional; I would just mention to the Board that any new operator that comes before the Town for a permit, would need to match the Town Code; so if they add more equipment, they would have to __; okay; either by orientation, screening, any way they measure, they need to satisfy the Town Code; the gentleman in the rear, you had something; I just wondered if the __ I'm not an expert, in your experience when have you been able to __ that forty-seven volume down to what the application __, maybe not a __ but we start talking about more __ structures to __ take away, what can you bring that number down to; so the __ walls made out of solid concrete, those will get you up to ten, twelve decibels ___ so to me, your max level would be __, something like that would be about ten, twelve decibels __ associated with that, we're talking about sixteen, eighteen feet high __; but if the Town would like to impose such a requirement, you could theoretically reduce this to thirty-five; potentially yes and that's the low, the ambient; exactly right; okay, that's the question I wanted answered, thank you; just to repeat, I don't think that the fifty decibel level with the Town Code, what would you be measuring for; that's the limit at which you can call the Police and have them give a ticket to your neighbor; right; that's not what you want in the middle of the night, every night, right, you've got to think a little different about this, ten decibels lower is a big deal, that's a big deal, right so actually it goes continuously and the last point on this I think is a legal one and you can talk to Mr. DeStefano about this, but you don't have to stick with the fifty decibel limit in granting a permit, you can grant, you can make conditions to the permit and what they're asking to do here is to take a commercial operation that runs twenty-four, seven and move it into a double A residential zone surrounded by private homes and if that's what the Town needs, it has to do it, it's perfectly fair and reasonable, it's in your discretion to impose a condition to say keep that noise down, don't leave it at the maximum level and the cops come out; unless of course they're exempt from the thing which is; they're not exempt from Section 48, right; that's the difference; ___; I'll finish the point if I may, it's equivalent to going into a community and say we need to put a highway or expressway through your area and the noise level that this highway is gonna generate isn't something we care about, it's your problem now and that's what I feel like is happening here, it's now becoming my problem that you are going to zone this a commercial area and I now have to deal with the noise level; they have offered to mitigate; but we haven't, we're sort of vacillating here; we're very early in, we're pretty early in the process; it should be vigorous mitigation; I would offer to the Board, well I would note first that both the Harms property line and I'm sorry, you said 2 Primrose; right; both of those locations were evaluated in the physical study, the ambient noise level evaluated June 20, June 21st of last year, forty-four point one at both locations, at all locations, the applicant would agree to any condition of approval that that level be maintained, forty-four point one, ambient level that was measured at the same time

of year, we'll make it work whether by reorientation of the equipment or adding the type of; or combinations thereof; who was there, I certainly wasn't there on June 21st last year to hear what the decibels sounded like; excuse me Mr. Shepherd, their own study which I read carefully, said we measured for maximum ambient sound hour by hour for twenty-four hours and we took the average of those maximum hourly things and they said, and this was maybe you'll see a spike every hour because a truck would drive by or a motorcycle, that becomes the maximum spike for that hour, that becomes then the average for the ambient noise, we're not getting motorcycles all night long, we will with this thing, that's the difference, it's a misleading study in that regard; well I'm happy to walk through hour by hour if you'd like but it's in the report, page eight; is it based on the maximum or the minimum; the measurement given or what I'm hearing at this point in the field, if the Town wants to grant the necessary approval, the applicant would agree to have the noise measured, post insulation and if it doesn't match the forty-four line, we'll fix it; __ technology _; it can be done, there are different, you know whether the Board, the Town wants us to put up a highway wall, it may be another thing; I mean I sat here and did battle over a substation here for a while and it was brutal, apparently everybody wants what they want but they don't want any evidence of it in their neighborhood, you know that's just the way we are here; that's not correct, well I'm wrong David, okay fine; well I'm not saying that, this is not like that here, we know there is going to be a tower there and I say let's do it effectively, let's mitigate it with; I agree with you, actually, there's no reason to have noise if you don't need it, I mean that was the problem that I had with LIPA at the time, or PSEG, was that they simply refused to mitigate, they decided they'd rather dig a tunnel under the bay than mitigate the noise, okay, so I'm hopeful that we could find a way through this thing you know, I'm not looking to run the Fire Department through hoops you know and well I'm gonna stop now cause I'm getting, when I'm hungry I'm not myself; __ homework but I'm certain that we can come up with an engineering __ that will satisfy the __; we'll go over some of these documents right, I wouldn't mind hearing a response; I am sure the radio frequency engineers would very much like to respond to those documents, we'd be happy to do that; I think our main question in response to some of the neighbors is let's see what you can mitigate the noise level to, can you get it ten, fifteen points, that may be sufficient; yes sir; so please get back to us and give us your response through the Town Attorney; Counsel, can we be put over to a date; I have no problem holding this open til three weeks from now, July sixth; great, very good; that's the next meeting; so initial notice will not be required then; right, thank you; we've got three wetlands applications next time around, are we gonna have this on top of those wetlands, we've got nine public hearings scheduled for that meeting; who knew it would get better or worse if we hold it open; it's probably gonna get worse; you want to do a special hearing and do this prior to that like at three thirty or something like that; no, impossible; no, three thirty, we've spent how many hours on this already; __ cake anyway; right; __ terrible; what do you recommend Dot; I don't want to put everything off for two months so; well no but let's keep it to the Town Board operating the public hearing and not a legal court case; okay; just take the facts; that's what we're trying to do; may I make a suggestion, __ subsequent action of the Board in a public hearing __, if we could see their responses in advance of the hearing so that we can review it then not have to come back at another time to __ what their responses are; I'm fine with communication, I think that's great; that's what we're talking about; I would be happy to email all of the things I have; I mean in terms of rescheduling; and would you be so kind to tell me your __ and report; sure; okay, I appreciate it; you would; but if we could get it a week or so before whenever you schedule it, that would be great __; well if you guys just want to exchange whatever documents and take a look at them and get a hold of me and we'll schedule something; absolutely; that might be the best way cause that way you are all ready when you come in; and again it sounds like we're gonna be able to satisfy but under the federal timing authority, we have until August tenth for this Board to have rendered a decision; okay; I would think we will be able; as soon as you can, we'll have to do a special meeting for it or something; very good; okay; sorry about that; Tony, what's up; just to finish, as a taxpayer of Shelter Island, I would like this to move forward, it's been four years, we cannot wait another four years gentlemen; right; this has to be resolved; let me defer to my colleagues and is it unreasonable to want more information on this; no, not at all; I don't want to see my time __; I need to know; what happened is we had your material months in advance and we got __ as time okay and that's not conducive to my analysis capability, I'm just not that fast; alright; so give us some time; the sooner you guys can get together on exchanging documents and getting back to me and we'll set up a special meeting to come back and; __ as soon as he gets the papers, we'll turn around in seven to ten days; maybe we can even get it in before that three week period; let's keep it rolling; ___; do we have a consensus on that; we'll get the best job out of it we can; yeah; that's acceptable to everyone that

way; okay; well do that; and again, one more question, the Board wants to see what you're gonna mitigate; yes; get the sound level down by some sort of a barrier; yes sir; alright; understood; good, I think we're close, thank you; thank you; so we'll hold this one open; yes hold this one open; we'll have to do it by special meeting at some point; we'll hold it open to be reconvened at the call of the Supervisor.

The Supervisor declared the public hearing held open at 7:49 p. m. and called to order the public hearing to be held as advertised on the application of the Shelter Island Fire District to construct a communications tower at 49 North Ferry Road.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: basically it's the same scenario, first of all this tower over here has been condemned, our radio people won't even climb it, we have to use our ladder truck to put them up there to do anything, Freddie Ogar said it was put up there in the fifties when it was used then so it's tired and; okay; we know according to some, we did our own test, now this isn't any computer generator test, I told you we took our ladder truck which is eighty-five feet, figure ten or twelve feet to the cab and a fifteen foot antenna that Andrew put up on it so we got up to a hundred and ten feet we figure give or take and we did the same thing, did Tony leave; no not yet; did the same thing, they drove around, Brian was with you, right; yeah, he went the other way and you went one way and they did the tour and with the tower that's there now you lost the signal at Menantic Road, right; yes going up the hill by the golf course; and then we lost the signal going the other way, just before my mother's house on Cartwright Road, right; we had no signal from Rocky Point down around Camp Quinipet; yeah well that's a given, so it shows we can't just, we have the high band paging system is on that tower right now and that's as far as it will go so Andrew was trying to explain but didn't really get, it takes more power to trip the pagers than it does to talk; you have to overcome; yeah it has it's own frequency which the DTMF column, which I won't get into that so you might be able to talk on a hand held radio but the pager may not engage, it needs more power to do that so what __ says and Andrew Hines who was here was part of that test, at a hundred and ten feet it just faded out at about Camp Quinipet, right; no it was like half way down by the Pridwin we lost it, yeah cause then you picked it up again on Nostrand Parkway right; by about the Schultheis house; so the extra ten feet which some people say it doesn't make a difference, it makes a huge difference and if you look at the real test instead of the computer generated test, you look at the real, when Tony's on the radio and saying I don't hear you, so between the two and like I said before whether the cell phone tower goes up or not, since we are required by law to provide the service, there's got to be something on Cobbett's Lane that's gonna be, if it's just monopole with no generators or nothing but there's still gonna be something there to relieve the liability and that's the Town's liability also, not just ours; absolutely; so basically the overlap between that tower and this tower is perfect to get like Dering Harbor, the Heights area, and then get to these outer, outskirt areas around Camp Quinipet and South Ferry, Wade's Beach, out in that area, so like somebody said you can, the FCC requires a ninety-six percent coverage, to totally take you off the liability now, that's what Mattituck is going through now, they couldn't cover ninety-six percent, that's why all their towers had to go up, they invested a ton, now I can say what I wanted to say before but tons of money was invested in towers, it didn't work, Orient's had to go to a hundred and nine feet, East Marion's went from eighty to one twenty, Mattituck had to put one twenty in and those are the frequencies that we have to use, we're being told; so it's already been demonstrated that the shorter towers don't work; they don't and this way the two overlap zones between the Cobbett's Lane and this one will, Mr. Hines says he's pretty sure that we will get our ninety, there's always gonna be a few dead spots but you can't make it perfect but, you guys did get the little, the drawings and all that, Amber was supposed to give it you, where it's gonna be, in the back parking lot; is this the same exact tower that's, you're talking about Cobbett's, right; no; same type; no, it's the same height but this is strictly an antenna, there are no canisters in it, there is no cell phones and this has nothing to do with, this to make our, because that radio room over here has the ability to talk to the police, ambulance, everybody so that's gotta have, I can go there and contact everybody from the main radio; and the high band is what in the four hundreds somewhere; well ours is, another thing that wasn't brought up either is, I brought up at the work session last time that we're gonna have to have a seven hundred frequency for homeland, down the road every emergency service is gonna have to have a common __ problem, you know, terrorism, a plane crash or whatever; __ like __; yeah everybody

will have their own thing to work but if you've got to talk to everybody, there's gotta _ be; it's called NCS yes; well we're gonna need seven hundred down the road that's what I was trying to say before, we've got to look to the future so we feel number one the monopole, there'll be no antennas on this one whatsoever except for top one and we may leave the low band antenna on it just, like an emergency backup, we were smart enough to update our license before this hit the fan and our low band license is good until January 1st, 2033 so we can still operate on low band, we won't be able to be paged on low band but that means we can change all our stuff in the firehouse slowly cause we can keep using the low band, when it finally conks out we don't have to redo the whole place but we have the simulcare system is what we have over there now cause the paging is still low band and we're not gonna talk on high band so for a while there will be the low band antenna but in the end, like twenty years down the road, I don't have to worry about it, there'll be just the Fire Department antenna on the top and it's just a light pole, and there's nothing around it except the ballards, there's no generator, there's nothing, it's just bolted to a concrete pad in the middle of the back parking lot; Larry if you could speak to the situation in Mattituck, when was that, did they experiment; when they first tried it, it didn't work; lower towers, what did they try; well they had a tower, they had the original tower that, everybody was on low band in those days, we're going back 2005, 2006, somewhere around there, so they built this, at the time the most state of the art radio room, I mean NASA in Houston didn't have this, they could tell who was in the truck, what truck went, what time it left, the computer would then GPS the truck, it could tell, the guy in the radio room could tell the chief that the truck is a mile and a half away and it was the most amazing, they took us for a tour of it; yeah; we're part of the Chief's Council and the District __, well the Chairman of the Board who unfortunately has passed away, at that time worked in Southold Town Hall, I don't know what he did but he worked there, he lived in Mattituck and it wouldn't trip his pager, there's thousands and thousands of dollars of equipment wouldn't trip his pager and I don't know how far Mattituck firehouse as a line in sight is from the Southold Town Hall but it isn't much and it couldn't trip his pager, he had to bring his low band pager with him, it wouldn't even trip the pager so they had to put a hundred and twenty foot tower, Elite did it, same people did it across the street and they still can't cover their district so they're gonna put one up in Laurel cause they have the bluffs, you know the bluffs out on the Sound, they can't get the signal below the bluffs so they invested all that stuff on that original tower and they had to tear it all down and take it back and build another tower; wow; and East Marion's I think it was eighty feet, they had to go to one twenty, some reason they stopped Orient from going more than one oh nine, it was a big political thing about it and they stopped it at one oh nine, everybody has had to go up to make these frequencies work today and I think Paul you hit it right on the head when you said, if you don't need a hundred and twenty feet, why are these people gonna pay to put it up and why put up something you don't need when it's been proven over and over again, I don't know if you listen to East Hampton, the Supervisor was on last week, tell it to LNG and they got the same thing, but the Town is in charge of this because they have their own dispatch, they're gonna have to put a tower up in Springs cause they can't get out to Montauk, they can't get out to the west, the northwest parts of Springs and Amagansett so it's happening all over, it's physics and what really hurts is Stearns Point Road, Louis' Beach, the bank, that whole high area before you go down toward kissing rock and down to Nostrand Parkway, all that earth is what's hurting the signal, that's why we've got to go one twenty here but it's just a pole, there won't be any generators or, it's just four big bolts to bolt it to a five foot concrete slab, that's it and it will be about, my little picture there, it'll be about fifteen or twenty feet from the one that's there now, more into the parking lot, to meet the collapse zone, so I guess the only thing we really need is the special permit to exceed the thirty foot limit, it's business property, we don't have to worry about residences and again like I said the clock is ticking you know, January first, 2020 sounds like it's, it's only a year and a half away and all this stuff's got to be done; do we have any questions, Robert, I'm good, Paul, what's for dinner; I have to ask you guys for stuff I used to have, I can't believe someone stole; is it this small one here; no, no, I had my own little; __; when I went decided to sit down, I went, one of those guys took my information; one of those guys took it; __; __; what was it; it was my own that I had done; __; adjourn the meeting; it doesn't make any difference; just say close; okay we'll close the hearing, all in favor.

The Supervisor declared the public hearing closed at 8:05 p. m. and reconvened the regular Town Board meeting.

On motion of Councilman Shepherd and seconded by Councilman Dickson, the meeting was adjourned at 8:06 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 19, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 19th day of June, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and ten persons were present.

The Supervisor called the special meeting to order at 1:46 p. m.

RESOLUTION NO. 312

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

A RESOLUTION AUTHORIZING THE ISSUANCE OF $15,000,000 BONDS OF THE TOWN OF SHELTER ISLAND, SUFFOLK COUNTY, NEW YORK, TO FINANCE THE COST OF THE ACQUISITION OF VARIOUS PARCELS OF LAND OR PERMANENT RIGHTS IN LAND FOR PRESERVATION, RECREATIONAL OR PARKLAND PURPOSES IN THE TOWN

"Whereas", the Town Board of the Town of Shelter Island, Suffolk County, New York, desires to provide financing for the acquisition of certain lands or permanent rights in lands, for the purposes described in Section 247 of the General Municipal Law, Section 64-e of the Town Law, or Chapter 50 of the Shelter Island Town Code, and

"Whereas", inasmuch as the Town, in the case of such acquisitions heretofore committed to, has complied with all requirements of the State Environmental Quality review Act ("SEQRA") with respect thereto, and in the case of such acquisitions yet to be committed to, intends to comply with SEQRA prior to the time of such commitments, no additional determinations under SEQRA are now required before authorizing the financing of such acquisitions, and

"Whereas", it is now desired to authorize the financing of such acquisitions, now, Therefore

BE IT RESOLVED, by the Town Board of the Town of Shelter Island, Suffolk County, New York, as follows:

Section 1. For the class of objects or purposes of financing the cost of the acquisition of various parcels of land or permanent rights in land for preservation, recreational or parkland purposes, each of which i) constitutes an "open space" or "open area" within the meaning of Section 247 of the General Municipal Law, being any space or area characterized by (1) natural scenic beauty, or (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources, or ii) is suitable for accomplishment of any of the purposes described in Section 64-e of the Town Law or Chapter 50 of the Shelter Island Town Code, in and for the Town of Shelter Island, Suffolk County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued $15,000,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such class of objects or purposes is $15,000,000, and that the plan for the financing thereof is by the issuance of the $15,000,000 bonds of the Town of Shelter Island, Suffolk County, New York, authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years under subdivision 21 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor,

the chief fiscal officer. Such notes shall be of such terms, from and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Shelter Island, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of an interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of an interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Shelter Island, Suffolk County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchase of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent of or a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with.

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which is adopted subject to permissive referendum, shall be published in summary form in The Shelter Island Reporter, the official newspaper, when it becomes effective, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

| | | |
|---|---|---|
| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Councilwoman Brach-Williams | aye |
| | Supervisor Gerth | aye |

5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 313

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Shelter Island Fireworks, Inc., 4 Hudson Avenue, P. O. Box 452, Shelter Island, New York 11964, has requested permission pursuant to application received on June 6, 2018, to have a fireworks display at Crescent Beach on Saturday, July 7, 2018 at 9:30 p. m., rain date Sunday, July 8, 2018 at 9:30 p. m.; said fireworks to be launched from a barge anchored approximately 800 feet from the low tide mark, and

"Whereas", Fireworks by Grucci, Inc., 20 Pinehurst Drive, Bellport, New York 11713, will be producing the fireworks show, and

"Whereas", the required fees of $100.00 application fee, and $100.00 compliance fee have been submitted, and

"Whereas", pursuant to Section 33-2 B (2), the Town Board has determined that the proposed fireworks are a benefit to the Town, and no fees will be required for Police and Highway costs associated with the event, and

"Whereas", the Shelter Island Highway Department stated that this department has the following comments or recommendations: please have the contact person keep in touch with the Highway Department concerning delivery of portable bathrooms. The portable bathrooms need to be delivered on Friday in the earliest a. m. possible; we ask that a general cleanup be performed immediately following the event using the supplied garbage cans; this department will have laborers who will clean up after the event on the following day as we have in the past years, and

"Whereas", the Police Department reviewed the application and finds nothing that would prevent the Town from granting preliminary approval to the applicant; final approval will be based on a United States Coast Guard "Marine Event Permit", and the Department is prepared to assist with this event as in the past, now, Therefore

BE IT RESOLVED, That pursuant to Section 33-3 of the Town Code, permission is hereby granted to Shelter Island Fireworks, Inc. to have said fireworks display, subject to the following: provision of the permit granted by the U. S. Department of Homeland Security, and U. S. Coast Guard for this marine event, and

BE IT FURTHER RESOLVED, That said operations shall be in compliance with the New York State Law, and the usual and normal precautions incident to said operations shall be complied with.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 314

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Town Code Section 36-14.2, Sidney R. Smith, III, of DayTripperBoats, has filed an application with the Town Board for a marine service which provides transportation to other boats, beaches, restaurants on Shelter Island, Sag Harbor, Greenport and at Crescent Beach from boats to beach, and cruises around Shelter Island for the 2018 summer season, and

"Whereas", the Town Board has reviewed said application, now, Therefore

BE IT RESOLVED, That the Town Board does hereby grant authorization to Sidney R. Smith, III, of DayTripperBoats, to conduct said activity pursuant to Section 36-14 of the Town Code.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilwoman Brach-Williams, the special meeting was adjourned at 1:56 p. m. This motion was carried.

June 19, 2018 - continued

Dorothy S. Ogar
Town Clerk

July 6, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 6th day of July, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty-one persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from the Chamber of Commerce requesting permission to hang an announcement banner for the Art Show & Craft Fair.

RESOLUTION NO. 315

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", William Anderson, 7 Montclair Avenue, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Harbor at a location designated as latitude 41.04924° north and longitude 72.34679° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 27th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 316

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Bethany Ortmann was appointed provisionally as Superintendent of Recreation 1 effective July 17, 2017, and

"Whereas", Bethany has taken and passed the Suffolk County Civil Service test for the position of Superintendent of Recreation 1, now, Therefore

BE IT RESOLVED, That Bethany Ortmann is hereby appointed to serve as permanent Superintendent of Recreation 1 effective July 6, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 317

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That Arthur P. Bloom is hereby appointed to serve as part time residential repair mechanic at the rate of $18.27 per hour retroactive to June 29, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 318

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That Nell Lowell is hereby appointed to serve as Recreation Specialist/Swim Instructor for the year 2018 at the rate of $30.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 319

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Crystal Steinmuller is hereby appointed to serve as part time custodian for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO 320

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Patrick Kelly is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $16.50 per hour retroactive to June 19, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 321

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the term of Marc Wein as a member of the Deer & Tick Committee expired on June 24, 2018, and

"Whereas", Mr. Wein has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Marc Wein is hereby re-appointed to serve as a member of the Deer & Tick Committee for a term to expire on June 24, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 322

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the term of Craig Wood as a member of the Deer & Tick Committee expired on June 24, 2018, and

"Whereas", Craig Wood has expressed his willingness to continue to serve in said capacity, now, Therefore

BE IT RESOLVED, That Craig Wood is hereby reappointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 323

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from SBA Towers VIII, LLC in the amount of $100.00 and the funds received from Home Depot in the amount of $642.07 to general fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 324

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $290.49 from the B3620.491 Building Department service contracts account and $290.49 from the B8010.491 Zoning Officer's service contracts account to Carr Business Systems, P. O.

Box 28330, New York, New York 10087-8330 for the annual maintenance contract for the period July 1, 2018 through June 30, 2019 for the copy machine in the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 325

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Shelter Island Chamber of Commerce has requested permission to hang an announcement banner across Route 114 between the Shelter Island Presbyterian Church building and the Verizon pole on the south side of Route 114, advertising the 55th Art Show and Craft Fair event for Saturday, August 25, 2018, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 326

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute any and all necessary documents to effectuate the purchase of property located at 40 North Ferry Road.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 327

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Shelter Island Historical Society paid a compliance fee of $100.00 for their Antique and Classic Car Show on Saturday, June 30, 2018, and

"Whereas", no portion of said fee was used, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized directed to return the $100.00 deposit to the Shelter Island Historical Society, P. O. Box 847, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 328

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Sylvester Manor Educational Farm, Inc., has requested permission as per application dated June 21, 2018 to hold their 7th annual Farm to Table Dinner fundraiser on June 23, 2018, from 6:30 p. m. to 11:00 p. m., and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 329

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, W. E. Restaurant Corp., AKA The Dory, requested permission as per application, to have a music benefit for the Shelter Island Ambulance on July 14, 2018, from 9:00 p. m. to 12:00 a. m., and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Police Department has responded that they have no problems with the aforementioned application, and

"Whereas", the Superintendent of Highways responded that the there must not be any obstructions on the road or walkways during the event, and all garbage must be picked up in the area, now, Therefore

BE IT RESOLVED, That said request is hereby approved. to wit:

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 330

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Hay Beach Association has requested permission as per application dated June 29, 2018, to hold a block party on Saturday, August 11, 2018, on street in front of 10 Hay Beach Road, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Shelter Island Highway Department has stated as follows:

the Highway Department will drop off barricades for the event, and

please be sure to remove and garbage/debris left after the party, and

"Whereas", the Shelter Island Police Department responded that there is no anticipated need for police services, the closure of this road from 12:00 p. m. to 5:00 p. m. should have limited to no impact on the surrounding area, and emergency services will also be notified of the road closure to prevent any response delays, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 331

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the County of Suffolk and the Town of Shelter Island for the period of January 1, 2018 through December 31, 2018 with four one year options to renew, for the provision of funding for the nutrition program for the elderly.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 332

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the contract between the Town of Shelter Island and the County of Suffolk for the provision of funding in the amount of $1,216.00 to be received by the Town from the County for Juvenile Delinquency Prevention for the term January 1, 2018 through December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 333

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Lawrence Kogel has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 6 Club Drive, Shelter Island, New York and zoned AA Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-012-01-027; and

"Whereas", the applicant seeks a wetlands permit to construct a swimming pool within the regulated area, as shown on a Site Plan by Architect Michael C. Gentile dated March 15, 2018, as amended by letter dated June 13, 2018; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and their recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction number 4732-00881/00002 dated January 26, 2009 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on June 15, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board finds that this is a Type II action which will not result in any significant adverse impacts on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1) Applicant seeks to construct an elevated 15' x 30' saltwater swimming pool 75' from the existing concrete bulkhead together with a 27' x 41' pool patio, the steps of which are 64.5' from the bulkhead; and

2) The applicant will construct pool fencing as required by Town Code; and

3) The applicant has agreed to raise the pool 4' so that the shell remains 2' 6" above the tested water depth as a precaution against an expected potential for dewatering; and

4) Per FEMA regulations, 15 piles shall be driven into the ground to support the weight of the pool; and

5) The property will be graded to create swales for flood waters to run east to west without effecting adjacent structures or properties;

6) Drywell chambers are to be 18.5' deep, set 1' below grade and used for maintenance only; and

7) An automatic pool cover is not possible here due to the shape of the pool; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct a swimming pool, within the regulated area for the premises located at 6 Club Drive, Shelter Island, NY, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the Proposed Site Plan by Architect Michael C. Gentile dated March 15, 2018, as amended by letter dated June 13, 2018; and

2) In order to prevent intrusion of this project into the water table and the negative impacts of any associated dewatering, applicant is required to have a Building Department inspection after and prior to installation of the piles to verify that the pool will be above the groundwater; and

3) Absolutely no dewatering shall be allowed. In the event that the water table is reached during excavation, all construction must stop immediately, and the Building Department must be notified; and

4) During construction, there shall be no parking which would block Club Drive, and all construction supplies and parking should be on the subject parking but kept as far from the wetlands as possible; and

5) Club Drive must be maintained in a smooth and drivable condition, and no Certificate of Occupancy for this construction shall be issued unless Club Drive is in the same or better condition than it was at the commencement of construction; and

6) During construction, wire-backed silt fences shall be securely placed at the location shown on the above-described site plan. The silt fence shall be maintained throughout construction and until the disturbed soil has been stabilized. Soil disturbance should be minimized where possible. Construction materials and equipment shall be staged outside the regulated area; and

7) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

8) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That a copy of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 334

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Peter Levenson and Pamela Sweeney, 23 Winthrop Road, have petitioned the Town of Shelter Island for permission to modify the 6' x 42' outer "T" section of an existing "T" shaped fixed timber pier into a 6' x 38' outer "L" section by removing the 6' x 20' west side of the existing outer "T" and extending the remaining 6' x 22' outer section to the east with a new 6' x 16' section of fixed pier, install plus or minus 44 linear feet of timber wave break along the west side of the most northerly end of the existing pier and install plus or minus 38 linear feet of timber pier (sheathing to be spaced a minimum of 2 inches apart and elevated a minimum of 2 feet above existing grade), remove the northerly 6' x 14' section of an existing 6' x 24' fixed step-down platform along the east side of the existing pier, and reconfigure and reduce the number of existing dolphin pile clusters (from 8 to 7) by removing four 2-pile dolphins and two 3-pile dolphins, installing five 3-pile dolphins, installing a 3-pile dolphin in place of an existing 2-pile dolphin, and leaving one existing 3-pile dolphin in place, and

"Whereas", a public hearing was duly held on the 2nd day of March, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed dock modifications:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction

Vote: 2 in favor 3 opposed (Councilwoman Brach-Williams, Councilman Dickson and Supervisor Gerth vote nay)

The resolution was thereupon declared not adopted

RESOLUTION NO. 335

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Town Code Section 36-14.2, John Damuck of Shelter Island Kayak, has filed an application with the Town Board for a kayak tours and rentals and stand up paddle boat rentals business utilizing Burns Road Town landing, Congdon Creek Town landing and Daniel Lord Road Town landing, for the 2018 summer season, and

"Whereas", the Town Board has reviewed said application, now, Therefore

BE IT RESOLVED, That the Town Board does hereby grant authorization to John Damuck of Shelter Island Kayak to conduct said activity.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 336

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a public hearing was duly held, pursuant to Section 48-3 of the Shelter Island Town Code, on the 15th day of June, 2018, on the application of the Shelter Island Fire District to construct a communications tower at the Shelter Island Fire District property located at 49 North Ferry Road, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the application of the Shelter Island Fire District to construct a communications tower at the Shelter Island Fire District property located at 49 North Ferry Road is hereby approved.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 337

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the Peconic Land Trust, a 501(c)(3) non profit organization, established in 1983 and devoted to the protection of Long Island's working farms, natural land, and heritage, and

"Whereas", the Peconic Land Trust is interested and willing to apply for grant funding through New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program (WQIP) to assist the Town of Shelter Island in the acquisition and preservation of environmentally sensitive parcels important for groundwater protection such as can be found in the Town of Shelter Island, which draws from a sole source aquifer in Hydrological Zone 4, and

"Whereas", pursuant to the NYSDEC WQIP, not for profit organizations, such as Peconic Land Trust, may submit for funding for land acquisition projects for source water protection, "eligible projects", and

"Whereas", the Peconic Land Trust seeks Town approval and commitment to providing either in kind services as and for the Town's 25% match and/or private/public funds secured by or with assistance from Peconic Land Trust to meet the 25% project match, and

"Whereas", the Town of Shelter Island appreciates and supports the commitment of the Peconic Land Trust to apply for grant funding through NYSDEC WQIP to acquire environmentally significant parcels, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby expresses and confirms its support for the Peconic Land Trust's application seeking to obtain funding through New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program (WQIP) in the acquisition and preservation of environmentally sensitive parcels such as those that feed Shelter Island's sole source aquifer, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby directed to forward a copy of this resolution to Peconic Land Trust, 296 Hampton Road, P. O. Box 1776, Southampton, New York 11969, Town of Shelter Island Community Preservation Fund Advisory Board, and Office of the Town Attorney.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 338

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time, on the 27th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled AMENDMENTS TO ZONING SECTION 133-22 - MERGER, as follows:

Section 1. Repeal Section 133-22 (A-B-C- & D)

Repeal Section 133-22 (A,B,C,& D) - Merger – the Town Code and voids any lot merger made under this Section in which the property owner was not provided with notice of the merger.

Section 2. Amend Section 133-22 (E) to read as follows:

133-22. Merger of Non-Conforming Lots

When a lot is voluntarily merged with another lot with a nonconforming use, the nonconforming use may not be shifted or expanded to the merged lot and no other Section or provision of the Town Code shall be considered suspended, repealed or waived by this Resolution and full compliance with all other provisions of the Town Code will continue to be required.

Section 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 339

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:47 p. m., prevailing time, on the 27th day of July, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled AMENDMENTS TO DOCK LAW CHAPTER 53, as follows:

Section 1. Amend Section 53-17 to read as follows:

Section 53-17 Additional permit provisions.

a) Any water control structure in existence prior to the adoption of the chapter that is maintained in kind and in place; or

b) Any alteration, modification, or repair to a pre-existing non-conforming water control structure which, after review, is determined by the Town Board to lessen (not to expand) the pre-existing non-conformity; or

c) Any repairs of a water control structure, deteriorating, damaged, or destroyed by any cause, including an Act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the pre-existing non-conformity.

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 340

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town of Shelter Island Green Options Advisory Committee applied for and has received a grant from New York State Energy Research and Development Authority in the amount of $5,000.00, and

"Whereas", receipt of these funds was unknown at budget time, now, Therefore

BE IT RESOLVED, That the following 2018 budget revisions are hereby approved:

$5,000.00 increase to the 2018 A3089 State Aid Green Energy revenue account, to be funded by the above mentioned check, and

$5,000.00 increase to the 2018 A1480.484 Green Options Advisory Committee office and miscellaneous expense account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 341

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:

$8,868.08 from the A1355.102 Assessors personal services account and dispersed as follows:

$6,334.68 to the A1355.101 Assessors personal services account, and

$2,533.40 Assessors clerk personal services account;

$200.00 from the A1490.271 Public Works boat equipment account to the A1490.200 Public Works equipment account;
$2,300.00 from the A1490.417 Public Works Town landings account to the A1490.409 Public Works parks and beaches account;
$2,000.00 from the A1490.425 Public Works non highway tree maintenance to the A1490.416 Public Works mower repair account;
$11,050.00 from the A1990.400 Contingent account and dispersed as follows:
$10,000.00 to the A1620.476 Buildings computer maintenance account, and
$1,050.00 to the A1910.400 Unallocated Insurance account;
$85,010.42 from the A3120.103 Police Department sergeant personal services and dispersed as follows:
$8,923.98 to the A3120.106 Police Department police officer personal services account,
$68,897.17 to the A3120.123 Police Department accrued sick time account, and
$7,189.27 to the A3120.124 Police Department unused vacation account;
$80,960.24 from the A3120.104 Police Department police officer personal services account and dispersed as follows:
$62,069.52 to the A3120.123 Police Department accrued sick time account, and
$18,890.72 to the A3120.124 Police Department unused vacation time account;
$7,450.00 from the A3120.115 Police Department seasonal police personal services account to the A3120.484 Police Department office and miscellaneous account;
$500.00 from the A3510.495 Animal Control Officer printing and advertising account to the A3510.484 Animal Control Officer office and miscellaneous account;
$1,730.00 from the A6777.201 Senior Center new car account and dispersed as follows:
$1,000.00 to the A6776.408 Silver Circle maintenance account,
$500.00 to the A6776.486 Silver Circle van fuel and maintenance account, and
$230.00 to the A6777.497 Senior Center program providers account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 342

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 1025 through 1178 in the amount of $121,021.11, Community Preservation Fund claim number 5 in the amount of $38.94, highway claims numbered 117 through 132 in the amount of $18,913.51, and West Neck Water claims numbered 18 through 20 in the amount of $5,328.70 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:04 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Jay Sessa, 15 Point Lane, for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.106724° north and longitude 72.331624° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the vote was seven, zero for approval; no problem.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:05 p. m. and called to order the public hearing to be held as advertised on the application of George E. Deman, 4 Summerfield Place, for permission to install a mooring in Shelter Island Sound at a location designated as latitude 41.087816° north and longitude 72.356746° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the vote on this application was six to zero with one abstain.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:06 p. m. called to order the public hearing to be held as advertised on the application of Donald C. DeVries, 24 Winthrop Road, for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08753° north and longitude 72.34643° west; said mooring location was formerly occupied by the John Gruber D-1280 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they did not have a committee meeting to hear that; yeah, only reason because that they came on the 4th of July, normally they would have on Monday night but they are meeting this coming Monday night so if the people happen to be here, it will be voted on Monday night.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Don DeVries and I'm in favor of it, it's been a long time coming and it's in a good location that I an almost walk to get to it and I thank you; and I apologize for mispronouncing your name.

The Deputy Supervisor declared the public hearing closed at 5:07 p. m. except for waiting for written correspondence from the WMAC, and called to order the public hearing to be held as advertised on the application of Peter Martini, 28 Hilo Drive, for permission to install a mooring in Dering Harbor at a location designated as 41.05005° north and 72.34691° west; said mooring location was formerly occupied by the 7 Winthrop LLC D-3304 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it has not been heard; it's the same as the previous situation.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:08 p. m. except for the WMAC correspondence, and called to order the public hearing to be held as advertised on the application of Michael Reale and Virginia Reale, 106 South Ferry Road, for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050800° north and 72.315430° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it has not been heard, it is on Monday as well.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:09 p. m. except for the WMAC correspondence, and called to order the public hearing to be held as advertised on the application of Seth and Bonnie Harris, 6 Bootlegger's Alley, for permission to remove two existing mooring piling, construct a 5' by 50' main dock extension with a 5' by 30' "L" section and splashboard system below, construct an additional 25' splashboard extension below existing main dock, install two 1800 pound capacity davits, install a 3' by 14' seasonal aluminum ramp onto a 6' by 30' seasonal floating dock, and install two 8" diameter anchor piling in Shelter Island Sound.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: same comment as before.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:10 p. m. except for correspondence from the WMAC, and called to order the public hearing to be held as advertised on the application of Highpoint Rock, LLC, Blair and John Borthwick, 71 Nostrand Parkway, for a wetlands permit to renovate an existing single family residence and accessory .

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Good evening for the applicant, my name is; hold on just a second; they're not ready yet; oh I'm sorry.

The Deputy Supervisor called for the reports of the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Colligan reported as follows: the wetlands permit is based on the letter from Lori Raymond, the wetlands permit is needed because of the following: demolition of 590 square foot back deck to be replaced with 706 square foot of new deck, the majority in the vegetative buffer, demolition of the existing front porch and existing patio, some of both are in the adjacent regulated area, special note, septic system to be abandoned and replaced by a new IA septic system in a conforming location, installation of new drywells to capture two inches of rain water per event, the CAC discussed this application on June 11th, 2018, motion passed six to zero with one abstention, recommending wire backed silt fence to be dug into the land in order to prevent mud and debris from entering into the bay, vote six to zero with one abstension.

Councilman Shepherd reported from the Planning Board, as follows: the Planning Board has received a wetlands application, 2016 where Borthwick had prior wetlands permit, special permit application for that property, at that time the original house, now to be renovated was to be demolished and a large new modern styled house was to be built, also the adjacent properties were to be merged, the attached, the original September 14th, 2016 Planning Board __ to the Town Board as a reference point, currently the applicant made an application for a special permit to the Zoning Board of Appeals, by way of appeal number 02 - 2018, the Zoning Board adopted a negative declaration and found that the plan to increase the bulk of the nonconforming structure by approximately eleven hundred eighty-one feet as part of the near total reconstruction, eighty-five percent will leave only the existing foundation, ZBA also ruled that the proposed use is in the best interest of the Town and that the construction of the second story living room over the existing __ should be allowed as shown on the plans dated November 20th, 2017 by __ and the survey made by Thomas Burke of Squires, Holden, Weisenberg and Smith, updated November 14th, 2017, that the ZBA approved the special permit application April 25th, 2018, ZBA required the following mitigating factors, foundation should be stabilized under construction according to the plans set forth in the memorandum from Robert Stillman Associates, structural engineers and the shoring plan is to incorporated into the construction plan, if the existing foundation must be replaced, the house will be moved to a conforming location, the application shall install a nitrogen reducing septic system of a type and model approved by the Suffolk County Board of Health, all parking and storage of construction vehicles and equipment shall be on site with no on street parking or storage to be approved, this is a wetlands permit application renovating eighty-five percent of the pre-existing non-conforming single family residence, portions of which are within the seventy-five foot vegetative buffer with the bulk of the ___ own, there is a letter of no jurisdiction dated March 17th, 2015 based on the bulkhead constructed prior to 1977, there are Department of Health permits issued November 30th, 2015 and RO _____, Planning Board members visited the site, reviewed the surveys while on site and all submittals prior to the Planning Board, provided to the Planning Board, we submit the following observations, the applicants are proposing on site drainage for a two inch rainfall event and in addition, applicants are proposing abandonment of an existing sanitary system and proposing to install an IA system in a conforming location on the property as per Department of Health standards, the proposed renovations will result in a residence and deck located farther from the wetlands than the existing structure, the proposed setbacks of the residence will be seventy point three feet from the wetlands property line, the proposed setback for the deck will be sixty-three point one feet, there will be removal of existing lawn and establishment of native plantings seaward of the residence, approximately six hundred fifty cubic yards of soil will be removed, wire backed silt fencing will be installed prior to the construction to control erosion, in light of the reduction in square footage, the house and deck structures in the vegetative buffer along with the mitigating measures

specified by the Zoning Board of Appeals will recommend approval of this wetlands application, Emory Breiner and John Kerr.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: can I go now Dorothy; yes; I have the affidavit of posting and mailing, my name is John Bennett, Windmill Lane, Southampton, New York, ___, architect, I just thought it would be helpful for the Board members to have, these are part of the application that are easier to handle, of the architect's rendering as well an Inter-Science plan which shows, this is all cumulative in the application but a little bit easier on the eye and I can get these close, __ as the survey which we are looking at here, I'll try to be brief because I think actually most of the benefits and rationale supporting this application are contained in your Planning Board decision, the Planning Board referral and __ water committee and the Zoning Board application, primarily we have a retreat from the wetlands, the distance between the principal residence and the bulkhead will be increased, the existing residence is at sixty-two point eight feet from the bulkhead and after renovations there will be an increase of seven point five feet to seventy point three feet, remember although this is you know, fragile as __, the house is located on wetlands, there is a bulkhead there so this is not a house which is without __ the benefit of the bulkhead so you're not at the level where you are just going out into phragmites, there is an existing bulkhead there but nevertheless there will be an increase of the setback of the residence and also the existing deck is going to be reconfigured so that will be sixty-three point one feet as opposed to the current fifty-five point six feet, one of the things I handed up to you are the architect's illustrations and on page three of that it should see of how we have also illustrated the reduction in square footage in footprint of the residence within the regulated area so the proposal will reduce both structural coverage and __ space within the regulated area, the existing residence has a footprint within the regulated area of one thousand four hundred and one square foot as proposed the residence will have a one thousand two hundred fifteen square foot footprint within the regulated area, a reduction of one hundred eighty-six feet __ the coverage of the residence will be reduced from four thousand thirty-nine to three thousand forty-two, that's almost about the square foot reduction of how it will stay within the regulated area, the house itself, figured under your special permit size, all of which is a good thing, and then as a pretty significant mitigation, the applicant is proposing to abandon the existing non-conforming sanitary system, those are the most significant points of impact on wetlands and construct a new alternative nitrogen reducing wastewater system which again I'm sure as you are all aware is a system where some actual treatment happens and of course that's something that you see more and more on the east end and is being required but we've __ that and we hope that it will have a beneficial impact on the reduction of nitrogen, unless there are any other questions, I think this is what you want to see in an application, a retreat, a reduction of habitable space in a regulated area, we are actually encouraged in how to __ in the area, the appropriate mitigations and buffering, appropriate drainage to control runoff, innovative alternative system and appropriate mitigation measures and control measures during construction, all as per the, this is pretty well vetted by the Zoning Board of Appeals in terms of mitigation, so I would respectfully request that we can take public comment if any and after that, close the hearing unless there are any questions the Board has; anybody.

The Deputy Supervisor declared the public hearing closed at 5:20 p. m. and called to order the public hearing to be held as advertised on the application of Gordon Thompson, 8C Pheasant Circle, for a wetlands permit to renovate existing residence, construct additions outside of regulated area, reduce existing decks and patios within vegetative buffer, and increase coverage within adjacent regulated area.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for the reports of the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Dickson presented the CAC report, as follows:

Thompson application being represented by Sherman Engineering and Consulting, PA. Mr. Thompson has applied for a wetlands permit to add two new additions to the existing house built 1984 on an approximately point six nine acre non-conforming lot. Most of the existing house is within the wetlands vegetative buffer and wetlands adjacent regulated area.

<u>Work to be done in 75 foot vegetative buffer is:</u>

removal of existing rear deck and replaced

removal and replacement of the new pool deck

new stair to basement

new footings within the existing house to accommodate conversion of an existing garage to a new living space

above ground propane tank is to be removed from the vegetative buffer and replaced with a new underground propane tank outside the wetlands area

Work to be done in the 25 foot regulated area

Existing house renovations

New well

Remove basketball court, water features, wood/stone walks and replaced with new landscaping

Council reviewed the application at the June 11,2018 meeting.

Motion passed six to zero (one abstain) CAC recommended that the IA septic system be installed. If renovations are over fifty percent, the IA is mandated. Also wire backed silt fence dug into the ground to prevent debris from entering the bay. No shoreline vegetation is to be disturbed.

Councilman Shepherd presented the Planning Board report which was as follows:

3 July 2018

Re: **Thompson Wetlands Permit Application**

8C Pheasant Lane, Shelter Island, NY

**SCTM: 700-26-01-13.1**

Zone A, within the Near Shore Peninsula Overlay District

We are in receipt of the Town of Shelter Island Wetlands Application prepared by Matt Sherman, dated 1 May 2018, to replace and reconfigure decks, a raised patio, exterior stairs, and replace pool coping within the Regulated Wetlands. Work beyond the Regulated Area will include enclosing and lengthening the existing garage space, constructing a two car Garage, reconfiguring the driveway, relocating air conditioning compressors and pool equipment, and installing a generator.

The applicant has a **DEC LNJ** dated 30 November 1983 based on the existence of a "functional bulkhead greater than 100' in length constructed prior to September 20, 1977".

The applicant has obtained a **SCDHS Permit** R07-17-0024 dated 21 February 2018 for a new well. The existing sanitary system, for up to four bedrooms, is to remain.

Planning Board members visited the site, reviewed the survey and plans while on site, and considered all submittals provided to the Planning Board.

We submit the following observations:

The A zone lot is non-conforming in lot area being 30,363 sf instead of the required 40,000 sf. The house extends into the 25-foot west side yard by 2 inches. The pool deck extends into the 20-foot east accessory structure side yard by 12'-9". Most of the existing House and Pool extend into the Vegetative Buffer and Adjacent Regulated Area. The House is 41'-3" from the MHWM and the Pool deck is 37'-8" from the top of bulkhead. The property is additionally improved on the water side with a bulkhead, a rock revetment, and a dock with a boat lift. We saw that the CCA sheathed bulkhead is in poor shape having been previously patched and had sections where the upland fill is seeping through. On the street side exist a bocce court, a concrete basketball court, wood walkways and a water feature. The circa 1984 house and improvements seem to be mostly unaltered since their initial construction. Stucco is spalling, decking is checked and splintering, wood retaining walls are failing, and finishes are in need of updating. The proposed additions are beyond the Regulated Area with the exception of a minor area of decking. The existing Pool equipment, and the new compressor units and generator, are to remain outside of the Regulated Area. We note that no pool drywell is shown on the plans. The impervious basketball court is to be removed. New lawn areas, created by reconfiguring the driveway, will be covered by Zoysia grass which is heat and drought tolerant. The house has gutters but these are downpiped to grade. The oil tank is located in the Cellar.

We make the following recommendations:

The existing decks are being re-decked with new wood. We recommend that the decking be installed with wide gaps to allow stormwater to drain through. As is required in the NSPO, House roof water should be collected and recharged to the ground. A recharge system should be engineered and presented. The code required pool servicing drywell should be installed. No information is presented as to the type of pool equipment. If the filter is to be replaced, a cartridge filter should be installed. The pool is existing and not rectangular. The Town Board typically

requires automatic pool covers, but this may be difficult to install due to the pool's shape and the fact that the pool is not getting a major overhaul. We are concerned about the condition of the bulkhead. Further deterioration, which is to be expected during the next big storm, may damage the pool deck, pool, and other property structures. The proposal is in keeping with the character of neighboring properties. An adjacent property to the west, 8E Pheasant Lane, and a property to the east, 7A Seagull Road, are similarly constructed within the Regulated Area. The applicant will be installing wire backed silt fencing prior to the project's onset. This should be correctly installed with the lower section trenched into the ground.
With these considerations, the Planning Board recommends approval of this application.
By: Marcus Kaasik, Planning Board member
Ian D. McDonald, Architect, Planning Board Member
For the Planning Board

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening, I'm Matt Sherman of Sherman Engineering, I'm here with the property owner, Gordon Thompson and the architect Steven Schappacher, which clicker is for that TV; I guess both of them; I have a lot to go over but I have a fairly quick presentation to kind of give you an idea of the project as a whole and as was noted with the CAC and the Planning Board's recommendations and observations, the majority of this project is outside of the regulated area, there are some very small components of the project that are within the regulated area which is what triggered the need to come in for the wetlands permit, the property as they noted, the survey of the property, Shelter Island Sound is to the south at the bottom of the picture, Pheasant Lane or excuse me, Pheasant Circle is to the north and to the top of the picture, the existing house is the bold line, it goes around in the shape, a round circular part of the building and a couple of basically rectangular shapes as we head over from east to west, swimming pool is over in this area, the dogleg odd shape of the pool that was noted and I believe it was the Planning Board's comments, you can see it in there, it's also surrounded by decking and patio that surrounds it coming down to a set of like timber stairs coming down to this area to the south which is where the wooden bulkhead is along this line here with a small ramp that also has a bulkhead in front of it and the bulkhead continues over to the neighboring property, over here on the opposite of the property, the waterfront side of the property, we've got a small rock wall and then over a little bit further into the property, the property also has a wooden dock that extends out into the sound, this is just a cleaned up version of it so it's a little bit easier to see with relation to the setbacks, the zoning setbacks are in red, __ is this main line here coming around and then down over this side over here, the existing pool equipment, it encroaches on that side yard setback for the principle structure, other than that we've got some encroachments of the pool, the pool deck over on this side and we've got that __ encroachment over on the other side, a couple of inches I believe it was, the areas within the regulated area are square footages, I'm not gonna read through all of them because it's gonna be pretty much redundant for what we're doing as we move forward into the next, into the proposed construction but for the most part you've got within the adjacent regulated area that seventy-five to one hundred foot line, you've got the patio, five hundred and fourteen square foot of pool, another section of patio here, this area of second floor if you will, it's a little bit of a misnomer based on the way the house is laid out but above grade level patio which is going to be going away and then the thirteen hundred and fifty square feet of the main part of the house, then the vegetative buffer which is that first seventy-five, zero to seventy-five foot area, we've got about a thousand square foot of house, we've got the deck here which is, I don't have the square footage on that one, it's between that deck and the other lower decks, we've got a total in patios, we've got total square footage in that vegetative buffer of thirty-one hundred twenty square feet, the existing house, just over forty-one feet from the wetlands boundary, the existing deck, that can be modified in the proposal, is just over fifty-one feet from that same wetlands boundary which basically runs along the toe of these rocks, this is the proposed site plan and basically what we're doing is the majority of the house is remaining consistent, remaining the same, we're doing a significant interior renovation, changing out doors, windows, making interior changes but for the exterior, it's a concrete building, the exterior of that concrete building for the most part is remaining intact, the existing deck is gonna turn into a new deck where we take off this little sliver, this little triangle right in here, that round room, a semicircle on that side goes away and then this twelve hundred twenty-one square foot addition which has a driveway to the north and a bedroom to the south and then a connector between the main part of the house, that's the new construction that's occurring on site, as part of that new construction, the a/c units are coming here to the interior of the property, the pool equipment is gonna be

located outside of the principle setback, I've got the, they have mentioned, I believe it was the Planning Board that we didn't have the pool drywell shown, we do have this eight foot diameter eight foot deep pool drywell located midway between the addition and the side property line and then we also have eight foot diameter four foot deep stormwater drywell basically strategically placed around the property in order to capture a minimum of two inch rainfall, which is the design standard for capturing rainfall, it was mentioned a couple of times about the sanitary system, when we went to the Health Department, we had to get a variance, the reason why was we've got an existing supply well which is in the middle of the property, we wanted to replace it with a new supply well which up here at the most northern portion of the property we could get to, the existing supply well is very high chloride content, I mean actually the previous owner had a reverse osmosis system in the house, we were able to put a supply well that had chloride whereas the legal limit for chloride is two fifty and the existing well was over that, we were able to sink a new well and obtain approval from the Health Department for it with chlorides at about a hundred parts per million, so we're well over half of what the limit is; what's the _____ where you're at now do you think; in the twenty foot range, give or take but it's not much and you need a ten feet minimum to absolute minimum depth for the __; ___; so we're basically in a good spot, we're in the thickest part of that land, if we went a little bit deeper you'd probably start seeing those chlorides creep up, if you went a little bit shallower you might see some upconing occur and then that would start messing with the way the aquifer is in that specific area; so __ would be an issue for you; yeah they've got to be very careful about water conservation, you're not grandfathering in you know a heavy duty sprinkler system or irrigation system, things along those lines, you're not gonna want to do anything other than the bare minimum for any of these __ properties; I understand; yes, the existing septic, as I said we got the variance from the Health Department to keep the existing septic as it was, it's got a twelve hundred gallon septic tank and an adequate amount of leaching pools for a four bedroom house, this also details the three parts of the project that have created the need for a wetlands application, there's a set of stairs right here that's coming down from that upper deck, coming down to the lower patio area where the pool is, there's that little existing nook of the existing deck, existing patio and that semi-circular on the side, I've got some photographs I will show in a few seconds to give you a better idea of what it is we are talking about; what's the new deck gonna be decked with; Ipa; what; Ipa, everybody loves Ipa, it's wonderful; __ clips ___ between them or something like that __, I mean there's not a lot of drainage in that; do you have the detail specs; we do; it's clipped; it was just a concern, you know, it's interesting, I bring it up because that's the second application that has been the discussion by the architect, the members of the Planning Board regarding the drainage element, you know if you don't get some space between boards, you're gonna have some problems with that, it nets out to a __ small gap, it's something to be thinking about, it's not that easy to keep those clean, so the __ don't allow flexibility in gapping, do they; no the whole idea of the them is to be uniform __; yeah right; their idea of what it's supposed to be, right, so what do we do about that, whenever we use Ipa we don't drain; well we ___ anything else that may not be as permeable as we want it to be, you know typical, if you were using sand based papers and they are not installed correctly or they're not the right kind of papers that won't __ on them and if installed too tightly, they may be permeable at first but as you say that when the crud collects in there, that permeability goes away, it doesn't quickly but over time it goes away, what we could do for a situation like this, we do have drainage associated with the new decking we've accommodated that in our drainage calculations, not at a hundred percent like we would a roof but it's about fifty percent which would be more typical, the paver type of area cause you know some is gonna and some is gonna run off, we can easily accommodate the area of those decks either with, I'm not a big fan of French drains either for the exact same reason, if it becomes a maintenance issue but we can accommodate that decking area with our drainage design, it's certainly not an insurmountable amount of __ by any means; I think we used Ipa on the Congdon's Creek dock as well didn't we; I don't remember; well I guess the idea of the clips is to have invisible fasteners; a cleaner look yeah; I grew up with the other thing; with hammer driven nails, I don't know; __; when was the last time you heard of hammer driven nails; ___; is he saying you're old Paul; I said it first; I may have implied it, I certainly didn't directly say it but I get your point, the bigger point of if we're gonna be putting something down that we're assuming is impermeable but in reality we know truly if it is now and not going to be for an extended period of time, we need to make accommodations for that, and that's not a problem; it seems to be the thing to use Ipa now, right, never mind; so again this is basically same photograph as before, this is pared down so it is a little bit easier to see what's going on, those three sections that we're talking about that are requiring wetlands approval, the areas of the hundred foot setback and the seventy-five foot setback lines, just kind of gives it a little

bit of perspective for what it is for what we're asking for and again the bulk of the project that's new construction, that all of the project that's new construction is not within the existing footprint is this area up here that's well north of the wetlands setback, vegetation plan, if you've been out to the site, you would have seen that the vegetation on the waterside of the property is very, very well established, if you haven't, I've got photographs, we'll show you that in a second, I'm of the mentality if it's not broke don't fix it so why mess with this stuff by the water knowing or anticipating that the CAC was gonna ask for zoysia grass in any areas that were gonna be revegetated with grass, we are willing to propose that, I'm not a big fan of it cause it is an invasive grass but if that's the direction they want us to go, we can look at that; the next people up used it successfully; yeah well it's been used successfully in lots of places and maybe it should be reclassified as a third type of plant that is not necessarily, not necessarily an invasive plant but just not an indigenous plant; obnoxious; yeah exactly; but it's very successful as most obnoxious things are; yes; what do you say about, when you finish, I'll come back; this is the existing house, obviously __ this is from last April, it gives you a good idea of the bank on this side, the reason why I like this photograph even though it doesn't show the vegetation very well, being that it was early April, it shows you the height of where the rocks are going up, there's the vegetative bank and then we're going up another three feet or so, four feet in some spots to the top of those rocks, the vegetated bank, so there is a fair amount of vegetation there to help capture and contain any runoff that would happen to occur on that grass area, more vegetation over to the other side of the dock and then, over here, let's look at this, I don't know how good the next photograph is, this is the area of the bulkhead that they were talking about, there are some areas of disrepair where there are some myriads of soil were starting to come through, it is certainly something that is going to need to be addressed, we would go to the DEC and go through the regular Town permitting process in order to mitigate any damage and repair that bulkhead as need be, we can't let it go too much further because once it's no longer a functioning erosion device, then you're grandfathering of that bulkhead ends up going away, so it's gonna need to be handled sooner rather than later, at this moment we wanted to get the house and get these other things done, get them into the renovated building, have it livable and while we're done with that permitting, we can start tackling other things, the dock may need a little bit even though it's in pretty good shape, we might, we've got to go look at it to make sure there's no surprises hidden underneath the deck boards, same thing with the bulkhead, just routine maintenance; right, I was just wondering if the waiting would set you up for additional aggravation later, more so than dealing with it; the dock and the bulkhead tend to run in separate paths than typical building construction, just like if we had applied to do the dock and bulkhead rather than using the DEC's letter of non-jurisdiction, we would have gone for a permit from the DEC; right; so that would have slowed down that process; right; whether that would have come out cause the DEC's dock permits are not you know a relatively quick thing to get; understand, I was just wondering, there will be no interference do you think when they come to do the bulkhead there won't be any retrodamage done to __ finished already; there's really nothing going on; do you know what I'm saying; there's really nothing going on in that area __; you know, I don't really care, just bringing it up; I understand, something to think about; ___ do you want to know when a water line is going to break, you pave a road cause you know you're gonna have to go tear up that road that you just paved, it's the same thing; okay that's good; so you are just giving yourself a head's up; okay; this is an area off to the side where it's a nice sand area that's flanked by both of those areas of vegetation, the pool is right up behind this fence right here between the fence and the house and again looking back from the dock you can see this area here where that bulkhead has been repaired, the repair is holding, it's not pretty, it's not long term but it is certainly an adequate fix for the time being until we can get all of our ducks in a row and get over there and start working on it; ___ as ___, how do you feel about that bulkhead Mattie; I think it's got charm, I think it's got ___, I would like to see it fixed, absolutely yeah but that's a different discussion; okay; this is that area of the patio that's going away, this angled section right here, that's gonna get squared off so you've got vegetation seaward of it, that's gonna obviously end up going away and getting replaced after construction, the area right in front of that where I would be standing as I'm taking the picture, we're gonna be putting a couple of drywells, handling roof runoff, we've got a fair amount of elevation there so I can increase the depth of those drywells a little bit and handle additional runoff from some of those decking areas we were talking about; so the roof runoff is gonna be managed; yeah it will go into drywells, yes; so now I have a simple drawing that I put together as the construction set that I'll get to you guys which has all of the drywells on it, it's got the underground propane tank, the Health Department is not making them do double walled underground propane tanks if it's too close to the well, so all that stuff is on it, lots of additional information that has

since been developed since we put in the application, this is that stairway I was talking about coming down from the upper deck, upper patio down to the lower deck and this is that semicircular room here that's showing the damage that I think the Planning Board had mentioned of the materials falling off the outside, the stuff goes falling off the outside and that's just one spot, one location, the pool itself is in relatively decent shape, we're not looking to redo any of it other than some minor rehab of it, you've got some tile around the edge that would be regrouted along those lines but not any type of major renovation of the pool so the idea of looking at an automatic cover would really facilitate redoing the pool and it would end up creating significant problems in trying to keep the existing pool structure that's there now, this is a better picture to show the vegetation on site, both between those timber stairs and on the flip side of that grass, that sand area over on the far side of the property that goes over toward the neighbor, then on the flip side, the other side by the rock wall so obviously the difference from April to now, then everything is in full bloom and you can really see that it's a thick full vegetative buffer, that's all I have as far as my presentation, if you've got any questions for me, for the owner, for the architect, we'd be more than happy to answer them; forgive me for anything I'm repeating or I missed but, alright so you, the pool drywell is going to be put in; right; Town Code requires they be put in __, got that going right up on the north side of the property; okay, alright; one thing I forgot to mention, I read the note, you guys were talking about the CAC responses, and the Planning Board, one of the things the CAC had mentioned was that they thought that renovations of this size were automatically required to put in an IA septic system, the Town Board actually put in an explicit exemption for projects that were already, I'm telling you guys something that you already know but for the benefit of anybody that doesn't already know it, an explicit exemption for projects that were already in the permitting process or had already obtained permits so that people did not have to go back to the beginning of the process again and redo, and come back in with a new design for the IA system and got through the Health Department permitting process again; how big a hurdle was the IA process; that's not a question I can answer, necessarily answer; who can; the IA septic system, we've got a perfectly functioning existing conventional septic system; which we know is grossly inadequate for the rest of the world, so; well that; that's why we went to the other one; yeah; is it not, I know that it's functioning Mattie, alright; yeah and I; __ from the old world, I understand it, what we're trying to do something about this thing now; yes; so I'm not here to break the gentleman's chops here, it's a function of like this would be a great time to do that, how big a hump is it; let us talk and I'll get back to you before Tuesday; yeah; cause I would really like to see that; Mr. Larsen has brought this point up that if they would streamline, if Suffolk County would streamline this process, if you get situations like this, you could, people don't want to go through you know three or four hoops and delay and delay and delay, if they would streamline the process and make it easier for this to happen, we'd get more of these things in; well absolutely, I've had, the fastest one I've had go through in less than a month for a conventional system converting to an IA system when there were no other problems; right; it was simple, it was easy and I got the right reviewer at the Health Department, it turned around like that, others, you know, five or six weeks to get them to review an initial application or if there's some kind of a problem, in a situation like ours where we had water quality issues or we had separation distance issues from the well to the septic and then you've got to go to the Board of Review and that one month case scenario turns into a one year plus worse scenario; I understand, I branched out to Peter on that, __I have not gotten back from him because we also reached out the other day to Bridget Fleming you know to see if they somehow couldn't help us try to help them get these things sliding because you know they made a lot of fuss about the importance of changing over and then it dies from their office; yeah; that's just not gonna work for people so, it's a work in progress for us as well, if you would research that and see what you think, I don't know how far you went down that road or if you went down it at all; we didn't go that far because of the Board of Review and, with the Health Department variance process, when referred to the Board of Review, if you're trying to design a system that does not comply with the minimum County standards, you've got to go to the Board of Review, they meet once a month, you guys know, the __ just went through that, that's the process that we do not want to __; the __ of the whole thing is that there is a septic system that they would leave in the ground and they won't let you replace it with the one that's more efficient in the same configuration because they're gonna try to rework the __; they had something they referred to as a best fit scenario but the best fit scenario doesn't seem to fit anything so it almost becomes like a poke in the eye because __ here's a good way to streamline and get through it but it's just so hard to make it work with anything that it's counterproductive to a certain degree; I understand; and Matt also it's not __, we wouldn't need a variance for a new system; yeah and that's what I'm saying about going back to the board of review

cause they would, even though we leave the old one in place, that's the part I don't get; if the Health Department would allow us to pull out the conventional system and put in a IA system, then we'd be done with it, then we'd be in an entirely different conversation; this is what will work; that's what Mr. Larsen was advocating for; well thank you for considering it; we're not, we're non-committal at this point so I could let you know before Tuesday of a better position; I understand that, I don't think it's fair to ask people to push the County for that; anybody else; let me check my list; whatever it is, it's got to be quick; that was the last one that I had, I saved the best for last.

The Deputy Supervisor declared the public hearing closed at 5:53 p. m. and called to order the public hearing to be held as advertised on the application of David Portilla/Allison Herron, 76 Gardiner's Bay Drive, for a wetlands permit to remove 980 square foot existing deck, remove 300 square foot second floor existing deck, remove existing outdoor shower, remove basketball court, replace 590 square feet of existing deck and steps including new barbecue area, remove approximately 15 square foot existing bumped out area by chimney, install 3 new drywells and 3 new HVAC units from the 75 foot vegetative buffer, install new 5' by 6' outdoor shower, install new patio (approximately 240 square feet) and retaining wall, remove concrete walkways, install new concrete/stone walkways in a new layout, new front entry with stone patio and one new drywell; an existing shed that has a small portion in this will be entirely removed, all within the additional 25 foot adjacent regulated wetlands area, and additionally, remove existing driveway and walkway and replace with a new pervious gravel driveway.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for the reports of the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Colligan gave the Conservation Advisory Council report as follows: The CAC met on June 12th and all the things that Dottie just said, we don't need to re-read, they also, remove the existing driveway and replace, the vote of that was six, zero, one abstention with the recommendation to install a new IA septic system and a new pool cover for the pool, that was the two recommendations that they gave on that.

Councilman Shepherd presented the Planning Board report, as follows:

25 June 2018

Re: **Portilla/Herron Wetlands Application**

76 Gardiners Bay Drive, Shelter Island NY, SCTM# 700/01/02/59, AA Residential reverting to A Residential, Within the Peninsula Overlay

We are in receipt of the Town of Shelter Island Wetlands Application prepared by the applicant's Contractor, Christian Fokine, dated 14 May 2018, to demolish a concrete basketball court and a shed, and to renovate the House fully within the Regulated Wetlands. Additional work will include demolishing an existing Garage, and constructing a new Garage, Pool, Pool Patio and Pool Pavilion on the property. The applicant has obtained **DEC Permit** #1-4732-00008/00005 dated 20 March 2018 for the work.

Planning Board members visited the site, reviewed the survey and plans while on site, and considered all submittals provided to the Planning Board.

We submit the following observations and recommendations:

The lot is a typical Hay Beach waterfront of 60,370 sf (1.386 acre) property. It slopes from a road elevation of 25 +/- feet down to a top of bulkhead elevation of 6.5 +/- feet. Improvements comply with A Zoning requirements. The CCA bulkhead and sheathing appear to be in good condition. The bulkhead is backed up with boulders that add 24" of additional height to the shore protection. The property is mostly lawn except for many mature trees. The improvements appear to be in good condition and the renovations are being made for the new homeowner.

The applicant submitted a SCDHS stamped survey of approved works, #7-SI-26, dated 2 June 1978. It does not indicate the size of the septic tank or leaching pools, nor how many bedrooms for which the system is rated. The application describes the system as a 500-gallon septic tank and three 8'x4' cesspools. Current standards require a 1,000-gallon septic tank and three 8'x4" cesspools for an up-to four-bedroom house and a 1,500-gallon septic tank and four 8'x4' cesspools for an up-to six-bedroom house. Though the applicant is proposing a reduction in the number of bedrooms from six to five, it appears the sanitary system is undersized for this use. The

survey, drawn by F. Michael Hemmer, LS, P.C., and last revised 26 April 2018, locates the cesspools. They appear to be underneath a proposed (or existing?) retaining wall that abuts a patio/basement entry. It is not known how this sunken patio could be created without interfering with the cesspools. The water side work proposes a reduction in decking and does not encroach further into the regulated area. Open deck boards should be installed with gaps to make them more permeable. A section of covered deck is being proposed. Stormwater from the roofed area should be collected and piped to the drywells for recharge. The Town Board may wish to consider restricting further enclosure of the covered area.
The submitted drawings, prepared by the Contractor, contain much structural and engineering detail but no Engineer or Architect is noted as closely involved with the project. The plans call for a double 2x10 header to carry the load of the second-floor floor, walls and roof over a 12'-0" sliding door. Per the 2015 IRC R602.7, a double 2x10 can only span 6'-1". It is illegal in NYS for a Contractor to represent themselves as an Engineer or Architect. It is also illegal for an Architect or Engineer to just stamp plans without being integrally involved with their development. We hope that the applicant is aware of this and engages with a Design Professional to review their project. On many applications the Town Board has required a vegetative buffer along the shore protection to limit stormwater flowing over lawned areas into the bay. The Town Board may wish to consider requiring a similar buffer as mitigation.
While outside of the wetland's review scope, we note:
The fairly large gravel driveway is to be reduced in size with a presumptive enlargement of the lawned area. The new Garage and Pool will require the removal of many mature trees. The grade drops steeply in the area of the proposed pool, pool patio, and pavilion; it is not understood how these components will be constructed nor how the soil will be graded and/or retained. With better information about the sanitary system, the basement entry patio, the involvement of a Design Professional, and the proposed vegetative buffer, the Planning Board could support approval of the project.
By:
John Kerr, Planning Board Member
Ian D. McDonald, Architect, Planning Board Member
For the Planning Board

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: my name is Chris Fokine, I'm the builder for Allison Herron and David Portilla, Allison Herron's father __ the house in 1987, the house was __ in and they are now raising their young family at this house and just to go back a couple of steps to the Planning Board, the __ plan that I submitted to the Town of Shelter Island are stamped by John Condon, licensed P E, he's designed professional projects, as the designer and builder I'm allowed to design houses as long as they are stamped by an engineer so he works __ and the plans you have are stamped by the engineer, the other thing I wanted to mention is one thing that I love about this project is that the when the Portilla/Herrons came to me, the spirit of the project is actually reducing, what we're talking about is actually removing, if you look on this plan _ the blue line on the top of the page ___ this is Gardiner's Bay Drive down here and the big yellow areas are areas to be removed so we're removing a four hundred seventy-five square foot basketball court, removing a very large deck area and I think one balcony, we're not building any new decks at all, we're putting a cover over top of __, covering that up, the parts in orange are the parts to be __, a new __ up there, an outdoor shower right there and that orange to your left there is the ___, so the most ___, you got it because we're not making the house bigger, we're not making additions to ___, we're actually taking away covering, so we end up at the end of the day, we are adding new structures landward of the hundred foot mark and that's gonna be a swimming pool and garage, with the addition of those two pieces, we're still only increasing total lot coverage by sixty square feet, or less than one percent overall, so this, I must say this is one of the first times that I've ever been __ that wanted to reduce the coverage and not increase it, it's kind of __ for us, inside the house there are six bedrooms __ the house and that septic system was approved in 1998 by Suffolk County Department of Health, I spent the morning with Mr. Reed Karen going over the history of this whole house and the permits from the County; 1998; yes, it was first built in '78 and renovated in '98 and '98 the septic system was added when they added a second story master bedroom, the septic system was certified by the Suffolk County Department of Health, we had ___ a hearing ___, having said that, you're right, there is a very strange, when something on there was retaining wall ___ I didn't build that, that was there already and in my plan, I will actually remove that and if it will make the approval easier, we could unearth, uncover the cesspool

and septic tank and re-certify it to make sure it works for a five bedroom house so that can be done, meanwhile we do plan to regrade, the DEC, the line here, this describes the regrading of the property, it's very steep going up to the street and we might get a flat area in front of the house and put the pool in the flat area and have the garage off to the side and a new driveway put up to the new garage and that's basically the plan and we have submitted a much more elaborate survey, I think you have that in your possession but this one is just easier to look at __, all __, all square footages and this is the one that refers to my __, if you have any questions, I'm happy to answer them; did you consider and IA system; I didn't, I looked at the Town Code that was adopted in March I think it was, said that we didn't, you'd have to have an IA system if you added fifteen hundred square feet to the building; that's has to do, it can be interpreted in several different ways; okay yeah, that's what I thought it was, cause we're reducing the number of bedrooms and weren't adding anything so I thought we were beyond that __; probably, would you be adverse to doing it; I would be happy to discuss it with them; right; see how they feel about it and have a discussion with you guys about it, what issues ___, of course you have not; we are trying to avoid missing an opportunity to __ and if arm twisting is necessary, then one of the enforcers up here are required to say something along those lines; currently we, through En-Consultants we were able to obtain a DEC permit for all the work that has been done seaward and a letter of non-jurisdiction landward of the ___, so we've gone through that regulatory process, __ I can think of is delay, we've got to get through this process and get this started some time like in late September or October, I'm sure how Suffolk County Health would affect that; I know; ___; and I've had good luck with them but this is brand new for me __, I put in hundreds ___ to try to deal with this new system; right; so Chris this is the existing septic system in '78; that's right, it was, it was upgraded in '98, installed in '78 and upgraded in '98; it was upgraded; can you explain to me what upgrade that was; it's kind of difficult because it's interesting how the County __ got involved over the years, in '78 they didn't bother putting in the number of bedrooms allowed in a __, in '98 they approved, I think it was __ I don't know where they got that from, three cesspools are there and I have that breakdown and the approval of the Building Department, I didn't bring it today cause I didn't think we needed it, I didn't __ but I will obtain that and I will give you a copy of it of course, make copies and ___ but in my opinion it looks like another cesspool was added and ___; how much deck are you talking about removing, you're removing and then you're putting some back right; no; nothing; no; __; okay that's not correct; __; ___; forgive me, just going through my notes; sure; the proposed outdoor shower, what have you got for the runoff on that; with outdoor showers, I think the best thing is to dig a trench down below the shower ___ , usually go down like two feet with gravel, that's the best way to do it, to put it through a pipe is a crazy idea, I'd rather go straight down like in a French drain situation and it goes back into the soil, nothing ___ sand; in this area; ___ Shelter Island most places is ___ drainage so that was my plan, typically the way I always do it __, we are adding by the way, four new drywells that don't exist on the property, right now the gutters just empty on the grounds, __ whatsoever, that's something new we're doing and also, the basketball court will be removed and will be planted with lawn to try and get it growing, it's a complicated survey isn't it; what's that; it's a complicated little survey, it's got a lot on here; that's the rule anymore I'm afraid; yeah; my eyes are getting too lame for all that; any other comments.

The Deputy Supervisor declared the public hearing closed at 6:10 p. m. and reconvened the recessed public hearing on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, have petitioned the Town of Shelter Island for permission to re-install ramp and float on end of dock in West Neck Bay.

The Deputy Supervisor called for the report of the Waterways Committee of the Town Board, which was as follows: Dottie, did you, Levine, is that where we are; yes, Levine; have you gotten anything from them since the last; no, no; alright that was the dock that we talked about, it was, it seemed like it was modified a couple of times over the years and we were looking to see if there was any paperwork on that, the dock had undergone modifications; it had somewhere along the line; quite a bit; yeah; I may have some information on that if I'm able to weigh in, there's a fair amount of confusion on this piece of property, I was just brought on board not too long ago, I was trying to weed through some of the confusion, looking at the Suffolk County GIS website, the dock at the Levine property goes back at least to 1978, the permit that everyone is referring to that says this doesn't match the dock was issued in 1983 and the previous owner to, the person who owned the property when the dock was built we believe was Rafuse prior to, two or three owners prior to the current owner, the person who owned it before them for

a very short window I think was LeHenaff, LeHenaff owned the property across the creek over off of Menantic Road which is I believe, the permit that everyone is looking at for that dock is the LeHenaff dock across the street cause they owned that property in the eighties, I FOILed the DEC, first we did an informal request and the Federal Wetlands guy looked through their file and their microfiche to see what they could find on the Levine property and they couldn't come up with anything so we put in a FOIL request to see what if anything they might have on record, we're also looking at any other Federal agencies or State agencies which this is probably a wild goose chase but we are trying to find out to see if we can get anything that substantiates when this dock was built, the aerial photos from the GIS website in '62, there's nothing out there, no buildings, no anything, Helen's house is the only one out there and then in '78 all the activities had already occurred so we've got a pretty big gap in there when all this stuff happened but we have no paper trail on any of it, so we do know that the dock was there before this permit that everyone says that is different from the way the dock was issued, we also know that there was a certificate of compliance written by the Building Department when the current owner bought it in, what was it, 2015, something in that range and that certificate of compliance actually says that the original permit was issued in conformance with the Town Code and it's addressed to the dock that's on the property so that adds another level of confusion as to what the heck is actually going on here so we're trying to, we're trying to get to the bottom of it but quite honestly we're no where near yet, we're just figuring out, we're trying to figure out, you know you're known and you know you're unknown, we're trying to figure out all the unknown unknowns; so you know the dock was built in what was it '72 or something; the aerial photos from '78, those predate 1998; the length and configuration it is now; almost identical; yes; if you compare the aerial photos from '78 right up through today, the float moves around and that's about it but the "L" on the end and the arm coming off to the side, all that was there; okay, interesting, so it wasn't an addition by somebody; I don't know what, the information I have is that the original dock was eighty-two feet long and not it is a hundred thirty-five feet long; but the information to determine that original eighty-two foot dock is what's incorrect, that's from a different property, same property owner that if you traced it back through the Assessors' records to LeHenaff who that permit was issued to, that's from the one on the other side and we figured it out, I think it had to do tax map numbers, there was no addresses, no tax map numbers, no anything on the application with these permits, and they had Menantic Road was the one address that kept showing up and then when we found that LeHenaff had that piece of property over there and that permit postdated the dock by at least five years, we figured it probably wasn't the right permit; Matt, for clarity, the WMAC is meeting on Monday night, this clarity isn't gonna be present for that meeting is it; I can call John or write him an e-mail or do something but yeah, I'm not gonna be around; okay, then I would suggest if you have any documentation or any data or any clarity to this issue, that you take care of it before you leave and get it to them because otherwise this is gonna, they won't do anything on it; at this point there is really nothing for them to do until I get the real information; okay; but at least I can let them know that we're working on it; that would be helpful I think, I appreciate that; thanks Matt; alright, we're done.

At 6:15 p. m., the Deputy Supervisor declared the hearing held open until the first meeting in August, 2018 (August 17, 2018), and reconvened the recessed public hearing concerning the Local Law (Chapter 53) regarding docks.

The Town Attorney reported as follows: this had an option, we held this hearing open because we needed to add a second piece to it regarding water control devices, earlier today we set the public hearing on that portion of this for the next meeting, we're dealing with pretty much exactly the same issues with these two things, we can either deal with this now and that later or both of them together at the next meeting, that's the option of the Board; is it more advantageous to wait for the second piece to be done so that we can do it together; I would think so because I wouldn't want to have two different standards for the two different things; then I think we should hold it; my one quibble with it is we reference standards that don't exist and so I didn't know how we were gonna, the docks, they changed the widths and made length restrictions, different things and were there other things __ so how can we __ ourselves up with a non-compliance or a non-conforming if you follow me, no, you're not following me; okay; where are the standards for all the other water control structures then or the things that they're talking about; where is the reference; in 52-17, right, the proposed thing, you're using the same language but I wasn't sure that the problem existed in that section, it's a relatively benign change, it's just that it doesn't reference anything that I'm aware of; in section B where it talks about the chapter being exempt from the

standards, is that the area; yeah; that's what we're taking out; that should be 52-17 if I'm looking at the same thing, some things have been pushed around a couple of times now; yeah but we are taking out the part with the reference to the, the __ part of __ the Code would say it, going forward, so we'd be removing the part about the referencing to standards; okay so what, this is so painful for me some times, if I'm looking at, is this the same thing you've got; I think so, it is; okay what's it gonna say, let me stand up and look at it, paint me a picture Bobby, it's been a long week; this and this; okay, right, and what I'm saying, I don't understand where non-conforming, what's it conforming to unless we're anticipating future legislation, that's a possible argument, follow me; yes; ___ anything it would not conform to since we don't have standards for them, how can it then not conform but that would work in anticipation of future legislation; okay; I don't like stuff that doesn't; __ pre-existing, non-conforming; we had an issue with a non-conforming dock, right; correct; but I don't know if there are any standards for any of the other things, so then my question is what are they non-conforming to if there's no standard for them to conform to in the first place, is that Greek, apparently, and you're not __ Mr. DeStefano; correct; okay; __ a comedy ___; __ change the language; yeah; the Code conditions; what creates a non-conformity, I'll start my questioning there; well anything that is out of compliance with current Code; right and current Code, if it has no standard, how can; if there is no current Code, there can be no non-conformity so you wouldn't have a problem; that's my thought, okay so we need this because; you know what, okay; ___; Bob if I'm having this much of a problem making my point, then that point doesn't deserve to be made, I'm gonna take it out and ___, so this is over; so we'll keep this open until the next one and deal with them simultaneously; I would think so; I think so; I agree with that; yes; okay so we'll do that.

At 6:23 p. m., the Deputy Supervisor declared the public hearing to be held open until the next meeting which will be July 27, 2018, and reconvened the regular Town Board meeting.

RESOLUTION NO. 343

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Jay Sessa, 15 Point Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Gardiner's Bay at a location designated as latitude 41.106724° north and longitude 72.331624° west, and

"Whereas", a public hearing was duly held on the 6th day of July, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 344

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", George E. Deman, 4 Summerfield Place, has petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound at a location designated as latitude 41.087816° north and longitude 72.356746° west, and

"Whereas", a public hearing was duly held on the 6th day of July, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 6:25 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 17th day of July, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and twelve persons were present.

The Supervisor called the special meeting to order at 1:25 p. m.

RESOLUTION NO. 345

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That retroactive to July 1, 2018, the salary of Assessor Patricia Castoldi is hereby set at $27,500.00 for the remainder of the year 2018, and

BE IT FURTHER RESOLVED, That a stipend of $8,000.00 is hereby granted to the Assessor Clerk for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 346

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", 27 Shore Road, S. I., LLC, c/o Charles Modica, has petitioned the Town of Shelter Island for permission to remove 492' of existing bulkhead and construct 492' of new bulkhead in place, regrade disturbed areas, remove existing decking and framing, remove and replace, in place 8 inside piling, and reframe and redeck entire structure, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said repairs, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned repair work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 347

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Jenny Landey Productions, 207 Three Mile Harbor H C Road, East Hampton, New York 11937, has requested a filming permit for July 24 and 25, 2018, for filming at 60 Peconic Avenue and the Town landing at the end of Brander Parkway, and

"Whereas", the filming crew consists of 25 persons, 5 vans, 3 trucks and 3 cars, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Highway Department has responded that there must not be any obstructions on the road or walkways during the filming, and all garbage must be picked up in the area, and

"Whereas", the Police Department is recommending that the majority of the vehicles should be parked on the location property (60 Peconic Avenue), especially large commercial type vehicles, and that vehicles parked off of location property (if any) on the public roadway should be parked on the shoulder of the road, in the direction of travel, and should not obstruct normal roadway usage, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

| | |
|---|---|
| Major filming application fee | $1,500.00 |
| Two days filming fees $2,000 per day | $4,000.00, |
| Rush fee | $3,000.00, and |
| Clean up deposit | $1,000.00. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 1:31 p. m. This motion was carried.

July 17, 2018 - continued

Dorothy S. Ogar
Town Clerk

(see next page for more Town Board Minutes)

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 27th day of July, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and five persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A memo from the Town Clerk, as follows:

Re: Permissive Referendum

The Town Board adopted a resolution on the 19th day of June, 2018, authorizing the issuance of $15,000,000 bonds to finance the cost of the acquisition of various parcels of land or permanent rights in land for preservation, recreational or parkland purposes in the Town, and as of July 20, 2018, no petition was filed, therefore said authorization is approved.

The Supervisor presented the following financial report for the month of June, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JUNE 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen Checking | 3,349,779.03 | 1,791,349.70 | 795,827.93 | 4,345,300.80 | 781,239.72 |
| Hwy Checking | 619,181.41 | 749,014.14 | 108,175.55 | 1.260,020.00 | |
| T&AChecking | 1,124,342.97 | 3,410,647.69 | 3,926,332.85 | 608,657.81 | 15,622.92 |
| T&A Savings | 12,228.51 | 0.29 | 0 | 12,228.80 | |
| Hwy Cap Res | 311,365.86 | 22,507.83 | 0 | 333,873.69 | |
| WNW Supply | 51,351.64 | 1,571.46 | 774.37 | 52,148.73 | 111,567.22 |
| Taylor's Island | 43,680.82 | 12.55 | 0 | 43,693.37 | |
| Comm Preserv | 3,768,646.97 | 308.55 | 3,300.00 | 3,765,655.52 | 5,643,209.75 |
| Waterways | 280,308.59 | 5,915.00 | 0 | 286,223.59 | |
| Reserve Fund | 825,857.41 | 5,654.97 | 0 | 831,512.38 | |
| Bridge St Escr | 0 | 0 | 0 | 0 | 358,214.02 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reserv | 20,045.25 | 0 | 0 | 20,045.25 | |
| Ambul Reserv | 356,917.78 | 29.23 | 0 | 356,947.01 | |
| Ambul Train | 29,339.54 | 0.7 | 0 | 29,340.24 | |
| TOTALS | 10,808,795.78 | 5,987,012.11 | 4,834,410.70 | 11,961,397.19 | 6,99,853.63 |

Councilman Shepherd read a PROCLAMATION which had been presented to Mr. Sidney Beckwith congratulating and honoring him for celebrating his 100th birthday on July 19, 2018. (A copy of the proclamation is attached to these minutes.)

RESOLUTION NO. 348

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mitch Howell and Michael Gerstner, 37 Dinah Rock Road, have petitioned the Town of Shelter Island for permission to construct a 5' x 132' fixed dock with a 4' x 30' lower platform at offshore end; install two swim ladders, install four 10" diameter mooring pilings, and provide for water and electric service to offshore end of dock, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 17th day of August, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

July 27, 2018 - continued

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 349

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Alexander Cornfeld, 66 Cobbett's Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.086801° north and longitude 72.322808° west, which is approximately 150 feet off applicant's dock in the southeast direction of mooring formerly occupied by the C-3065 Arnold mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:41 p. m., prevailing time, on the 17th day of August, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 350

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Robert Geehreng, 84 North Cartwright Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor off the end of the Town landing at Burns Road; said mooring location was formerly occupied by the Nardin C-2466 mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 17th day of August, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 351

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the returned funds received from Summit Safety, LLC in the amount of $69.90 to the 2018 A8160.488 landfill high visibility clothing account; the funds received for the Police Protective Equipment Program grant to general fund, and the funds received from the Town of Riverhead for their purchase of trucks in the amount of $25,000.00 to the Highway equipment reserve account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 352

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the term of Charles Tiernan as a member of the Deer and Tick Committee expires on June 24, 2018, and

"Whereas", Mr. Tiernan has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Charles Tiernan is hereby reappointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 353

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Lindsay Rando is hereby appointed to serve as FIT Aide for the year 2018 effective August 7, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 354

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the term of Jim Polychron as a member of the Recreation Commission will expire on August 7, 2018, and

"Whereas", Mr. Polychron has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Jim Polychron is hereby reappointed to serve as a member of the Recreation Commission for a term to expire on August 7, 2025.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 355

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", as per Town Board RESOLUTION NO. 359 -2017, dated August 4, 2017, the Town Board established fees to be charged for vessels placed in the Police Department impound area, and

"Whereas", the Police Department has recommended the charging of fees for vessels placed on the Police Department mooring, now, Therefore

BE IT RESOLVED, That the following is hereby added to Resolution No. 359, to wit:

3. If a vessel is placed on the Police Department mooring for 7 days or less, the fee to be charged is hereby set at $250.00, and if a vessel is placed on said mooring for more than 7 days, the fee will increase by $250.00 for every additional 7 days.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 356

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $316.78 for the copier on the second floor of the Town Hall for the term of July 11, 2018 through July 10, 2019, as follows:

| | |
|---|---|
| A1356.484 | $22.62 |
| A1420.484 | $22.63 |
| A4540.484 | $22.62 |
| A5710 400 | $22.63 |
| A8140.400 | $22.63 |
| A8710.484 | $22.63 |
| B3610.400 | $22.62 |
| B3621.484 | $22.63 |
| B3622.484 | $22.63 |
| B3623.484 | $22.62 |
| B8012.484 | $22.63 |
| B8020.484 | $22.63 |
| B8030.484 | $22.63, and |
| B8710.484 | $22.63. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 357

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $8,756.50 from the Police Department A3120.491 contracts account to Admit Computer

Services, Inc., 4509 West 58th Street, Sioux Falls, SD 57108, for the annual Impact software maintenance for the Police Department for the term June 1, 2018 through May 31, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 358

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the renewal of the Professional Services Agreement between the Town of Shelter Island and Mesiano Consulting, Inc., 24 Arnold Road, Malta, New York 12020 for the provision of consulting services including but not limited to grants research, writing and related administration services at the rate of $160.00 per hour for the term July 1, 2018 through July 1, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 359

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Mr. Hap Bowditch submitted a special permit application fee to the Shelter Island Zoning Board of Appeals in January, 2017, and

"Whereas", Mr. Bowditch withdrew his application before the hearing date, and

"Whereas", the Zoning Board of Appeals has recommended approval to return said fee, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return said $1,000.00 application fee to Mr. Hap Bowditch.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 360

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", filming permit number 72 was issued on July 18, 2018 to Jenny Landey Productions for filming at 60 Peconic Avenue and the Town landing at the end of Brander Parkway on July 24 and 25, 2018, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Jenny Landey Productions, 207 Three Mile Harbor H C Road, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 361

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Shelter Island Fireworks, Inc., 4 Hudson Avenue, held a fireworks display on Shelter Island on Saturday, July 7, 2018 and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Superintendent of Highways requests that no fees are required from the Shelter Island Fireworks, Inc. for the display, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $100.00 to Shelter Island Fireworks, Inc., P. O. Box 452, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 362

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Romano Fessas, 4 Sheep Pasture Lane paid a compliance fee of $100.00 for his catered wedding welcome party/ clam bake on Shell Beach on June 29, 2018, and

"Whereas", the Town Board required a deposit of $1,000.00 to cover any unforeseen expenses for said event, and

"Whereas", the Superintendent of Highways reported that no portion of either deposit was required, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit and the $1,000.00 deposit to Mr. Romano Fessas, P. O. Box 12, Shelter Island Heights, New York 11965.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 363

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the 39th annual Shelter Island Run and the Five Kilometer Fun Walk was held on Shelter Island on Saturday, June 16, 2018, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Superintendent of Highways has determined that the event created no extra impact for the Highway Department staff and that the compliance fee should be returned in full, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $100.00 to the Shelter Island 10K Run, Inc., P. O. Box 266, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 364

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, W. E. Restaurant Corp., AKA The Dory, paid a compliance fee of $100.00 for their music benefit on July 14, 2018, and

"Whereas", the Superintendent of Highways reported that no portion of the deposit was required, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit to W. E. Restaurant Corp., AKA The Dory, P. O. Box 3040, Shelter Island Heights, New York 11965.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 365

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Section 33-3 of the Town Code, the Town Board granted permission to the Shelter Island Historical Society to hold a dinner dance fundraiser on July 21, 2018, and

"Whereas", the required compliance deposit of one hundred ($100) dollars to ensure that the site was left clean and free of all debris was submitted, and

"Whereas", no portion of said fee was expended by the Town for said clean up, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit fee of one hundred ($100) dollars to the Shelter Island Historical Society, P. O. Box 847, Shelter lsland, New York 11964-0847.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 366

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Educational Foundation has requested permission as per application received June 6, 2018, to hold a fundraiser "Porch Party" at 72 Peconic Avenue, on Saturday, July 14, 2018, and

"Whereas", the Shelter Island Highway Department has stated that there must not be any obstructions on the road during the event, and all garbage must be picked up in the area, and

"Whereas", the Shelter Island Police Department responded that there is no need for additional police services; the applicant can use the North Silver Beach Road landing for parking at this event with the following considerations: vehicles parked along the roadway or at the landing should do so in the direction of travel and as far off of the traveled portion of the roadway as possible, and vehicles should not block public access to the Town landing, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 367

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", The Shelter Island Ambulance Foundation is a charitable organization whose work directly and immediately benefits the people of Shelter Island, and

"Whereas", a "tent fee" of $250.00 was charged for the organization's upcoming Cricket match, and

"Whereas", the Town Board desires to waive said fee, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the tent fee of $250.00 to the Shelter Island Ambulance Foundation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 368

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Sylvester Manor Education Farm requested permission as per application dated July 17, 2018, to hold a Flatt Lonesome Creekside Concert on August 12, 2018, and

"Whereas", the Shelter Island Highway Department and the Shelter Island Police Department have approved said event, now, Therefore

BE IT RESOLVED, That said request was approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 369

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Sylvester Manor Education Farm requested permission as per application received July 10, 2018, to hold a Local Legends Creekside Concert on Saturday, July 15, 2018, and

"Whereas", the Shelter Island Highway Department and the Shelter Island Police Department verbally approved said event, now, Therefore

BE IT RESOLVED, That said request was approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 370

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Sylvester Manor Educational Farm paid a compliance fee of $100.00 for their fundraiser event Farm to Table Dinner on June 23, 2018, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to Sylvester Manor Educational Farm, P. O. Box 2029, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 371

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Steven Choo has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 1 Cove Way, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 7.056 kg/year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated June 19, 2018, certifies that the Low-Nitrogen Sanitary System project by Steven Choo at 1 Cove Way is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 372

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Joon Min Cho has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 22 Terry Drive, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 3.4 kg/year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated July 19, 2018, and certifies that the Low-Nitrogen Sanitary System project by Joon Min Cho at 22 Terry Drive is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 373

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Gordon Thompson has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 8C Pheasant Lane, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 4.7 kg/year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated July 19, 2018, and certifies that the Low-Nitrogen Sanitary System project by Gordon Thompson at 8C Pheasant Lane is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 374

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Shawuan Johnson has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 72 North Menantic Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 2.27 kilograms and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated July 19, 2018, and certifies that the Low-Nitrogen Sanitary System project by Shawuan Johnson at 72 North Menantic Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 375

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

""Whereas", the Town of Shelter Island has identified appropriate sources of possible funding to complete the Crescent Beach Comfort Station project in the programs available under the New York State Consolidated Funding Application (CFA); and

"Whereas", CFA programs identified as possible funding sources include but may not be limited to the Environmental Protection Fund Municipal Grant Program (EPF) of New York State's Office of Parks, Recreation, and Historic Preservation (OPRHP), and Empire State Development (ESD) Grant Funds; and

"Whereas", The Crescent Beach Comfort Station project will provide for upgraded restroom facilities and advanced wastewater treatment technology; and

"Whereas", under the Environmental Protection Fund Municipal Grant Program of the OPRHP, the Town would provide 100% of funding up front, and the grant would reimburse up to 50 percent (50%) of eligible project costs, up to an administrative cap of $500,000 if awarded; and

"Whereas", under the Empire State Development Grant Funds, the Town would provide 100% funding up front, and the grant would reimburse up to 20% of eligible project costs with a requirement of a minimum 10% cash matching funds; and

"Whereas", the Crescent Beach Comfort Station total project cost is estimated to be approximately $227,000; now, Therefore

BE IT RESOLVED, That the Town of Shelter Island is hereby authorized and directed to file an application for funds under the Consolidated Funding Application programs and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Shelter Island for the Crescent Beach Restroom Facility Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property; and

BE IT FURTHER RESOLVED, That the Town Board of the Town of Shelter Island authorizes the Town Supervisor or his designee to sign any and all paperwork in connection with such CFA application; and

BE IT FURTHER RESOLVED, If the grant request is approved, a separate Town Board Resolution accepting the awarded grant(s) shall be adopted and identify the source of funding for the up-front costs, and

BE IT FURTHER RESOLVED, That the Town Board of the Town of Shelter Island hereby reaffirms the 2007-2011 Shelter Island Parks and Recreation Master Plan, first adopted in 2006, which among other priorities supports rehabilitation of Crescent Beach facilities to meet the needs of the community, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to Sign any and all Documents Pertaining to the Application for the Crescent Beach Comfort Station project.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 376

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute any and all necessary documents to effectuate the Inter-Municipal Agreement between the Town of

Southampton and the Town of Shelter Island for the provision of one pump out boat for use by the Town of Shelter Island to assist the boating public in and around the waters located in the Town of Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 377

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Highpoint Rock, LLC has applied to the Shelter Island Town Board for permission to undertake significant construction within vegetative buffer and adjacent regulated area at 71 Nostrand Parkway, Shelter Island, New York and zoned AA Revert to A Residential, designated as Suffolk County Tax Map 0700-13-1-6 (the "Premises"); and

"Whereas", the proposed construction includes the following work at least partially within the 75' vegetative buffer: replacement of back deck with the new deck to be relocated further from the wetlands; and

"Whereas", the proposed construction includes the additional following work at least partially within the 100' adjacent regulated area: demolition of existing front porch and patio and a portion of the existing residence; and

"Whereas", further work is proposed in conforming locations for which a wetlands permit is not necessary; and

"Whereas", the proposed renovation accounts for an 85% renovation; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued a letter of non-jurisdiction; and

"Whereas", the Suffolk County Department of Health Services issued an approval letter; and

"Whereas", the Zoning Board of Appeals issued a special permit after a public hearing on notice held on April 25, 2018; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on July 6, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands permit, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and finds that this is a Type II action which will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. The parcel is currently developed with a non-conforming single family house portions of which are within the 75 foot vegetative buffer, and adjacent regulated area. The plans call for changes that would significantly reduce the intrusion into the wetlands; and
2. The applicants are proposing abandonment of an existing sanitary system and is proposing to install an I/A system in a conforming location on the property as per SCDHS standards; and
3. The proposed renovation will result in a residence and deck located farther from the wetlands than the existing structure; and
4. There will be removal of existing lawn and establishment of native plantings seaward of the residence; and
5. There would be minimal run-off due to terrain and mitigation requirements; and
6. The proposed project will not have a negative impact on the quantity and quality of groundwater because there will be a reduction of impermeable surfaces in the vegetative buffer and a shift of the same to the regulated area; and
7. The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands consuming a large portion of the property, which constrict the building envelope; and
8. The Town Board has determined and required that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetland benefits; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the Premises is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the survey prepared by Thomas D. Burke last revised November 14, 2017; and

2) Construction procedures and erosion controls including the installation and maintenance of wire backed silt fences during all stages of construction shall be designed to prevent any run-off from disturbed ground into the wetlands areas. Soil disturbance should be minimized where possible. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and

3) Construction materials and equipment shall be staged outside the regulated area; and

4) Parking, noise, construction controls shall be pursuant to the Town Board special permit approved conditions as set forth in Resolution number 396 - 2016, dated October 17, 2016; and

5) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and

6) This permit shall only be valid for construction commencing within two years of the date of this approval; and

7) The existing septic system shall be replaced by a nitrogen reducing IAOWTS septic system; and

8) All restrictions imposed by the Zoning Board of Appeals shall be implemented; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 378

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Gordon Thompson has applied to the Shelter Island Town Board for permission to undertake significant construction within vegetative buffer and adjacent regulated area at 8C Pheasant Circle, Shelter Island, New York and zoned A Residential - Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-26-1-13.1 (the "Premises"); and

"Whereas", the proposed construction includes the following work at least partially within the 75' vegetative buffer: replacement of the rear deck and pool deck, install new stairs to pool deck and basement, install a new footing to allow the conversion of the garage to living space, remove an underground propane tank (to be replaced in the adjacent regulated area); and

"Whereas", the proposed construction includes the additional following work at least partially within the 100' adjacent regulated area: interior renovations to the existing house, replace front patio and planters with a new deck, replace pool coping; pool equipment is to be moved to a conforming location; the driveway is to be replaced, and the basketball court, bocce court and associated walkways are to be replaced with vegetation, and

"Whereas" further work is proposed in conforming locations for which a wetlands permit is not necessary; and

"Whereas", The proposed renovation accounts for a 58% renovation; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued a letter of non-jurisdiction; and

"Whereas", the Suffolk County Department of Health Services issued an approval letter; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on July 6, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA, and finds that this is a Type II action which will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. The parcel is a .69 acre non-conforming parcel which is currently developed with a non-conforming single family house of which sits primarily in the vegetative buffer and adjacent regulated area. Most of the existing house and pool extend into the vegetative buffer and adjacent regulated area. The property is additionally improved on the water side with a bulkhead, a rock revetment, and a dock with a boat lift.
2. The plans call for changes that would significantly reduce the intrusion into the wetlands.
3. There would be minimal run-off due to terrain and mitigation requirements.
4. The proposed project will not have a negative impact on the quantity and quality of groundwater because there will be a reduction of impermeable surfaces in the vegetative buffer and a shift of the same to the regulated area.
5. The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands consuming a large portion of the property, which constrict the building envelope.
6. The Town Board has determined and required that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the Premises is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the on the proposed site plan by Sherman Engineering dated April 10, 2017 and last revised May 1, 2018.
2) Construction procedures and erosion controls including the installation and maintenance of wire backed silt fences during all stages of construction shall be designed to prevent any run-off from disturbed ground into the wetlands areas. Soil disturbance should be minimized where possible. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter.
3) Construction materials and equipment shall be staged outside the regulated area.
4) Parking, noise, construction controls shall be pursuant to Town Code conditions.
5) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000.
6) This permit shall only be valid for construction commencing within two years of the date of this approval.

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 379

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", David Portilla and Alison Herron have applied to the Shelter Island Town Board for permission to undertake significant construction within the wetlands vegetative buffer and adjacent regulated area at 76 Gardiner's Bay Drive, Shelter Island, New York and zoned A Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 700-1-2-59 (the "Premises"); and

"Whereas", the proposed construction includes the following work at least partially within the 75' vegetative buffer: remove existing decks, outdoor shower, basketball court and install new deck (approximately 50% of prior square footage), dry wells and HVAC units; the existing driveway is being replaced; and

"Whereas", the proposed construction includes the additional following work at least partially within the 100' adjacent regulated area: install new patio, barbecue, front entry and retaining wall, replace stone and concrete walkways, and remove a small existing shed, and

"Whereas", further work is proposed in conforming locations includes installation of a new pool, patio, pavilion, garage, generator and landscaping; and

"Whereas", the proposed renovation accounts for a 43% renovation; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued a permit; and

"Whereas", the Suffolk County Department of Health Services issued an approval letter; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on July 6, 2018; and

"Whereas", this Board now wishes to render a decision on this wetlands application; now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and finds that this is a Type II action which will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. The lot is a typical Hay Beach waterfront of 60,370 sf (1.386 acre) property. It slopes from a road elevation of 25 +/- feet down to a top of bulkhead elevation of 6.5 +/- feet. Improvements comply with A Zoning requirements. The CCA bulkhead and sheathing appear to be in good condition. The bulkhead is backed up with boulders that add 24" of additional height to the shore protection. The property is mostly lawn except for many mature trees. The improvements appear to be in good condition, and the renovations are being made for the new homeowner.
2. The parcel is currently developed with a non-conforming single-family house of which sits approximately 40 feet from an existing bulkhead and entirely in the vegetative buffer and adjacent regulated area. The plans call for changes that would significantly reduce the intrusion into the wetlands.
3. The proposed project will not have a negative impact on the quantity and quality of groundwater because there will be a reduction of impermeable surfaces in the vegetative buffer and a shift of the same to the regulated and conforming areas. Additionally, porous materials are to be used in the new construction.
4. The Town Board has reviewed the project and finds that there are no practicable alternatives which allow the project to be constructed outside the regulated area because the property is constrained by the existence of the wetlands consuming a large portion of the property, which constrict the building envelope.
5. The Town Board has determined and required that the proposed project has adequate mitigation measures that contribute to the protection and enhancement of wetlands and wetlands benefits; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the Premises is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the survey by Michael S. Hemmer dated April 26, 2018; and
2) Construction procedures and erosion controls including the installation and maintenance of wire backed silt fences during all stages of construction shall be designed to prevent any runoff from disturbed ground into the wetlands areas. Soil disturbance should be minimized where possible. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
3) Construction materials and equipment shall be staged outside the regulated area; and
4) Parking, noise, construction controls shall be pursuant to Town Code conditions; and
5) Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
6) This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 380

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", at the recommendation of the Conservation Advisory Council, the Town Board has determined that more flexibility is needed is determining what plantings are appropriate for restoration after an excavation, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time, on the 17th day of August, 2018, in the Shelter Island Town Hall, Shelter Island, New York for all interested persons to be heard in favor of or in opposition to the following proposed Local Law entitled AMEND SECTION 62-12e (5) concerning plantings, to read as follows:

(5) Sow at a mixture of 100 pounds per acre, or as otherwise directed by the Town Board, seeds from a list to be created and maintained by the Conservation Advisory Council and approved by the Town Board, or any mixture or subset of the same as directed by the Town Board.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 381

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$4,600.00 from the A1490.410 Public Works grounds maintenance account and dispersed as follows:
$400.00 to the A1490.200 Public Works equipment account,
$200.00 to the A1490.409 Public Works parks and beaches account,
$3,000.00 to the A1490.416 Public Works mower repairs account, and
$1,000.00 to the A1490.420 Public Works signs and signals account;
$577.50 from the A1990.400 Contingent account to the A3120.484 Police Department office and miscellaneous account;
$2,951.00 from the A3120.113 Police Department part time police personal services account and dispersed as follows:
$465.00 to the A3120.111 Police Department special overtime personal services account, and
$2,486.00 to the A3120.118 Police Department training personal services account;
$50.00 from the A3120.115 Police Department seasonal police personal services account to the A3120.111 Police Department special overtime personal services account;
$500.00 from the A8160.108 Landfill hazmat personal services account to the A8160.105 Landfill hazmat personal services account;
$400.00 from the Part Town Contingent account and dispersed as follows:
$150.00 to the B8012.440 Zoning Board of Appeals legal notices account,
$14.00 to the B8020.484 Planning Board office and miscellaneous account,
$100.00 to the B8710.484 Conservation Advisory Council office and miscellaneous account; and
$16,865.24 from the DB5110.480 Highway MS4 account to the DB5110.446 Highway paving grants account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 382

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 1179 through 1314 in the amount of $126,415.04, Community Preservation Fund claims numbered 6 through 8 in the amount of $4,796.86, highway claims numbered 133 through 147 in the amount of $436,480.49, and West Neck Water claims numbered 21 through 22 in the amount of $266.30 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:13 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of William Anderson, 7 Montclair Avenue, for permission to install a mooring in West Neck Harbor at a location designated as latitude 41.04924° north and longitude 72.34679° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC met on July 9th, by a vote of six, zero, zero, they approved this application for this mooring with the idea that they would have a special type of mooring, a riparian mooring at that site, so it was approved, six, zero, zero.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:14 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled AMENDMENTS TO ZONING SECTION 133-22 - MERGER.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. A report from the Suffolk County Division of Planning stating that pursuant to the requirements of Section A 14-14 to A 14-25 of the Suffolk County Administrative Code, the above referenced application which has been submitted to the Suffolk County Planning Commission is considered to be a matter for local determination as there is no apparent significant county-wide or inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:16 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled AMENDMENTS TO DOCK LAW CHAPTER 53.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I have a question, did we do 53-12, have we already 53-12; we opened the hearing but we left it open so we're sort of doing this at the same time; one thing I didn't see but I saw it today was that we're talking about the repairs in B, 53-12B and 52-17B alright, any alteration, modification or repair and then the language as it is, it has to lessen the nonconformity; that's correct, as it is written here; alright, there's some people that want to keep it that way, if it wants to stay that way, __ repair, no matter what happens, repair has to be __ nicely because otherwise we're undermining the very purpose which we went into at first because of saying that in order to repair the dock, it has to make the thing smaller and I don't think that makes any sense if it's a pre-existing, non-conformity, it should be allowed to be repaired and replaced in kind, you know what I'm saying, does that make any sense to you; no, it makes perfect sense; yes, it does, that bundling I didn't care for __, sorry Al; well I think the lessening of the non-conformity is a tool that can be used, circumstances change, events change, docks change, what somebody was allowed to build years ago, I think that's good to have that included in the law, that ability to reduce the non-conformity of the dock, of the pre-existing docks; so then in order to modify a dock that's non-conforming, if we needed to lessen the non-conformity; yes, the non-conforming dock; that's right, I can't really fight that; no, the committee is in favor of that and they're looking for that structure; so if I understand that, if we just take repair out of this; yeah; a separate section for the repair as long as it doesn't increase the non-conformity; correct; right; repair is basically in-kind and in-place; okay, fine; that's what we're talking about; almost like we do with bulkheads; and that was repair for me, the other thing, I mean, I felt that if it didn't exacerbate the non-conformity element, I'm thinking more particularly with splashboards and things like that, those types of things, you shouldn't have to shorten your dock in order to get that, that was my feeling, you know, the addition of a float or something like that is expanding the dock area so you could make the argument you know, about environmental damage or something, so that's what I was thinking but I don't know if I'm ready to go to war with it or not, that's what I think; I think that that's something that the committee on a given application, I mean there's gonna be so many different circumstances that I think the committee would take whatever those circumstances present, under consideration and the size and then make their decision and then present it to us and then we would make the decision ultimately; I think it's fair; fair enough; I think it's fair enough, I think you phrased it very well because I think these splashboards appearing in outer waters like down in, you know off of South Ferry or something where you get a lot of wind and a lot of rough seas and wakes, a splashboard is something

that could protect and add to the safety of people getting on and off boats, in the inner waters, again not all inner waters are the same, there are some spots in inner waters that receive more, more likely __ winds and things of that nature; well boats too are bigger than they used to be; correct, correct; you know people are not necessarily thinking you know consideration, they're thinking do what I want to do now; yeah; so I think the splashboard thing, I think people looking to protect their investments, and I don't know if we have to start arguments against this but anyway, this as written can work that way, I just wanted to make sure we got the repair thing straight otherwise we're just tripping ourselves up; yeah; I think that's a good point; yes it is, I think all these points are duly noted insofar as the actual change in the law, all we need to do is take repair out of there; yes; and make a separate line item on that; absolutely; whereas we state that the repair should be you not extend the non-conformity; correct, correct; repair is basically in place and in kind, basically you don't have to put that extension part in there unless you feel compelled to; they're just repairing the dock; everybody knows what that means, right Jack.

The Deputy Supervisor declared the public hearing closed at 5:23 p. m. and reconvened the recessed public hearing on the application of Seth and Bonnie Harris, 6 Bootlegger's Alley, for permission to remove two existing mooring piling, construct a 5' by 50' main dock extension with a 5' by 30' "L" section and splashboard system below, construct an additional 25' splashboard extension below existing main dock, install two 1800 pound capacity davits, install a 3' by 14' seasonal aluminum ramp onto a 6' by 30' seasonal floating dock, and install two 8" diameter anchor piling in Shelter Island Sound.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: no, I don't, do you have one; yeah, okay; the applicant is, it's located down Bootlegger's Alley on outside water, they want to extend the dock fifty feet out, they have a sailboat that draws five feet and they want to be able to get out into water so they can keep their boat on the dock, the extension, the committee discussed it and looked at it, the extension of the dock will be shorter than the length of the neighboring docks in that area of the Island, they want to install a splashboard due to the heavy waters that exist there on occasion, the vote was five to zero in favor, one member would vote for the dock without splashboard on the inside of the dock, he had a problem with a double layer of splashboard but otherwise the vote was five to zero in favor, the dock itself would not impede navigation and there is a precedence to allow larger docks in similar circumstances; that's a great example in that area for Bootlegger's where most days you go down there, there is a fairly significant wind, there's no doubt about it, that size boat that he's looking to put in there would benefit by being in deeper water, there's no doubt about that, I don't know if you could use that size boat with the existing dock, the neighboring docks to the north of that are all longer than what these, even with this fifty foot extension on the dock would be, so they took that into account when they looked at it; Jack, do you have anything to add to this; no but it wasn't a double splashboard on each, it was just extending the splashboard inshore twenty-five feet, so it is not a double splashboard; alright; it wasn't much to change; right; it was kinda like; right, okay; but it is shorter than all the neighboring docks; ultimately when it got to the committee, you guys feel that it passes as is; it passes; yes; I do and it doesn't impact navigational channels there at all, you know, I mean, it's not an issue, it lies just to the north of the boat ramp that, it's significantly minor, it won't impact that negatively at all; good.

The Deputy Supervisor declared the public hearing closed at 5:27 p. m. and reconvened the recessed public hearing of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: not as of any; nothing new; I spoke to Matt, I e-mailed with Matt regarding the update he was going to give us tracking down the apparent discrepancy between the length of the dock as we have it, versus the length of the dock as it is, by the same owner two different properties, one across the creek or whatever and there's some confusion but he has not yet gotten responses from the people he has FOILed, so we're on hold.

The Deputy Supervisor declared the public hearing recessed at 5:28 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 383

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", William Anderson, 7 Montclair Avenue, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Harbor at a location designated as latitude 41.04924° north and longitude 72.34679° west, and

"Whereas", a public hearing was duly held on the 27th day of July, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 384

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", a public hearing was duly held on the 27th day of July, 2018, on a proposed Local Law entitled AMENDMENTS TO ZONING SECTION 133-22 - MERGER, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

E IT RESOLVED, That Local Law No. 6 - 2018 is hereby adopted, to wit:

Section 1. Repeal Section 133-22 (A-B-C- & D)

Repeal Section 133-22 (A,B,C,&D) Merger - the Town Code and voids any lot merger made under this Section in which the property owner was not provided with notice of the merger.

Section 2. Amend Section 133-22 (E) to read as follows:

133-22. Merger of Non-Conforming Lots

When a lot is voluntarily merged with another lot with a nonconforming use, the nonconforming use may not be shifted or expanded to the merged lot and no other Section or provision of the Town Code shall be considered suspended, repealed or waived by this Resolution, and full compliance with all other provisions of the Town Code will continue to be required.

Section 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

| | | |
|---|---|---|
| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Councilwoman Brach-Williams | aye |
| | Supervisor Gerth | aye |
| | | 5 in favor 0 opposed |

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 385

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Seth and Bonnie Harris, 6 Bootlegger's Alley, have petitioned the Town of Shelter Island for permission to remove two existing mooring piling, construct a 5' by 50' main dock extension with a 5' by 30' "L" section and splashboard system below, construct an additional 25' splashboard extension below existing main dock, install two 1800 pound capacity davits, install a 3' by 14' seasonal aluminum ramp onto a 6' by 30' seasonal floating dock, and install two 8" diameter anchor piling in Shelter Island Sound, and

"Whereas", a public hearing was duly held on the 6th day of July, 2018, and reconvened on the 27th day of July, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed dock extension:

1. will not cause an obstruction into navigable channels or an interference with navigation;

2. will not adversely affect the public's right to use Town waters or land under Town waters;

3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 5:33 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

August 7, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 7th day of August, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar and eleven persons were present. All members signed a waiver of notice.

The Supervisor called the special meeting to order at 1:47 p. m.

RESOLUTION NO. 386

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Town Clerk's office received sealed bids on the 30th day of July, 2018 for the Taylor's Island seawall and north stairs repair and resurfacing project, and

"Whereas", the following bid was received:

Samuel L. Piro Mason Contractor, Inc.

| | |
|---|---|
| concrete seawall and pilasters | $56,200.00, and |
| north stair case | $18,350.00 |
| Total | $74,550.00, now, Therefore |

BE IT RESOLVED, That the Town Board hereby awards the bid to Samuel L. Piro Mason Contractor, Inc., the sole bidder for the aforementioned price, and

BE IT RESOLVED, That said funds shall be provided by the Waterways account, and upon reimbursement of said funds from the applied for grant, shall be credited back into the Waterways account.

August 7, 2018 - continued

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 387

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Town Board does hereby waive the fee for the application of the Shelter Island Fire Department to install a tent for their annual Chicken Barbecue.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 388

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That David Binder is hereby appointed to serve as Minibus driver for the year 2018 at the rate of $20.67 per hour, retroactive to July 1, 2018.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 389

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board does hereby waive the fee for the application of Taylor's Island to install a tent for their Kettle Boil Bake.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 390

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Joseph Fabiilli is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $16.50 per hour, retroactive to July 30, 2018.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 391

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That John Spinelli is hereby appointed to serve as Detention Attendant for the year 2018 at the rate of $100.00 for the first 2 hours, $20.00 per our each additional hour.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 1:50 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 17th day of August, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and two persons were present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from Robert E. Herrmann withdrawing the application of Peter Levenson, 23 Winthrop Road, for permission to modify his existing dock in Dering Harbor.

The Deputy Supervisor presented the following financial report for the month of July, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JULY 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen Checking | 4,345,300.80 | 294,289.12 | 776,592.20 | 3,862,997.72 | 782,446.13 |
| Hwy Checking | 1,260,020.00 | 16,361.24 | 531,023.66 | 745,357.58 | |
| T&AChecking | 608,657.81 | 34,716.64 | 25,193.09 | 618,181.36 | 15,647.03 |
| T&A Savings | 12,228.80 | 0.32 | 0 | 12,229.12 | |
| Hwy Cap Res | 333,873.69 | 25,008.78 | 0 | 358,882.47 | |
| WNW Supply | 52,148.73 | 2,990.39 | 5,595.00 | 67,544.12 | 111,739.52 |
| Taylor's Island | 43,693.37 | 12.98 | 0 | 43,706.35 | |
| Comm Preserv | 3,765,655.52 | 32,121.78 | 4,835.80 | 3,792,941.50 | 5,651,924.29 |
| Waterways | 286,223.59 | 2,215.00 | 0 | 288,438.59 | |
| Reserve Fund | 831,512.38 | 5,712.89 | 0 | 837,225.27 | |
| Bridge St Escr | | | | | 358,767.19 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reserv | 20,045.25 | | | 20,045.25 | |
| Ambul Reserv | 358,947.01 | 30.21 | | 356,977.22 | |
| Ambul Train | 29,340.24 | 0.77 | | 29,341.01 | |
| TOTALS | 11,961,397.19 | 431,460.12 | 1,343,239.75 | 11,049,617.56 | 6,920,524.16 |

RESOLUTION NO. 392

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Section 30 (1) (h) of the Public Officers Law, a Town officer must sign and file a constitutional oath of office within 30 days after the term of office begins, and

"Whereas", on July 6, 2018, Crystal Steinmuller was appointed to serve as a part time Custodian for the year 2018, and

"Whereas", Crystal has not yet signed and filed said constitutional oath of office, and

"Whereas", the Town Board desires to have Crystal serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Crystal Steinmuller is hereby appointed to serve as part time Custodian for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 393

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Corrine Mahoney is hereby appointed to serve as Lifeguard for the year 2018 at the rate of $16.50 per hour, effective August 20, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 394

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the term of Karen Kiaer as a member of the Shelter Island Colonial & Native American Graves Protection Committee will expire on September 21, 2018, and

"Whereas", Karen Kiaer has expressed her willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Karen Kiaer is hereby reappointed to serve as a member of the Shelter Island Colonial & Native American Graves Protection Committee for a term to expire on September 21, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 395

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the term of Peter McCracken as a member of the Assessment Board of Review will expire on September 30, 2018, and

"Whereas", Peter McCracken has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Peter McCracken is hereby reappointed to serve as a member of the Assessment Board of Review for a term to expire on September 30, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 396

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Shelby Willumsen is here appointed to serve as Provisional Account Clerk Typist for 35 hours per week at the rate of $45,000.00 per year effective retroactively to August 14, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 397

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from the Town of Riverhead for their purchase of trucks in the amount of $20,000.00 to the Highway equipment reserve account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 398

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $42,643.00 from the A9025.800 LOSAP account to Glens Falls National Bank and Trust Company and sent to Penflex, Inc., 50 Century Hill Drive, Suite #3, Latham, New York 12110 for the 2018 contribution for the Length of Service Awards Program (LOSAP) for the volunteer ambulance workers for the program.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 399

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, E. J. Mablekos applied to the Town to hold a fireworks display on July 9, 2018 at the Ram's Head Inn, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Police Department reviewed said application and recommended disapproval of said event, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance deposit to E. J. Mablekos, 189 9th Avenue Apt. 1, New York, NY 10011.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 400

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Sylvester Manor Education Farm held a Local Legends Creekside Concert on July 15, 2018, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Shelter Island Highway Department has requested that no fees be charged and the compliance fee returned, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance deposit to the Sylvester Manor Educational Farm, P. O. Box 2029, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 401

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Sylvester Manor Education Farm held a Flatt Lonesome Creekside Concert on August 12, 2018, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Shelter Island Highway Department has requested that no fees be charged and the compliance fee returned, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance deposit to the Sylvester Manor Education Farm, P. O. Box 2029, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 402

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the Hay Beach Association paid a compliance fee of $100.00 for their block party on August 11, 2018 at 10 Hay Beach Road, and

"Whereas", the Superintendent of Highways has determined that no portion of said fee was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance fee to Mr. Robert Fredericks, P. O. Box 313, Shelter Island Heights, New York 11965.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 403

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Shelter Island Educational Foundation held a fundraiser "Porch Party" at 72 Peconic Avenue, on Saturday, July 14, 2018, and

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the $100.00 compliance fee was submitted, and

"Whereas", the Shelter Island Highway Department has requested that no fees be charged and the compliance fee returned, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 compliance deposit to the Shelter Island Educational Foundation, P. O. Box 639, Shelter Island, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 404

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Barbara Jean Ianfolla, 20B Winthrop Road, has applied for 2 outdoor assembly permits, 1 for a pre-wedding rehearsal barbecue at Wade's Beach on October 12, 2018 from 7 to 11 p. m. and the second for a wedding reception on Saturday, October 13, 2018 at 20B Winthrop Road, and

"Whereas", the 2 application fees and 2 clean up compliance fees have been submitted, and

"Whereas", both applications have been submitted to the Police Department and Highway Department for comments and recommendations, and

"Whereas", the Police Department has responded that concerning the barbecue at Wade's Beach, based on the date and time of this event, there is no need for additional Police Department resources or exemptions; and concerning the wedding reception that based on Town Code, an application for an outdoor assembly is not required, and the Police Department does appreciate receiving notice of this event and will add it to their daily bulletin, and

"Whereas, the Highway Department responded as follows: in response to the wedding reception and pre-wedding rehearsal barbecue, there must not be any obstructions on the road during this event and all garbage must be picked up in the area, now, Therefore

BE IT RESOLED, That the Town Board does hereby approve both applications.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 405

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", on May 14, 2018, Charlie & Sons Landscaping purchased topsoil and shredded leaves in the amount of $2,320.00 from the Town's landfill, and

"Whereas", Charlie & Sons Landscaping only utilized $2,095.00 of said materials, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the overpaid funds in the amount of $225.00 to Charlie & Sons Landscaping, P. O. Box 10, Amagansett, New York 11930.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 406

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $107.30 from the A1620.476 buildings computers account to Microsoft Corporation, P. O. 842103, Dallas, Texas 75284-2103, for the annual fee for additional e-mail licenses.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 407

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That paragraph 13 1) of Resolution No. 378 - 2018 dated July 27, 2018 concerning the adoption of a resolution to approve Gordon Thompson's request for a wetlands permit is hereby amended to read as follows: 1) The above-described project shall be constructed as depicted on the on the proposed site plan by Sherman Engineering dated April 10, 2017 and last revised July 3, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 408

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $68,421.00 (said amount being 10 percent of the purchase price of $684,210.00) from the A8660.400 acquisition of real property account to Michael McLean for the down payment on the purchase of real property located at 40 North Ferry Road, by the Town of Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 409

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time, on the 7th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed possible purchase of the Novak property located at 48 Lake Drive, designated as Suffolk County Tax Map Number 700-19-1-110 containing 0.54 acre.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 410

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:

$1,500.00 from the A1490.419 Public Works generator maintenance account to the A1490.409 Public Works parks and beaches account;

$100.00 from the A1490.421 Public Works Congdon's Creek dock account to the A1490.416 Public Works mower repairs account;

$500.00 from the A1490.425 Public Works non highway tree maintenance account to the A1490.422 Public Works dredging account;

$200.00 from the A3510.495 Animal Control Printing & Advertising account to the A3510.484 Animal Control office and miscellaneous account;

$10,000.00 from the A1990.400 Contingent account to the A1490.499 Public Works Bridge Street restroom account;

$200.00 from the A6776.422 Silver Circle food account to the A6776.484 Silver Circle office and miscellaneous account;

$50.00 from the A6775.256 Residential Repair equipment account to the A6775.439 Residential Repair supplies account;

$400.00 from the A8160.106 Landfill hazmat personal services account to the A8160.105 Landfill hazmat personal services account;

$3,060.00 from the Part Town Contingent account and dispersed as follows:

$3,000.00 to the B8010.439 Town Board Zoning account, and

$60.00 to the B8030.487 Water Advisory Committee water quality testing account; and

BE IT FURTHER RESOLVED, That the following budget modifications are hereby approved:

$68,421.00 from the EBALR and Capital Improvements and Equipment Reserve Fund to a new A8660.400 Acquisition of Real Property expense account; and

$146,900.00 from the Waterways Fund balance to the A5710.400 Waterways Management expense account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 411

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That general claims numbered 1315 through 1460 in the amount of $274,240.57, highway claims numbered 148 through 163 in the amount of $13,682.42, and West Neck Water claims numbered 23 through 27 in the amount of $6,634.97 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:44 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Mitch Howell and Michael Gerstner, 37 Dinah Rock Road, to construct a 5' x 132' fixed dock with a 4' x 30' lower platform at offshore end, install two swim ladders, install four 10" diameter mooring pilings, and provide for water and electric service to offshore end of dock.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the communiqué from that committee, the committee agreed that the application is reasonable, the dock is a relatively modest structure with no floats and no splashboards, the committee also noted that the dock is located centrally with no setback issues and is not interfering with the boat traffic and stays within the line of two adjacent docks, the vote was six, zero to approve the application.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: in favor; so noted.

The Deputy Supervisor declared the public hearing closed at 4:46 p. m. and called to order the public hearing to be held as advertised on the application of Alexander Cornfeld, 66 Cobbett's Lane, for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.086801° north and longitude 72.322808° west, which is approximately 150 feet off applicant's dock in the southeast direction of mooring formerly occupied by the C-3065 Arnold mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the report from WMAC, they met on this and by a vote of four, zero, one, the only one that abstained from the vote was Mike Anglin cause he is the installer of that mooring which is a mushroom type mooring which weighs three hundred pounds, it is formerly the Arnold mooring right there so they're just substituting one new person in for where that mooring existed and that was it, they had no problems with it whatsoever.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:47 p. m. called to order the public hearing to be held as advertised on the application of Robert Geehring, 84 North Cartwright Road, for permission to install a mooring in Coecles Harbor off the end of the Town landing at Burns Road; said mooring location was formerly occupied by the Nardin C-2466 mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: again pretty much the same thing with a vote of five, zero to approve and this is a __ type of anchor and four hundred pounds and the type of boat that's going on there is a sloop, thirty-five foot boat, ten foot beam, draft three feet nine inches and they had no problem with it whatsoever; was that an abstention on that or a different meeting; somebody was not there, somebody was not present; oh okay, yeah it had a five, zero, was it two different meetings then; no, same meeting; same meeting, he didn't abstain because he's not installing this mooring; I was just curious, there was a six, zero and a five, zero; it was a five, zero and a four, zero, one; that was a different meeting; oh I'm sorry, nice pick up Paul, really; alright; by the way, the guy is paying attention, that's a good thing; yeah but it was a delayed reaction though but that's okay; and Al Loreto was in Italy actually trying to call in and couldn't get in but he had made an attempt from Italy; __ right around the corner; that was a __ pick up on your part.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments the Deputy Supervisor declared the public hearing closed at 4:48 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled AMEND SECTION 62-12e (5) concerning plantings.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: Dr. Albert would you like to comment on the new seeds that we're using down there; it's all good; it is all good, basically what they're doing is they're trying to get stuff that is hardier and more resistant and stand up to the saltwater and to the hard sun and be a little bit more drought resistant and same thing with plantings in the area so it's all good stuff, it's really updating an old list with newer and more sound grasses and shrubs to survive those types of conditions.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:50 p. m. and reconvened the recessed public hearing on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: we do not have an update on this, I believe that Matt Sherman was trying to, was handling this but I don't have; he's fishing around but I don't think he has gotten anything yet; it was confusing in West Neck Harbor; correct; excuse me, it is West Neck Creek, not the Harbor; yeah; it might have been confused with an application across the Creek; now we're confusing __; he was trying to sort it out so there I made it through the confusion.

The Deputy Supervisor declared the public hearing held open at 4:51 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 412

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Mitch Howell and Michael Gerstner, 37 Dinah Rock Road, have petitioned the Town of Shelter Island to construct a 5' x 132' fixed dock with a 4' x 30' lower platform at offshore end, install two swim ladders, install four 10" diameter mooring pilings, and provide for water and electric service to offshore end of dock, and

"Whereas", a public hearing was duly held on the 17th day of August, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;

2. will not adversely affect the public's right to use Town waters or land under Town waters;

3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;

4. will not adversely affect the quality of the tidal waters, shoreline or beaches;

5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 413

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Alexander Cornfeld, 66 Cobbett's Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as latitude 41.086801° north and longitude 72.322808° west, which is approximately 150 feet off applicant's dock in the southeast direction of mooring formerly occupied by the C-3065 Arnold mooring, and

"Whereas", a public hearing was duly held on the 17th day of August, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 414

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Robert Geehring, 84 North Cartwright Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor off the end of the Town landing at Burns Road; said mooring location was formerly occupied by the Nardin C-2466 mooring, and

"Whereas", a public hearing was duly held on the 17th day of August, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the installation of a mooring in Coecles Harbor at a location designated as latitude 41.07497° north and longitude 72.31617° west; said mooring location was formerly occupied by the Nardin C-2466 mooring.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 415

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a public hearing was duly held on the 17th day of August, 2018, on a proposed Local Law entitled AMEND SECTION 62-12e (5) concerning plantings, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 7 - 2018 entitled AMEND SECTION 62-12e (5) concerning plantings, is hereby adopted, as follows

Section l. Amend Section 62-12 e(5), to read as follows:

(5) Sow, at a mixture of 100 pounds per acre or as otherwise directed by the Town Board, seeds from a list to be created and maintained by the Conservation Advisory Council and approved by the Town Board, or any mixture or subset of the same, as directed by the Town Board.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 4:56 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

August 21, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 21st day of August, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and two persons were present. All Town Board members signed a waive of notice.

The Supervisor called the special meeting to order at 1:18 p. m.

RESOLUTION NO. 416

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Sylvester Manor Educational Farm, 80 North Ferry Road, has requested permission as per application received July 27, 2018, to hold a fundraising cocktail party to support the full restoration and preservation of the 1810 Dominy Windmill at Sylvester Manor Educational Farm on Saturday, August 25, 2018, from 6:00 p. m. to 8:00 p. m., at the Windmill Field at 21 Manwaring Road, and

"Whereas", said application has been forwarded to the Highway Department and Police Department for their comments and recommendations, and

"Whereas", the Highway Department responded as follows: There must not be any obstructions on the road during this event and all garbage must be picked up in the area, and

"Whereas", the Police Department responded as follows: Based on the updated information provided in said application, there is no anticipated need for police services and if the applicant will be serving beer or wine and the party is open to the public, they are required to have a NYS liquor license, and said license should be forwarded to the Police Department prior to the event date, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves said fundraising event.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 417

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Debbie Geppert of dgcatering, 283 Pantigo Road, East Hampton, New York 11937, has requested permission as per application dated July 31, 2018, to have a clambake on September 7, 2018, at Wade's Beach, and

"Whereas", the Shelter Island Police Department has recommended that said request be denied, now, Therefore

BE IT RESOLVED, That the Town Board does hereby deny said request for a clambake on Wade's Beach.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilwoman Brach-Williams, the special meeting was adjourned at 1:20 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 7, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 7th day of September, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and thirty-four persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

RESOLUTION NO. 418

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", David and Theresa Denara, 23 Great Circle Drive, have petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location near the Stone Wall and further designated as 41.085742° north and 72.313028° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 28th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 419

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", William A. Ryan, 11 Crab Creek Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system off the Town landing at East Brander Parkway; said location further identified as 41.04805° north and 72.354183° west; said location was formerly occupied by the W-1856 Sainsbury stake, mooring and pulley system, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:41 p. m., prevailing time, on the 28th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

September 7, 2018 - continued

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 420

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit

"Whereas", Camille Anglin, 188 North Ferry Road, has petitioned the Town of Shelter Island for permission to reconstruct within 18" and raise the elevation by 6", 42' of timber bulkhead utilizing vinyl sheathing, to reconstruct within 18" and raise the elevation by 6", 31' of concrete bulkhead and to backfill the structure with approximately 15 cubic yards of clean sand to be trucked in from an upland source, and to reconstruct existing 8.5' by 70' dock, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 28th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 421

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the term of Edward Bausman as a member and Chairman of the Conservation Advisory Council will expire on September 20, 2018, and

"Whereas", Mr. Bausman has expressed his willingness to continue to serve in said capacities, now, Therefore

BE IT RESOLVED, That Edward Bausman is hereby reappointed to serve as a member and Chairman of the Conservation Advisory Council for a term to expire on September 20, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 422

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Kelsey Lechmanski is hereby appointed to serve as FIT Aide for the year 2018 effective September 12, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 423

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That Leith Surerus is hereby appointed to serve as Recreation/FIT Aide for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 424

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That Jim Polychron is hereby appointed to serve as Driver for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 425

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That J. Christopher Tehan is hereby appointed to serve as Provisional Senior Building Inspector at the rate of $77,322.00 per year.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 426

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from the The Nature Conservancy in the amount of $1,546.00 as follows: $277.00 to the A3510.491 Animal Control Officer's 4 poster maintenance account and $1,269.00 to the A3510.422 corn account; and the funds reimbursed from Cook Maran Associates, Inc. in the amount of $1,191.40 to the A1910.400 insurance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 427

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit

BE IT RESOLVED, That Resolution No. 408 - 2018 dated August 17, 2018, is hereby amended to state that said funds are to be expended to Spina & Kreitzman, as Attorney for Michael McLean.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 428

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Jennifer C. Beresky has taken and passed the Civil Service test for the position of Senior Clerk Typist, and

"Whereas", the title of Senior Office Assistant is a new title that has replaced Senior Clerk Typist, now, Therefore

BE IT RESOLVED, That Jennifer C. Beresky is hereby appointed from said Civil Service list as Senior Office Assistant.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 429

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, the Great Peconic Race has requested permission as per letter from William S. Baldwin, and application, to hold a paddle boat race at Wade's Beach on September 8, 2018, and

"Whereas", the required fees of $100.00 application fee and $100.00 compliance fee have been submitted, and

"Whereas", the Police Department has responded that based on the applicant's provided information, the Police Department will patrol the waters surrounding the Island and provide emergency response to the event, when and if needed; Baldwin has clearly stated that his team will have staff at all points and have ample support vessels to direct and assist paddlers, leaving Shelter Island Police Marine vessels to conduct normal patrols; there will be no need to charge for additional police services, and

"Whereas", the Police Chief has reported that he has reviewed the application with EMS Director Jack Thilberg, and he has advised that based on what has been presented, there will be no need for additional EMS staffing and that they will respond on an as needed basis, and

"Whereas", the Police Chief also reported that the application was also sent to the Shelter Island Fire Department Chief Reiter for review and comment, and the Shelter Island Fire Department has advised that they will also be available on a call out basis only and do not plan to provide staff for this event, and

"Whereas", the Superintendent of Highways responded that the applicant should be sure to remove all garbage/debris left at any of the three legs along the course and at Wade's Beach, and the applicant also shall supply staff to keep the bathrooms clean during the event, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 430

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and the County of Suffolk to receive funds from the County for a Residential Repair program for the elderly for the period April 1, 2018 through March 30, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 431

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Rebecca Shafer and Richard Nystrom have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 37 East Brander Parkway, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 6.1 kilograms and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated September 6, 2018 and certifies that the Low-Nitrogen Sanitary System project by Rebecca Shafer and Richard Nystrom at 37 East Brander Parkway is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 432

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Section 62-12e (5) of the Town Code, the Conservation Advisory Council established a list of acceptable plantings for grading and rehabilitation, and

"Whereas", the CAC has created the following list:

Types of grasses - drought resistant and will grow in sunny or shady areas:

1. Zoysia, any variety, is appropriate, especially landward of any bulkhead.
2. Fescues, all varieties
   - Any variety of tall fescue
   - Any variety of fine fescue
   - Any variety of creeping red fescue
   - Any variety of hard fescue
   - Any variety of chewings fescue
3. White Clover, now, Therefore

BE IT RESOLVED, That the Town Board does hereby approve the aforementioned list of acceptable plantings as created by the CAC.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 433

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board work session scheduled to be held at 1 p. m. on Tuesday October 9, 2018 is hereby rescheduled to be held at 1 p. m. on Wednesday, October 10, 2018, and the work session scheduled for 1 p. m. on Tuesday, November 13, 2018 is hereby rescheduled to be held at 1 p. m. on Wednesday, November 14, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 434

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That a special meeting of the Town Board of the Town of Shelter Island will be held at 1:00 p. m., prevailing time, on the 2nd day of October, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for budget purposes.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 435

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $200.00 to Seven on Shelter, P. O. Box 561, Shelter Island Heights, NY 11965, for four unused parking permit for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 436

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", a public hearing was duly held on the 15th day of June, 2018, on a proposed Local Law entitled AMEND CHAPTER 53 DOCKS OF THE TOWN CODE and

"Whereas", a public hearing was duly held on the 27th day of July, 2018 on a proposed Local Law entitled AMENDMENTS TO DOCK LAW CHAPTER 53, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 8 - 2018 entitled AMEND CHAPTER 53 DOCKS OF THE TOWN CODE, is hereby adopted, as follows:

Section 1. Amend Chapter 53 by deleting Section 53-12 in its entirety and including a new Section 53-12, as follows:

53-12 Existing Docks.

The following are exempt from the standards set forth in this Chapter:

a) Any dock in existence prior to the adoption of this Chapter that is maintained in kind and in place; or

b) Any alteration, modification, or repair to a pre-existing non-conforming dock which, after review, is determined by the Town Board to lessen the pre-existing non-conformity; or

c) Any repairs of a dock, deteriorating, damaged, or destroyed by any cause, including an Act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the pre-existing non-conformity.

Section 2. Amend Section 53-17 to read as follows:

Section 53-17 Additional permit provisions.

a) Any water control structure in existence prior to the adoption of the Chapter that is maintained in kind and in place; or

b) Any alteration, modification, or repair to a pre-existing non-conforming water control structure which, after review, is determined by the Town Board to lessen the pre-existing non-conformity; or

c) Any repairs of a water control structure, deteriorating, damaged, or destroyed by any cause, including an Act of God where 30% or more of the original structure is usable and shall remain so long as the repairs are in kind or in place or are determined by the Town Board to lessen the pre-existing non-conformity.

Section 3. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 437

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", R. James Royer, 36 Peconic Avenue, has petitioned the Town of Shelter Island for permission to maintenance dredge entrance to boat basin at 36 Peconic Avenue, and

"Whereas", the Waterways Committee of the Town Board has inspected the site and approved of said repairs, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned repair work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 438

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Supervisor is hereby authorized and directed to expend the sum of $1,000.00 from the A3510.265 appliances account to Sea Box, Inc., 1 Sea Box Drive, Cinnaminson, New Jersey 08077 for the security deposit of one 20 foot refrigerated container for the 2018-2019 hunting season.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 439

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:43 p. m., prevailing time, on the 28th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons were heard in favor of or in opposition to a proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law § 3-c, and to allow the Town of Shelter Island, County of Suffolk to adopt a Town budget for (a) Town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shelter Island, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of

competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 440

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:45 p. m., prevailing time, on the 28th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled a Local Law to amend Chapter 26 of the Town Code concerning appearance tickets, as follows:

SECTION 1. Section 26-2(D) shall be amended by substituting the Animal for the word Dog;

Section 26-2(F) shall be added to read as follows: (F) Fire Marshal; and

Section 26-2(G) shall be added to read as follows: (G) Town Attorney or Assistant Town Attorney.

SECTION 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 441

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:48 p. m., prevailing time, on the 28th day of September, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the application of Charles Gulluscio, 20 Manwaring Road, for permission to amend condition number "13" of a Town Board Resolution dated April 4, 2003, which presently reads as follows: 13. There shall be no outside storage nor overnight parking of vehicles in the self-storage facility, except for the adjacent nursery property operation; said requested amendment is as follows: It is requested that overnight parking of such vehicles be permitted in front of the unit being accessed; and also that permission be granted to permit the Petitioner to park not more than two (2) small trucks (not to exceed the size of vans) to the north of the easternmost storage building.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 442

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Town Board held a public hearing on the 15th day of June, 2018, concerning a proposed cell tower for the Shelter Island Fire District on the Fire District property at 48 Cobbett's Lane, and

"Whereas", said hearing was held open, to be reconvened at the call of the Supervisor, now, Therefore

BE IT RESOLVED, That the Supervisor does hereby call for the reconvening of said public hearing to be held during the regular meeting scheduled to be held on the 28th day of September, 2018 in the Shelter Island Town Hall.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 443

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$50.00 from the A1490.271 Public Works boat equipment account to the A1490.200 Public Works equipment account;
$200.00 from the A1490.417 Public Works Town landings account to the A5010.400 Superintendent of Highways office and miscellaneous account;
$1,100.00 from the A1490.421 Public Works Congdon's Creek Dock account and dispersed as follows:
$1,000.00 to the A1490.409 Public Works parks and beaches account, and
$100.00 to the A1490.416 Public Works mower repairs account;
$2,295.00 from the A1990.400 Contingent account and dispersed as follows:
$2,000.00 to the A1620.408 Buildings repairs and maintenance account, and
$295.00 to the A3120.484 Police Department office and miscellaneous account;
$6,206.00 from the A3120.113 Police Department part time police personal services account and dispersed as follows:
$5,700.00 to the A3120.110 Police Department regular overtime personal services account, and
$506.00 to the A3120.121 Police Department bay constables personal services account;
$2,889.00 from the A3150.100 Jail personal services account and dispersed as follows:
$1,362.00 to the A3120.120 Police Department traffic control officers personal services account, and
$1,527.00 to the A3120.121 Police Department bay constables personal services account;
$300.00 from the A3510.495 Animal Control Officer advertising account to the A3510.484 Animal Control Officer office and miscellaneous account;
$1,500.00 from the A8160.107 Landfill hazmat personal services account to the A8160.105 Landfill hazmat personal services account;
$1,500.00 from the A8160.442 Landfill purchase of bags account to the A8160.484 Landfill office and miscellaneous account;
$6,500.00 from the DB5110.479 Highway Repair & Improvements surveys account to the DB5110.480 Highway Repair & Improvements MS4 account;
$255.00 from the FX8320.444 West Neck Water testing account to the FX8320.497 West Neck Water professional services account; and

BE IT FURTHER RESOLVED, That the following budget modifications are hereby approved:
$3,514.18 from the Ambulance Training Capital Reserve Fund to the A4540.492 Ambulance training expense account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 444

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That general claims numbered 1461 through 1566 in the amount of $53,899.79, highway claims numbered 164 through 173 in the amount of $11,451.02, and West Neck Water claims numbered 28 through 29 in the amount of $316.53 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:55 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the proposed possible purchase of the Novak property located at 48 Lake Drive, designated as Suffolk County Tax Map Number 700-19-1-110 consisting 0.54 acre.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. An e-mail from Linda McCarthy making suggestions for the use of the property.
2. An e-mail from Jacquelyn Black supporting the purchase.

3. Three e-mails from Valerie and Martin Levenstein opposing the purchase because it sets a precedent to the purchase of developed property; what would be the cost to taxpayers, and also the cost is too high.
4. Two e-mails from Vinny Novak concerning the value of the property, etc.
5. A letter from Jim Dougherty stating there are several parcels of property which already provide access to the pond and the funds could be put to a better use.
6. A letter from Peder Larsen stating he would like to donate his labor and machine time to raze and remove the existing house and garage at no cost to the Town.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: the Supervisor reported that this proposal has gone through an evolution, originally it came before the CPF Committee and it was denied, this included the house and the property and the value was I guess about eight hundred and nineteen, it has since evolved to a combination of property and/or supplement by the Peconic Land Trust, the assessed valuation was, they just recently did a new assessed valuation which brings the property in between four fifty and four eighty so the proposal; that would be the land value; so the first proposal, that would be the land value, right, and the second, we understand that working with the pond, the Pond Association at looking at the Peconic Land Trust coming in for the second part, the second half or what would be the difference to supplement that purchase so that has evolved, we're just opening it up just for information right now, we will not be voting on this today so don't be concerned but we want to get any new information, please limit your remarks to three to five minutes and please come up, again to the mic here so we can both get you on camera and it's easier to take notes for the transcription; let me add just one thing to it, Gary said actually there will be a further public hearing on this while, when there is an actual proposal put forward, there is no actual proposal before the Board at this point, so it's just for discussion and public comment at this point; so is this going to be held open or is this gonna be; it's gonna be held open; held open; that way the comments that were made will remain on the record for this; that's important to know; Vinny would you like to; sure; read your letter, I understand, please come up; I'm gonna ask people to be careful, the gentleman just had some knee surgery, we don't want to lose you, okay, so be careful when you walk around, thank you; hello, I have some questions about this reassessment, everything is based on the assessment, the entire bargain sale concept is based on the assessment, the appraiser, you know, uses the assessed value for the starting point for the appraisal so when you, when you're telling me that the land value has now been reduced about twenty percent, my overall assessment that I had, I have gotten nothing in the mail from the Assessors' office to look at so has my overall assessment lowered also; may I respond to that; please; Craig Wood, is he here, Craig Wood, he stayed out, that's my boy, my understanding of it, because I queried that as well, it was asked for a second look at the land value and as land only, now your first assessment was, I asked for a breakdown on that and I got quite a different number, land versus house and I said this doesn't make any sense but because he recently reassessed all vacant land, okay, and he went further than he should have and everybody came in with pitchforks and torches so he backed off on that assessment universally, including the whole Island property, there was dozens, I don't know how many and so this number reflects that downward adjustment from the reassessment of the vacant land portion, that's my understanding of it; right; does that clarify things at all to you; well my land isn't vacant so; I understand that but that's what he was asked for; okay so; I think that they're trying to, I'm talking way more that I want to, I'm supposed to be; no, no, no; go ahead; well I mean I think that certain elements would like to know what the land value would be worth, it's virgin open space; it was and for the final assessment, the 2018, 2019 final assessment was five hundred and seventy two thousand; right, that's correct; so my question remains, what is my overall assessment; that hasn't changed; my house is; because your house is on the land; okay; alright, it was vacant land only that he felt he had over adjusted, occupied land reflects market value, there's not really sufficient data points to the vacant land market to actually give them what they need in that way, so that's the kind of eye ball, that he went a little higher, like I said everybody came in screaming like what the hell, so he backed off on it universally; so Gary you're telling me that this happening for everybody; no; for 2019; no, alright, it's not for everybody; well that's what Gary told me, that it was for everybody; everybody with vacant land, I want to clarify, vacant land, your house is on, obviously being a house, it is not on vacant land; yeah, that's where; okay, so they broke it down, my understanding of land values and I'm gonna get as close as I can to reality, is that once you have a house on the land, there's sort of a; it's not vacant anymore; I'm sorry; it's not vacant anymore; well right but there's a sign in sheet if you will, that takes place which ups the value of the land as well, simply

because the house is on it, permits are in place, you can do renovations, you can do a lot of things right away that you might not be able to do were it a vacant piece of land; okay; okay, so there's, and I think they just sort of like eyeballed that portion of it when it came to the overall assessment based on market values; okay and this assessment is looking at my neighbor's property and all that also; your assessment, I shouldn't be talking so much for Craig but I conversed with him at length on it, and my understanding is this isn't anything to do with a reassessment really, this is, people are trying to justify it one way or another, how you might or might not spend this money, okay, alright and so people that believe that the CPF fund is for vacant land only, need to know what it would be if it didn't have the house on it and that's my guess as to the why in fact; okay so my final assesses value over all that assessed value is still the same; yes, absolutely; so we have theoretical assessments solely for the purposes of these discussions; okay, theoretical, thank you, it's clarified __; and it's a little confusing; okay basically for me that's all I have to say at this time, you know, my neighbors want the sale to happen, I want it to happen, I think it's gonna be good for the community, for Fresh Pond and I hope you move forward with it; okay; thank you, who would like to speak next, please give your name; my name is Ed Barr and I've had a house on Shelter Island for fifty years actually this December so I been around for a while and as you made reference, I had complicated knee surgery and it gave me the opportunity to tune in to Channel 22 more frequently than I might have, so I had a chance to, so I had the opportunity to follow the Fresh Pond question, perhaps more thoroughly than I might have otherwise, so I asked for this opportunity to speak, I know that the subject of today's discussion and follow on discussion is going to be about consideration of purchasing the Novak property, however I think we're missing the issue, we're missing the broader issue of Fresh Pond's health and it's complex and it deserves a really careful thought before we charge along and buy a piece of property, whatever the value that is determined to be equitable, I don't want to get into that question, the first question I have is do we really have confident authoritative understanding of the problem of Fresh Pond, how much for example of the pollution there is from the septic systems, how much is from fertilizer and pesticide runoff, are there other factors that will have to be dealt with if we're seeking ultimately to rehabilitate Fresh Pond, is climate a factor, I don't know but I certainly if I were doing in the business I ran for so long, I would want to have a global view before I jumped off into some very specific partial solutions, now I'd like to make what is gonna be a pretty controversial comment, in my business which is the chemical business and we dealt with the EPA, the EPA rules are very, were very simple, you know, if you own it, you own it, so in fact I bought a facility as a stop gap because we had a big contract for the automotive industry, paint for the finishes of cars, we were gonna operate it for two years and it happened to be in Newark in the iron bound section and guess what, that's tidal, it floods back and forth and what showed up on analysis was all sorts of __, none of which by the way we used or the predecessor used, the answer was, the EPA said we don't care, you've got to fix it, we fought it, we fought it, two million dollars later we got it fixed okay, so the rule is very simple, this is not just EPA rules, it's if you own it, you own it, so I would argue that for the pollution of Fresh Pond, if it's from septic or if it's from fertilizer runoff or pesticide which we can certainly identify, it's clear that the path and then to the current inhabitants have a responsibility here, they need to undertake the rectification of the pond before we go spend money on a particular __ place that is gonna do something but not very much to deal with the overall problem, as such these folks bear responsibility, it's responsibility morally but it's also a legal responsibility to rectify the damage that was done to the pond, now the Town has a role to play but it's a smaller role and certainly if we could get a situation in which the property owners around the pond commit themselves firmly, legally and binding to do their part to rectify the situation dealing with septic dealing with fertilizer and pesticides, runoff and that sort of thing, it would be sensible for the Town to think then what its role needs to be to achieve a common good, now I know we have the money and I hear all the time around the Island, I hear sometimes hear on TV but all around the Island, well we have nine million dollars of money, that money belongs to all of us, not just Fresh Pond people, it belongs to all of us and we shouldn't think of it as a honey pot to be dipped into because we've got the money, it should be put through the same rigorous analysis that we've been doing on any other major project which is begin at the beginning and work your way forward, I hadn't planned to talk about the valuation and I don't really want to say much but I found the conversation by the, Mr. Novak and Paul interesting in terms of when is unimproved land different than improved land and I would agree, there is some difference but what we're proposing if we were to go through on this which I am certainly opposed to it in case you didn't note, is to turn it back into unimproved land and that's what you've got, okay so why would you, why would you want to buy a house, tear it down, reduce the improved value of the land down into the unimproved value of

the land and said gee we're gonna get now Peconic Land Trust to step up and some other people who could probably put their money much better if we were to come up with a holistic solution to the Fresh Pond problem, that's all I have to say, if you have questions, I'd be happy to answer; thank you Ed, any questions, and we apologize, the representative __ of the Peconic Land Trust, her son was in an accident today, they're at the hospital so she could not make it so she apologizes, okay so who is next, please come up; my name is Joel Hoffman, I've been on the Island almost as long as Ed Barr, __ years and when our kids were little, I can remember so many days going to Fresh Pond to swim, we loved it, what a great place, first you're in saltwater and then you use Fresh Pond to rinse off the salt water and you'd swim around and it was such a glorious beautiful spot, that was long ago, Lily, myself and the children, now I cannot take my grandchildren to Fresh Pond and that is a heartbreaker, it really, really bothers me terribly and so I really want to echo in support with what Ed was saying just now that we need to look at Fresh Pond, we need to get it back, we need to get it back for all the people, so many of the projects the two percent fund, the land preservation fund has had the support of the whole Island like preserving parts of Sylvester Manor, there was a ground swell on the Island, I know of no ground swell for buying one half acre with a house on it which is basically in a suburban area and spending all this money for that and this is in great contrast to many of the other projects that the land preservation fund has undertaken, it's a lot of money, I'm confused by the numbers, I've heard seven hundred fifty thousand, five hundred thousand, really, we really can put it to better use to deserve the open tracts on this Island, not one little plot with a house on it but most important we, I think I really could speak for almost everybody on Shelter Island that we want Fresh Pond back and just buying this one house, one half acre will not do it, thank you very much; an obstacle course; hi Pete; how are you doing, I'm Pete Larsen, I think I kind of started this all up again after, when I went down to see Vinny about his IA system and he said that he had offered it to the Town and they decided they didn't want to go that way, I kind of started to __ again and said I thought it would be a great purchase, here's how I see it, what we have now is a twenty-five foot paved road as the only practical access to the lake, alright, this purchase would give us another hundred foot of waterfront and over a half acre of high ground with utilities already in place which would be necessary for the clean up of the pond and the maintenance, prevailing winds blow debris to that corner so it makes for easier clean up that way also and you know the Town does own the lake and is responsible for its health, it's also the largest opening into our aquifer and I can't think of another fifteen acres of land on Shelter Island that's more unique or valuable than Fresh Pond, I think what's most important is that would also provide a peaceful access to the lake which is what it actually is and it, you wouldn't feel like you were trespassing going down there, right now you go down there and you feel like you're looking around, you know, I stopped going there, it got to be uncomfortable but as a kid I enjoyed the pond I mean, I'm sixty-two years old, fifty-five years ago I used to snorkel around there and catch turtles and frogs and everything else, it wasn't polluted, there was no issue and this lake's been here for thousands of years, are we gonna give up on it the last twenty years, it doesn't make any sense, we need this piece of property to make this thing work, we don't have any other place we can buy here, you know, all the rest of the lake is developed, the Sposato property, I looked at it with him when he was gonna try to develop that and there's no way to get a road in there with the DEC and the wetlands and everything else and you know this is really what we've got and we have the utilities on the site, I think it would be a great way to make something happen down there and I don't see any other way you can do it, if you give this up and it gets developed and the house will be torn down and something bigger is gonna go up there, something is gonna happen and I don't think we can afford to let that happen, I really don't so anyway that's what I have to say; thank you Peder, we submitted your letter to the Town Board, thank you, you would like to speak, there we go; now Peder you indicated also that you're committed to dismantling the home; yeah I'm gonna take everything down and everything; machinery and everything; after I __; I was thinking tomorrow; on a couple of topics, I'm Greg Toner, speaking as a private citizen, the buying of the offering itself, does the intended purchase for one half acre on Fresh Pond with the house, the house on this land is to be destroyed, the Town does not want it, the bargain sale discount offer from the seller is $719,000, the land is assessed at much less, the discounted price is actually a hundred forty-seven thousand more than the assessed value of the land although I hear now that maybe there are some changes to the assessment, it's a really bad precedent to say let's pay more than the thing is worth and then it gets worse, for whatever Peder says, the Town does have some responsibility, open ended responsibility to clean up the site, that's my understanding anyway, that's after the house is demolished, regarding access, I don't believe that this product, that this property is really needed to improve access to the pond, the Town has the landing as it stands, they have a six acre lot and they have a

three quarter acre lot that are on Fresh Pond, some of that land is wastelands but sections are dry upland sites, there's lots of space there, it's not only a six foot wide landing road, so the Town already owns five hundred and seventy-five feet of pond frontage, the property provides an additional one hundred feet at seven thousand two hundred dollars per foot, not cheap, rely on water quality, this is not an effective vehicle for septic pollution control, the purchase price is equal to the Town rebates support of forty-five innovative advanced septic systems, the purchase represents a relatively insignificant weight as contaminants could be avoided and the IA system that could go in there would lower that significantly as well, finally the devaluation of the Community Preservation Fund dollars, a yes vote on this property will set a new benchmark for fund purchases which will permanently devalue the CPF buying power and triple the CPF Advisory Board's negotiating position, this is probably the most significant reason for you to not override the CPF decision, it's not a good thing to do and it will last for a very long time, basically you'll take every dollar in the CPF fund and turn it into seventy-five cents or maybe fifty cents, finally just say no, it's not a good deal for Shelter Island and if you really want to acquire the property, float a bond, buy the property and then see how quickly the general population on Shelter Island will respond to this new bond fund that you're gonna have to pay off, I think that you hear a lot more people than are here now in the negative on doing that, using CPF funds would be a major error, thank you; thank you, more hands; come on please; come on up; I'm Joseph Tyree, I own the house and property next to the Novak property; you're at forty-six then Joe; I'm at forty-six; okay; I haven't voiced an opinion as of yet about the possible purchase of my neighbor's property and I haven't spent a lot of time focusing on it, I heard about it early in March about the potential purchase and then I hadn't heard anything until a couple of weeks ago that things were moving along, I just hadn't been paying attention, anyway in the last two weeks or week and a half, I thought a lot about the purchase and as the neighbor to the Novak property, I am not in favor of the Town purchasing the property and my reasons are, you know I understand when I bought that property, I bought it about a year and a half ago, I moved to Shelter Island about four years ago so I'm a new resident here and a year and a half ago I saw that property, I felt the pond was an amazing thing, actually I didn't know there was a pond on the Island, certainly a freshwater pond and I thought it was amazing and I bought that property knowing that I had two neighbors and they were residential homes and I understood what I was buying and it made sense to me, I also understood that there was public access to the pond south of the Novak property and um I understood when I bought my property that there were sometimes issues with the use and access to the pond with the private homes around the pond and um I thought oh okay, but I knew that I had the Novak property between me and that activity and I think anytime that residential properties and perhaps commercial property or properties owned by municipalities, when they mix together there's sometimes friction and cause they have __ some other uses, private homes, a much different use then, than say a restaurant or __ when the things come together and they both come together and there can be friction so the thought of the Novak property being turned into an expanded use of the current use on Fresh Pond Road and moving closer to my property, it makes no sense to me, as a private homeowner that's not what I bought a year and a half ago and I, it makes me nervous and I looked at plans for what's proposed for the Novak property, I've asked a lot of questions about those plans and I'm a huge preservationist you know and I initially thought hey you know that property is gonna be great, that property would be turned back to the wild, it would be a native site and wouldn't that be lovely you know, plant it with indigenous plants and it would be great but I've come to realize that there's more that's going to happen on that site that I don't think I'd want to bump into and I don't think I'd want to be exposed to and um so it's hard for me to support it because it will negatively impact number one the value of my property um and I think it would negatively impact my enjoyment of my property and as I said I haven't spoken up about it and perhaps I've waited too long and I just wanted to be clear about my position on it because I think perhaps because I haven't said anything, people felt that I was in favor of the purchase and I just wanted everybody to understand what my position was, I'm very clear about it and I've thought of it a whole lot over the last two weeks and I just can't see a good reason to purchase it and um I just want to go on record, thank you; thank you Joe; can I just ask a question; sure; just for a point of clarification, when I read you're e-mail, I read it line by line word by word, it sounds to me and maybe I'm wrong, it sounds to me initially and this didn't break just two weeks ago, it didn't break a month ago or two months ago, this concept has been out there for several months; yes; but initially when you first heard about it that you were in favor of it, returning it to the natural state; absolutely; did you ever say to a group of people that you were being in the landscaping business that you would participate in helping to create a buffer between that property and your property; no, I've never spoken to anybody in person about it; okay; I've only

e-mailed, I've only had e-mail correspondence about it which I'm happy to give you; okay; I thought initially that it would be very interesting to see it returned to native plantings or a wooded site and you know I really buy into the idea of trying to preserve the lake as a __ water quality and if this isn't the way of helping it along, I thought it was a great idea, what I didn't understand at that point but I did voice a concern about it from the get-go was that it would become an expanded use of what's happening on Fresh Pond Road and um that um I, I, I felt would not be in my best interests um; just so it's clear that the Town Board originally thought that you were going to participate in grading that vegetative buffer; yeah; the schematic that we now have shows a vegetative buffer between your property and that property which I guess the Town would be responsible for grading because you're not gonna be involved in that if in fact the purchase went forward, when you talk about the expanded use of it and, I think it's, the idea of having access to the boat ramp, having additional parking for cars to use that area, and leaving a power source there with the idea that perhaps if there was any remediation, that we might be able to use that piece of property, I don't see a lot of change in that property other than the removal of the house and putting the buffer up and putting a bench or two so people can sit and stare out at the pond, I don't see it maybe the way you see it; that may be how it initially began but um once it becomes a Town owned property, there would be pressure over time to utilize that property and governments change, you could have a group here and another group there and the pressure to develop that property which could be unknown to me, I don't know, so if I'm asked to make a, to draw up an opinion, it is truly, it's incredibly selfish of me but it is an investment for me, I've pumped a lot of money into this property and I'm convinced that my property values would go up as a result of it becoming a Town owned property and you know, I'm not gonna __ on it and you know if I, I've listened to everybody else's speech today and I also, it's only the last week and a half have spoken to a couple more people that when I hear about the cost of it and how that relates to other properties that may have been targeted by the Preservation Fund, it's hard for me to um, understand how it could really make sense and when I look at the bigger picture of all the homes that are on the pond, buying that one property, taking out one septic system seems so insignificant to me in terms of its impact on the pond and perhaps when I originally heard about this and you know, the carrot was dangling in front of me and looked beautiful to restore the neighbor's property was somewhat misleading and I didn't have much time to think about it, it doesn't make a lot of sense to me; thank you; I thank you Joe, please; hi, so I'm the one of the co-Presidents of the Fresh Pond Neighborhood Association, I think there's been a lot of intelligent things being said here and I think that we need to go through a certain process, the most important thing was just what we heard which is Joe Tyree's perspective on things, and I think that first it has to be said that we must respect the neighboring, the neighbor's perspective, his privacy, the value of his home should not be impacted, at the same time the Fresh Pond Neighbors Association has been absolutely clear that we're not looking for a public beach on Novak's property, we're not looking for a public park, if there were a bench somewhere, it ought to be near that road because there is no way we would want to recreate the problems that we've had, the conflicts that we've had with, made public with private use that Joe is rightfully afraid of, at the next neighbor's property over, in addition what we've always said is we do want this property to be used as to be restored and the restoration effort you know, first we know that we're contributing our own resources to removing the structure, thanks to Peder, to regrading the land, starting revegetate it, yes there will be some cost if we were to beautifully landscape it and Joe whether, it could intentionally help us there but no matter what we would want to insure that that property is not turned into an extension of the public access at the land, it's buffer to put the public access within a more natural setting to have it be a more welcoming place, if it were necessary during the period of regrowth to create some fencing to make sure that that property is allowed to regrow, we would be in support, we would be in support of that, we are not looking at any way to encroach upon a neighboring property and we ourselves don't want to create Jones Beach at Fresh Pond, at the same time I think that you're __ really bright and __ of your comments are really really appropriate and we do have to look at Fresh Pond on a holistic level and we do have to first be thinking about the remediation of Fresh Pond, __ of that property in the sense that we do want to regrow it as a natural area and nothing other than that, we want to improve the public access but from the very beginning the Fresh Pond Neighbors Association has been entirely focused on Fresh Pond, in fact Fresh Pond has been more resilient this year than any previous years, in fact we've been measuring it every other week, we've become part of the system State Wide Reassessment Program, we've been monitoring every other week the state of the pond in quite a number of different ways, we've done expensive testing, we've been reporting to the DEC, working with New York State DEC so the neighbors are aware of what's going on in Fresh Pond, a number of

remediation efforts seem to have started to have some impact, one of those is starting to discourage the geese over the course of the last four or five years, among those have been the removal of lily pads in certain areas, among those have just simply been the heightened rareness so that people have been paying a little more attention to certain problems, and certain neighbors including me have done repair work on their cesspools, additionally you're absolutely right that we have a responsibility, it's us the neighbors around the pond and all of the neighbors including Joe are part of the Fresh Pond Neighbors Association with the exception of one or two of the homes that have been turning over, one member, one of the other property has declined to put in dues and _, Joe has been invited to every one of our meetings, has been given our minutes from every single meeting and all of our communications, we reached out to him in March of last year, of this year, sorry, and you know, by really starting asking him about, couldn't we make this work, the Fresh Pond Neighbor's Association has sent last month's proposal, sent out requests for proposals by engineers to work on Fresh Pond following the Town Board's own Water Comprehensive Water study in 2014 watershed plan, which itself recommends certain engineered steps within the pond itself so we've been interviewing the proposals __ engineering companies, we've narrowed those down to three engineering companies, we have two that we think are quite, quite good, those proposals from the engineers have been shared with the Town engineer John Cronin and with the Board, we are still doing due diligence questioning, we invite anybody with engineering skills to help us to do due diligence questioning of the engineers that we are looking to bring on, bring on board, we certainly want to hire the right people for that effort, and yes there is gonna be a cost, __ , are we committed to our, to improving our septic systems, are we committed to this work, well in fact what we're, it's a shame that Melanie from the Peconic Land Trust is not able to join us today and I'm very sorry to hear about the son who was in an accident, however the Peconic Land Trust has basically come to the table with roughly a quarter of a million dollars, now whose money is that, it's actually not the Peconic Land Trust's it's actually the neighbors, we have already fundraised six figures and bridge fund loans to complete the remainder so that the Town is not responsible for purchasing anything but open space but land, open land, not only will __, they are only paying for the open value, not only will they be paying for the value of the open land as per the assessment however things work out but they're not going, the Town is not responsible for removing the structure, if that's the decision, that's the best decision made which we think open space and regrowing stays there, buffering the neighbor, not allowing them to park there, not allowing a public beach there, we believe that that's the best usage but more important than that, we're putting our money where our mouth is so we will be doing that removal, we will be paying for the value, the __ value of the land itself, we will be fundraising that ourselves, we've already gotten there in terms of the fundraising, we are reaching deep into our own pockets because, now why are we doing that, well we're doing that partly, we, it's unusual, how can somebody come in front of the Board, in front of you guys and say we want more public access to the space that we share, we want the public to come join us, the fact is that we're all people who ___, fifty-five years ago I was swimming in the pond and I might look young but I'm not and I was swimming in the pond as a kid with all of my friends and many of you who are here now and you know this was like paradise and people have said, Al has made the comment that the pond is dying, well the pond is dying, it's dying just like every one of us is dying, ponds have a, lakes have a certain life cycle, the lake should live on a geological time scale, it had many many decades, it has generations of children left that still can be using it, but right now it's experiencing, perhaps two week algae blooms most years and those algae blooms are a real concern, you shouldn't be swimming there during the algae blooms, that is why we are testing it every two weeks, algae bloom testing, the fact is that this year we didn't have a single bloom until about a week and a half ago and our measurements right now are showing it's clear, it's gone away, the pond is showing enormous resilience, there is a basic problem in the chemistry of that basic problem, __, essentially is essentially an excess of phosphorus and we do need to reduce the phosphorous load, there are five or six different things and every one of those things has to be pursued so runoff is definitely important, therefore on this property __, all of our properties we're focusing on natural buffers along the pond, along the pond side, the geese are a major contribution, the engineers told us that basically four geese per day on the pond is the equivalent of one septic system so therefore what am I doing every morning when I'm out here, at six thirty in the morning, I'm out in my kayak and I'm politely asking the geese to leave and the geese have been leaving, we have had a far, far less number of geese on the pond which I actually think is a very significant reason why we've seen the additional resilience on the pond, additionally we are, we know that removing Vinny Novak's home is not gonna save the pond and we know that, we know that saving the pond is not gonna save the aquifer but the whole freshwater lens and we also know that if we

don't save the entire freshwater lens, we can't save the pond long term so we know that we are in the first of many, many steps, we are very, very deeply committed and we're committed on a wider level than just the pond itself because we know that we can't just focus on only the pond itself, we do know that we're going to need along with the Board, we can work it out, we are going to need to bind up the phosphorous that's in the sedimentary layers of the pond, there's going to be, there's a series of steps that we're going to need to take in order to get the phosphorous level down to the low one point one milligrams per liter so that we are not seeing the brief bloom each summer so that we move from, we're on a tipping point right now with the pond, it can go either way, we won't leave it tipped in one particular direction but we also think that this is a tipping point for the entire Island, ten years from now I want to see all the roadsides, access roads filled with signage, not polluted, don't swim here but why is it that we're able to swim in our fresh, in our drinking water, in our freshwater lens, why is that, you know how is that an educational approach that says be respectful, there are neighbors here, be quiet while you're here and understand what this really is and what this really is, is our drinking water so when we step back, we're deeply, deeply concerned on a much broader level, here's the place where like everywhere else, our drinking water is hidden from us, we don't see, when I'm aware of it, having been on Fresh Pond, having swum in Fresh Pond every year for the last fifty years, I am able to see what's going on in our aquifer and so can everybody else when they come down to the pond, so we believe that making sure that that's a clear resource, that's a place where we can be hearing children swim, even if sometimes it may be annoying with the noise or whatever, we are delighted to bring people in to share this with us and at the same time we know that we have a very, very profound responsibility here and even after we have raised a quarter million dollars to partner with the Town to make this happen, we're not done, we've got a lot more to go, whether it's the landscaping work that, to make sure that Joe's property is properly buffered and we're not creating a problem or whether it's the septic systems that we know we all have to be upgraded along the edges of the pond or whether it's organizing communities beyond, I've spoken with the Shelter Island community and to help organize them on their __, so I've used a lot of time, I've spoken a lot about a lot of subjects, I'm sorry, I've spoken about this a lot of different times but I'm not repeating myself, I'm telling you, I'm taking the next step; thank you for your, is there another hand out there, do you want to step up please; I just have a very quick question; step up to the mic so we can pick it up; it will take two seconds, my knee is still good, my name is Lily Hoffman and I would just like to say that was a very moving and impressive presentation, however, you're talking, you're equating, saving Fresh Pond which I think almost of us in this room fully supports, you're equating saving the pond with buying this property, we have to be very, very careful to talk clearly about saving the pond and what steps we need to take, I would argue in support of buying this property probably has nothing to do with saving the pond, thank you; hello, my name is Gerry Maier, my husband and I have the privilege of owning the property on the pond, we have been fifty years enjoying the pond and as many people have spoken, somebody said it is one of the true gems of this Island, I would just like to respond to the last comment which is that in our research with the consultant and we have as you know been very, very busy this summer finding the premier expert in lake remediation in the northeast and we feel like we have proposals from all of those engineering companies and hope to be moving forward, you know, working with them immediately with your help, each consulting firm has said to us, if that piece of property is so important to doing the various kinds of remediation that would be necessary, there's lots of equipment involved in this very involved kind of remediation treatments, there's you know a need for electricity, there's all kinds of things and have each in their proposals and in our interviews, someone said, it's very important to have that access and the access to power right there on the pond, that is going to be a key you know aspect of the success of their work so I just wanted to say that that is one thing that each of, have commented on and I'd also like to say that you know it would be wonderful if we could do things in an order that we would love to do, have this consulting, you know, these engineers give us all of their data during analysis, tell us all the steps that needed to be taken so that we could do all these things in a proper order, one of the reasons that many of us who live on the pond have not immediately stepped up and put an application to do a septic tank is because we kind of wanted to get the consultants you know, feedback to know is we we're doing exactly the right thing at the right time but I can say that we are certainly committed to doing a new septic advanced septic system, I know that many, many of our other neighbors are you know ready and willing to do that as well, and the property unfortunately has become available before we've been able to do our consultants you know study but it's a great opportunity and I feel that the open land, preserving as much open land as possible around the pond is a long term project, I understand that there's other properties that could become available

you know in years to come that hopefully will become open land, so we would have an uninterrupted walk of you know preserved land that was, protects the pond and this piece is kind of a start and as I say it's not maybe the first __ but we are all aware of the issue and so I feel like you know we could take this step to start the process that we know we all want to see the pond survive and become a healthy body of water again and this is a critical step that I feel like we should not let this opportunity pass us by; thank you very much, another hand; __ the guy with the leg; hi, Linda Hacker Toner, I just wanted to comment on what Peter had said, I've heard a lot of it because my husband is on the WAC and WQI and one of the things, if you buy the property is public, it's not, _ to hear how wonderful it was to go swimming and how people will be swimming and people will be doing this and people will be doing that but it's not gonna be a park but then it won't be a beach, but then there will be this and then there will be that, it will be public land and it will have access to the public and I just, I think that there's a sort of feeling that that's not quite what's gonna happen to it and in fact if it is public, then we should use it and it shouldn't be restricted in some way as it's not supposed to be, diminishing the trees is gonna be, people are gonna walk through and want to go there and right now we have a boat launch, so is the, the dream that people have of having children swimming, are they swimming from the boat launch or are they swimming from a beach or are they swimming from, there's a romance to this thing being presented which seems a little, it's really nice but it's, I think it's clouding the idea that it's the public buying a piece of property and whether or not investing that much money, even if it's the Peconic Land Trust coming in because they're public money too, if we're gonna spend that much money on one piece of property, I admire the fact that they're, one of the things I wanted to say is that everybody there should have their septic tested and should be going on the new systems and all that, I'm really happy to hear that that's what's happening, on the other hand um it seems um like they're, it seems like a lot of money __ own acreage there, it seems like a lot of money to be spending for something which in the end, it doesn't seem like they want people to use it so um it just, my feeling is we have a boat ramp, that's really nice, where do people swim from, I don't know where all this happened fifty years ago but it does seem like, it seems like it can be simplified, it doesn't seem like it has to be, I mean right now it just, now I'm getting complicated but it seems like what we need is for people to be allowed to be there and cleaner water and it doesn't seem like as buying that property is necessarily the answer to that, it seems you need to make the parking a little better and not make people feel like they don't belong there, um that's how I feel about it; okay thank you, next, come up; my name is Tom Maier, I'm Gerry's husband, Gerry's only been on the Island since she married me, I, my father has owned property on this Island since I think 1959 I bought some here and I'm sorry to hear the preceding speaker questioned how people ever swam in Fresh Pond, and was it from the boat ramp, there's a lot of people that used to come to Shelter Island, I did, we still have a member at the Fresh Pond Neighbor's Association who lives off of Brander, he's not on Brander, he's on the road that branches off towards Westmoreland, but he comes to the pond regularly even though he has to drive you know five to ten minutes to get there to swim in the pond off that beach, that beach is already used, it's always been used, there used to be a swing, people would go swing over and use the swing and I know I did that as a kid so yes so that right now is a public land and it gets used, and it is the public's access to the pond and that pond and used to be even more so a public amenity for this Island, other speakers have addressed why this property is useful and perhaps essential for the remediation of the pond, um I would just urge the people who are saying it's not worth buying, it's not important to the pond, it's not something we can __ now, first as Peter Grand said, the Peconic Land Trust is putting to work, not public money, private money, I say that as one of the people writing checks, that's money that we are raising from our own pockets, we think that property is important to the future of the pond, that doesn't bind any one else but it does show as Peter said that we're putting our money where our mouth is, and what would really be a tragedy is if you came back in two years with a remediation plan that would make the pond healthy and you found you couldn't implement it because you don't have the access that you need, that's the judgment that people need to make, I am not qualified to make it but we all look at this property and we talked to consultants and we talked about what needs to be done to the pond and things need to be done to the pond and I think it would be a shame if this turns out to be an opportunity we shouldn't take; thank you; thank you very much; in duel with Ed here; Ed, how you doing; he's got a nicer cane than I have; he does; do you want to trade; watch your back A J, Ed Barr and Joel Hoffman both made statements about the property, about the property he wasn't gonna remove some perceived pollution and we weren't looking formally, we were looking _ and those were his exact words, the fact of the matter is it's just the opposite, that piece of land is a tool, you reach in your tool box and you pull it out and you can use it for many different things, the

vision of what can be done there is huge, one gentleman got up, the neighbor, and is concerned about being against the piece of publicly owned land and that his value on his property may be decreased by that, one of the first things that when we were looking at this piece of property to purchase was that it provided the ability to provide the adjoining neighbor with good solid, I lost my thought on the word; like a barrier; a buffer; a buffer, right; if you go there now without doing anything, there's a good twenty foot wide or better buffer that's Vince and it runs up from the road all the way down to the pond, right, I'm not too sure, right up to shoreline and that was, we looked at that and we looked at the possibility of enhancing that without decreasing the value, without decreasing the open space on the other side too much but making sure that the neighbor wasn't affected by public activity or private activity, anybody who was going there to have a party or whatever, that was not out intent, the intent is over the years we've invested a huge amount of public money coming from the CPF fund to preserve the shoreline of Fresh Pond, this is the last piece up against the developed property that we could get on that side, it ends our activity without knocking the people's houses down and that may be the best thing for it over the long haul, I'm not saying that's what our intent is, right now there's a house there, somebody is willing to take that house, remove it, regrade the property and put it back in the natural state and the Town has this tool to use, if you spend all your time trying to figure out what you have to do with that property, you're gonna lose the property and that's what the sad thing is gonna be, it's not like, everybody has concerns and there're all valid concerns but if you look at the broad picture, the global picture, you can do many things with it, it is a staging area for reclamation, it is a place, you have a narrow little area there by taking a small portion of the land, not even up to where the house is, you can create a good safe sound manageable access to the pond for the public and still retain this huge area as a buffer, you can plant trees, you can do anything but initially you may have to put a piece of machinery there that's gonna do something, whatever it might be, you may have to set up some, put a trail there and have it there for five years while they run some type of a project to clean up that water or you know, do some type of reclamation project and everybody has to bear the burden, the neighbors, the Fresh Pond Association, they are one little tiny group of the Town, you've got an entire Town, thousands of people who are on some basis, pretty much putting money into the CPF fund and they would like to preserve Fresh Pond, some of them, maybe some of them won't spend a dime of it but everybody has, everybody that swam in there, everybody who took their kids down there, everybody who took boats to the public ramp, everybody who is out in a kayak has a interest in that pond and I think the people that are pushing to buy this piece of property have a broad vision, much broader than the people that oppose it, they don't see what the value of the land is, the value isn't some assessment that somebody comes up with or makes up or goes to market value, it's what you can do with a piece of property, how is it gonna help save Fresh Pond, it's obvious what it is, it's obvious that it's a staging area, it's obvious that it's a buffer and removes the headache that the Town presently has with the present landowner, it's an ongoing thing, it's been going on for years and years of wasting of time of lawyers and ,__, it's been a constant battle, if somebody else moved in there, you're gonna have the same exact situation, the Town went and bought the Gruber property, I said this before and I want to keep repeating myself, what did they buy a hole in the middle of the landfill with a little shack on it, right, why did they buy that piece of property, they bought it to get the possibility of getting liability off the Town's back and that's what you have with that piece of property, here's a chance to solve everybody's, create the buffer, help fix the quality of the water in the pond and also enhance a Town owned, the only practical access to the Town, we own land on the other side and the sewer going down to it is like this and you've got to go hundreds of feet off the road to even get to where the edge of the pond is, this is a little short shot, a maintenance for safety, access to get there if somebody out there tips over in a boat, we certainly want to be able to get there and back a boat into rescue, that's it, it's the broad picture that you've got to look at, you can't look at this in a narrow way and I think the Town Board is the bottom line here, you guys are the guys that have to authorize the expenditure of the money and you have to have the broad view, my view, the CPF has a very narrow view of their job and in most cases, it is good to spend the money for open space but this is to enhance and protect and use open space that has a unique quality and value, there's no other on the Island that even comes close to it; thank you Al; my name is Michael Shatken and I live very close to Fresh Pond but don't have the same stake in it that comes from living right on the pond, this summer when I tried to take my grandchildren to swim there, I had to think twice about that and ultimately decided not to but I think first and foremost we have to clean up Fresh Pond, it's an asset to the community, it's something that we have shepherded over the years to the condition it is in now, to be clear about that, before the pond, I'm sorry, before the dump was built in 1950 I believe, the pond was our most popular dumpsite and

even before that, the American Indians used the pond as a dumpsite, I'm quoting the Reporter now when I say this, the condition on the pond in terms of pollution due to many sources, to think that is the most significant source is due to the surrounding development which took place as a result due to Town Board, Planning Board, Building Department, we as a community by our prior actions, we own pollution that's taken place to the pond, at this point you'd have to do everything in our power I think to stop it and restore it, no matter what happens with the purchase we should walk away from this moment in time and understand how important it is to stop talking and take action, number two, recognizing how valuable the experience is and the amenity that Fresh Pond is, I'd like to paint a vision for people, it's different when you walk over to Fresh Pond now and go down the macadam driveway with a stockade fence on one side with various postings, it has the Town postings on it that say caution, beware, dangerous, stay away, I'd like to just get people in the notion of looking at that strip of land as a portal to the asset that the pond is and it ultimately will be in the future, think of that piece of property as a piece of property which welcomes people from the street to the pond, has the appropriate signage and the appropriate design to let people in and have that amenity not hidden down and alleyway so the whole community can understand, out school children can go there and understand the significance of the pond to our infrastructure, natural infrastructure, our water quality and not have it be once the pond is cleaned up, an alleyway access to the pond so I think that we've heard over the time, over this presentation, we learned that with various financial sources we can bring the cost directly to the community, directly to the community in terms of Shelter Island public funds back to the assessed, our own assessed value, if we compare this to other purchases, this is a purchase which is leveraged, it's leveraged by the amenities of the pond and the surrounding land and the pond significance that we already have, so it's not how much land we buy for so many dollars, or how much acres it is, this is a unique piece of property and it's a unique opportunity, the overall picture of restoring shelter pond and making the pond the asset it should be to the community; Kathy; hi I'm Kathy Gooding and I know I'm embarrassed for the CPF guys but I am also your representative on the Suffolk County Parks Commission and in that capacity we have reviewed actually as Commissioners, we approve all those public lands and all the properties that are purchased by Suffolk County or jointly with Towns like Shelter Island when we purchase a property, we have to eventually see what that is and we have to approve it, the CPF and I'm sure that Bob is aware if you aren't all aware that there is a law that was passed that created the CPF and that does regulate how those CPF monies are to be spent and there's, it says you have to have a plan, it says certain things have to be in that plan and the properties have to be identified in that plan if you are gonna spend money, okay, I agree, I think everybody in this audience would say we all want to do something about Fresh Pond, we all want to help Fresh Pond, I think the question here is not whether we want to help Fresh Pond, we all do, we've got the water quality review board, a plan could go to them, there are grants out there available that you could put a plan together for Fresh Pond and could maybe cost millions but you can get some funding from different areas for that, the idea of purchasing a piece of property with Community Preservation Funds money for staging equipment, for working off of that property to fix the pond, that's not one of the reasons to spend CPF money, if you look in the guidelines, if you look at your own plan, the Shelter Island plan, there are criteria that have to be met in order to spend that money, in order to identify properties which meet the standards to be purchased, this property doesn't meet that purpose and I think, the Town has bought other properties, Shelter Island Town has bought other properties, Shelter Island Town could purchase this property, you have every right to purchase this property if you want to continue, if you want to go in this direction, okay but I think what you really think of and look at the legal implications, can you really spend CPF monies for this, I found that questionable from all the work that I've done with Suffolk County, alright; so that's my only question, I think we all support that Fresh Pond should be improved, we all want access, the other question of you know, the neighbors don't want access and the community wants access, that's a whole different story, you're either buying it to improve the pond or are you buying it to provide access for the community; I'm gonna ask you this, why is it a binary decision; what do you mean by that; why is it this or that, I think that's a false argument; and that could be; and I said that, I'm sorry I shouldn't have said that; I think people should have access to the pond, alright and if you're buying it as a park then you might have justification for using CPF funds, if you're using it for public access and to create access into the pond, okay, it doesn't meet the water improvement goal but it might meet the access goal, just asking you to think about that in terms of your legal obligations; thank you Kathy; somebody in the back, he's had his hand up; please come on up; I'm Joseph Denny, a CPF member, I just want to give a few points, I think, we all grew up on Fresh Pond, we all want to see it in a healthier state, I wanted to speak that, it's just that maybe, it's __ on how

we are about doing that, so one thing I was wondering about was the, this is about preserving the pond and adding accessibility, I saw a plan that showed a whole bunch of _ but I haven't really heard anybody discuss that, is that part of the plan; no, nothing has come up, we haven't discussed that; cause I was wondering how that's going to affect the, you might be creating a new situation with no Novak, just passing it on to somebody else, is this something we want to continue, I don't know, so you know it's something that could eventually have lawyers involved you know, every neighbor is not happy with all this, it's just something to think about, so I also heard a couple of people comment that power is already at the site, I just wanted to make clear that when you own a house you have to have an all new service put in, you don't just have power at the site, the power would be at the pole and you have to have an all new service put in so you're at four or five grand just to have a new service put in, so I just want to clear the air about that and then some other points, okay Turkem's Rest, now what I'm curious, okay, when Vine Busters was around, we had a trail opened up that took you to the beach front in Turkem's Rest and it's absolutely beautiful, I'm just curious, how many people here used that trail, you did, you did; I do; good, it closed up quick __ but it's an absolutely big beautiful beach there and it's far away from all things and I think if you want public access, that really is the place to go, we're definitely going to get that opened up again, absolutely, especially now with this whole __ so I want everybody to just consider that, if it's more about the pond or more about access to the pond, we can park on Midway and we'll have a new access there, there's also the other one, three sides of the pond have access but only one is being used so these are things to consider, __ so I'm not going to __ here but Jim Dougherty did ask me to make a statement for him, he cannot be here due to an ailing friend in Connecticut, some of the points he had were already made so I'm just going to point out some of the things that asked me to share, now, this is Jim's words, many of my County contacts have chosen to informally keep in touch with me and had made it clear in recent weeks that Shelter Island's credibility in this area will be permanently damaged if the Town Board overrides for the first time in twenty years, __ of the open space committee and for the, it's really __ for suspicious purposes of not acquiring open space but by buying at a high price they developed a half acre with a home so we know where Jim stands, now on, he talks about the other properties you know and in Jim's view it's better to use the very high proposed purchase price monies from the half acre developed lot to the incentive for the forty or fifty Shelter Islanders to install advanced septic systems __ program so you know I definitely not opposed to seeing it preserved, I find __ it's a private funding and not as much as expected of the CPF fund, I don't know __ the amount that people are expecting from the CPF fund because it's the best thing that it would be __ so what happens when the next guy comes along and wants you to buy his house, then what, are you gonna hook him up the same way, how's that work the next time cause if you do it for one guy, you're gonna have other __; are you serious that this is done as a right now; what; that it's gonna be done as a right; I never said it, no; basically you just that, what are you gonna do with the next guy; well if you; we are not obliged to do anything for the next guy or for this guy; but what I'm saying if somebody else would come along, if you buy this property, somebody else would come along and expect you to buy their property if perhaps they're a motivated seller or something, I just made it as a statement to think about; just as a further comment, many weeks ago it was discussed here that I think Chuck was saying something to the effect that, he's a committee member as well, that initially the CPF discussed this, if the purchase was for just the land itself, if the assessment was brought down and it wasn't eight hundred and nineteen thousand dollars or seven nineteen or anything else or lower than that, that there might be some interest within the committee about using those funds for that purpose, it wasn't a slam dunk, it wasn't you know __ but there was some positive feedback, I think that the Board, financing has been a big issue, the precedence that it sets, __ putting you people in for future negotiations at rest, I visited the neighborhood association three weeks ago on a Sunday and said the same thing, you know, financing was the number one issue for me, that we needed to be more clever in terms of how we were gonna finance this because we didn't want to see a lot of CPF you know, the entire amount put on to the CPF so there's a process of negotiations, a process of compromise, there's been a process of sharing information back and forth between the two groups, the one thing that I was gonna say, I was gonna save this comment to the end but since I have the floor, I'm gonna say it right now, I love the fact that people can enter a room and have different feelings about an issue and maintain some degree of respect, you know I thought that, I didn't want to go back to where we were two years ago with short term rentals and have the disrespect from both groups, not one group but both sides, you know this has been, however anybody in this room and listen carefully please, I'll wait til you stop talking; okay, one conversation at a time; I will say this that anybody, one of the biggest turnoffs for me as a person that sits behind this desk this if somebody comes in

here thinking that this is a slam dunk on either end, it really is kind of a turnoff for me cause you know what, this is, you could make great arguments for both sides but part of the process of __ in getting here was to kind of weigh both sides and come to some logical conclusion, that's what we're wrestling with; oh yeah; so as long as we maintain that respect, as long as we continue to work together and as long as that goal is to improve Fresh Pond and by the way the one thing that I would, I think comes out of this is a better vision for Fresh Pond, about the different properties that we do own versus the potential for this particular property, that it would be better to find what the property off of South Midway is going to when it's opened back up and it must be, according to our Supervisor and Suffolk County who are co-owners, what the property is gonna represent versus what this property represents so I think that kind of a vision better articulated, better planned out, will also help in finally making a decision, I'll speak for me so there was a number of things that were stated when I was at that meeting but the financing, the accessibility, the future growth of bad septics around the pond but you know, one of the things that impressed me the most and, from the beginning was a neighborhood association that got together that took the initiative to try to work out a, to work out some type of, and they finally, but when you sit here and you have people come into this room and complain about a situation with no chance of them offering some type of remediation or some help or some help, it's kind of a turnoff, when people come in, the one thing I said to our Supervisor and I shared with the other three Councilmen, was, and a lot of them felt the same way, let's not turn off neighborhood associations whether it's this one or any other one, for taking the initiative to try to come together to help the Town solve a problem; true, I agree in total, yeah I think we all have the same ultimate goal, it's just a matter of figuring out a way to to come together to make it work so; it could be a continuing process and thank you Joe for all the good work with the trails, excellent; thanks; can I have a few words; please; well my partner here, she probably said it best okay and there's a couple of comments that were made but I think you can clarify, Peconic Land Trust is not writing a check, they're not putting money into this equation, they fundraise; right; that's what they do and I think there's been a lot of misunderstanding so in some of the e-mails okay so they have to do a fundraising after coming up with the property, the Gruber property was never, was not part of CPF, that was a Town purchase so it was not CPF money that took that property, earlier on in, we got into the earlier discussions with the Fresh Pond group and the CPF committee and we've discussed this whole issue of neighborhood, neighborhoods and how are the neighbors relating to this new people who are adjacent to the Novak property if this in fact can be and we were told everybody was on board, I'm sort of startled today, we heard conversation from the neighbor who is right adjacent to that property that now is coming forward, I sort of blame myself a little bit over this because I made the assumption that the information that was being provided was correct, it obviously was not correct so I really __ due diligence, I think maybe the rest of us sitting here may not have done the right thing, at that time that we had this meeting and we were told at the CPF meeting that everybody was on board, they also stated they wanted the signs to remain with no parking and that's where we left off, now there's been a lot of conversation, CPF, I feel, and I'll just share it and you take it however anybody wants to take it, we're like a stepchild, we're not in your equation, we made our recommendation, there are conversations going on that we're not included in, somebody mentioned about what they're intending to do, this is a plan, why can't you present this to the public here and say this is really what we was proposed by Fresh Pond, are we embarrassed that everybody should not know that this is what; so this is not the proposal that __; excuse me; there can be one meeting here; I apologize; there's gonna be one meeting here; hold on; I'm feeling for the neighbor, when I look at a plan like this, I made the wrong assumption, I thought he, he was and I was told that he was going to do the landscape architect, he was gonna do this buffer and he was on board with this, okay, I never thought to make a phone call to say is this correct okay, but I think the public really needed, should have; Gordon, Gordon just let me just; some form of; Gordon, let me interrupt; I know at the Town level; let me interrupt you for one moment okay, and also like all of us, this has been evolving and Joe has called me twice and he expanded upon this, you know, he wasn't for it the first time and it took him time to be against it so, let's not go back over past mistakes; Gary I don't want to go back over; right; CPF has not, short meeting in session, conveying and having to justify why CPF recommended not to purchase the property, there has been no conversation with CPF, I mean you've discussed it with, had discussions with Fresh Pond, we were never brought to the table, some of these revelations that are here, I'm in the dark, okay but let me just leave off this way, our committee when we talk about and Jim you mentioned about and I'll, when the CPF had an interest, if the price wasn't this way or maybe someone should attend our CPF meetings and then bring that question up and then it wouldn't be thrown out like this and then maybe you would have better understanding okay of

really where the CPF is coming from because you know we never voted on anything, we're throwing things out here, I'm asking the Town Board to become more involved in CPF, now for my bottom line here today and I think that, I think that this whole thing of transparency is an issue, I do believe that this should have been, this should be public so; I just received this five minutes before the meeting so I think this is just one person's proposal; that's when we got it, so I don't even know where it came from so this is not the plan, this; I don't want to, I don't want to sound ridiculous but this has been out a long time, its been sitting in Town Hall for over a week that I know, maybe more than a week, maybe two weeks right not, I got this from the Town; let me show you this has been the second or third revision of this, we have, we don't even have a proposal, we're sitting up here without any sort of a proposal, this is kind of like and Councilmen, __; I know _; if you listen to me, we don't have a proposal yet; Gary I know, way back when, when we talked about developing a plan; Jim Colligan you said it would be a good idea to have a plan of what to do with this property, we're sitting here two months later and you still don't have a plan and we're still beating this around and we're gonna put this off again for another month and we're making this like into a short term rental deal, let's make a decision, do it or don't do it, go or no go, deal or no deal but I mean I think this, we're just dragging these things on, thank you very much; thank you Gordon; I have one question, I know that you've been going on a long time, may I ask; I just want to make sure we've gotten to everybody here before somebody speaks again, yes; we should get the; he's already gone; Jimmy __; you have something to say; everybody comes up once first; my name is James Eklund, everybody in this room I think wants a similar thing, they want what's best for Shelter Island, you know some people said oh we need to focus more on the residents bearing the load and I think Peter Grand you know, really put it out there that the residents are trying to shoulder the load to some degree, they don't by any means think that this one piece of property is going to fix all the problems on Fresh Pond, nobody ever said that and Greg's analysis of how much you know nitrogen is gonna be reduced by buying this is you know, it helps a little bit but it's not the reason to consider purchasing this property, it's more of a global thing why you would want to have this property, one of the things is potentially a staging spot for a short term remediation process, nobody even knows what that might be or if it would be needed but it would be an option if it was, the regrading of the property to mitigate runoff is an important thing, having a rain garden or some sort of catchment in the middle of the property is an important thing to try and make that runoff recharge into the aquifer before just running into the pond, those are all important things, buffering the neighbor is important you know, there was, it's always been a very high priority to make sure that the neighboring property and in this case, Mr. Tyree was protected you know, it's an investment for him, I don't think he lives there but you know he does have a vested interest in making sure that his asset is protected and I don't think anybody in this room would think otherwise about that; right; the proposal, the rendering is a product of a request that was, does anybody have a plan, what it might look like, you know, I spoke to Jay Card about well, do you want to do it or what do you think, well we kind of talked about what it might look like, I'm not a landscape architect, but we approached an architect who lives on Shelter Island, Pam Pospisil who pro bono said sure I'll try and take the site plan and make it into something that somebody could look at, it's gone through maybe three iterations, the last one which you which you have in front of you is an iteration which was trying to address Mr. Tyree's concerns about protecting his privacy and keeping things so that it didn't create another situation that we have now, no one wants to have the situation we have now, you know, and no offense to Vinny but you know that whole approach to Fresh Pond is an eyesore, it's a very really unusable lane, the one side drops off to wetlands and the other side is bordered by the stockade fence with the signs; signage; I did communicate over a number of e-mails with Mr. Tyree and I believe we suggested that he become involved in a design, you know, we talked this past week and not by a conversation but in a written way by e-mail, I tried, I did call him personally but he chose to just keep e-mailing, I did share with him this latest draft of you know, what could be there, this is not what is going to be there, I agree with Gordon and it would be great that, come up with you know something that everybody says this is what we're thinking about, this is just one thought, it enables the public to still use the lane, you know, not being worried about where the cars are gonna be or it's gonna be towed because there are no parking spots, it provides plenty of buffer you know from that little parking area, it looks like a really flushed out thing on the plan that you have but I think it's gonna be like a gravel spot where people are gonna pull in, you know it's not gonna be anything grandiose, nobody envisions that, the front of the area where, I believe it says on the plan that it's graded to mitigate runoff, that will be just that, it's not gonna be the beach, the people swim from that landing, you know I've seen it there, we've been as Peter said, testing that pond twice, or every two weeks and just recently we were

there looking at a suspect area and guys going out between lily pads and he's taking a swim so that's always been one of the accesses, another access is where all those houses are now, you know, as a kid we used to go down the hill and there was a rope swing and the whole deal and I'm sure most of you swung on that at some point or another, the truth is that this piece is the last good access, I mean that, not necessarily the piece but the Town has the twenty-five foot you know the road there, to have it embellished with a little bit more space would be great, it would consolidate sort of the Town's beach head there and you know, begin to be possibly stepping stones towards you know, connecting up to what's now Turkem's Rest, I agree with Joe, you can get into, to go through there you know if you get some chainsaws and what not, you probably can cut an access to get to Fresh Pond again but I would say it would be a seasonal access because nobody in their right mind would go in there now even if it was an opened up spot cause from experience I know what the nymph ticks feel like so I would advise not going that way, I think that even if it were not for the ticks, it's a long way to carry a boat from the road to Fresh Pond from there, it's a great place to walk in the wintertime and I suggest everybody do that, it's a wonderful spot and there's a lot of history there, there's an old ice house foundation, there's some shell dumps back there from the Indians, you know, it's a great spot but I don't know how usable it is as far as an access, as far as I know, the only other spot right on the pond I thought was landlocked and couldn't be accessed from the road, I may be mistaken but I'm pretty sure that's the case; it's a fifteen foot right of way; okay, in any case, it still has a similar issue with Turkem's Rest I believe, in any case you know, here's the potential of you know, a collaboration between private and a public thing, the CPF is the preserved space, I would like to think that to be able to preserve space that's usable sometimes, I mean a lot of the space that CPF preserves you know sometimes it's just not usable because of where it is, this would be a spot that would be immediately, benefit the people who want to use Fresh Pond, I cautioned Mr. Tyree again, I said __ but he has a chance at this point to have control over what happens to his neighbor, he can, he has good leverage right now, he can say hey I want a covenant on there that says you're never gonna take those trees down and make a playground over there or whatever, if that property gets sold on the open market, he has no control, it's C zoned, he's gonna potentially have a house ten feet away from his property line or some house building or something like that and who knows what that might be I mean, I'm not saying what it would be used for, a nice family could move in there and it would be great but that's not always the case so all in all this little teeny piece of property you know, value isn't measured in the number of acres, sometimes it's measured in what a piece of property means so I would just urge everyone here that it be given a little more thought and you know, come back together and see if we can make something work, thank you; thank you James, is there anybody else; hi Craig; I question why we're still here and still discussing this, why we're gonna be discussing this probably for another six months or so, it's a unique opportunity, right, and that's what I've heard a couple of times, to get a piece of land and I think it's okay, what properties the Town has bought, what properties the CPF has bought and I don't think that anybody is gonna think that we made a bad choice on any of them or look back and say jees we overpaid by ten or twenty percent on that piece of property, we look at all the land we preserved and bought as high quality and the right decision in time and um and it's I think so let's buy everything we can, let's get everything we can and that is what the CPF is sorta tasked with, with the cash limit that they have, the Town can also buy property and they could spend the CPF fund if they wanted and I think even if, let me slow down, I'm condensing my thoughts here, but I guess where it gets to, is for me that the unique value of that piece of property would be to extend that access and I know we talked about it being the accessibility point for, the staging point for cleaning up the pond, and I don't want to put more work on the newly formed homeowners committee but some place along the pond there's another place to get access to build, not public but perhaps there's other landings that we could but regardless the access point for kayaks, for swimmers, for a rope swing, for whatever it is, that, that beach frontage is what I see is a very unique opportunity right now, is it expensive, yes it's very expensive, it's a very small piece of property but if you decide that access is worth it, then I'm on board and that's it, if it's not access I'm not sure why we're purchasing it, thank you; thank you Craig, everybody just said once; file two; file two people; AJ; just from here; come up; the CPF money purchased the Klenawicus airfield which had a hangar on it and airplane mooring operation on it so I mean that is about as diverse and as far away from open space as could possibly and it's only used by a very small group of people but the benefit to the Town was that it was an airfield that provided air service that __, has not access in certain situations; perfect; and that's one of the reasons that we purchased it and it's the same here, it can be open space in the end but you may have to go in and you know, the CPF allows you to spend money and I'm just trying to make a point here, I'm not looking to spend that

money, it allows you to spend money on a piece of property initially to get it into condition up to a certain percentage of that money can be spent, it's not for the annual maintenance of the property, that comes from the tax base, so what I'm saying is that, this piece of property has the same identity for all as that airfield, it's unique in that it is the border to an asset that the Town has that's so huge that none of us really know the full pitch of it, and I'm not gonna get off my thing, all I'm saying is don't be afraid to you know look around the edges because there's all different ways of __ in this thing, you can do, you can do temporary financing and then in the end come back and draw down from a fund to buy the open space and then create your use but think about what has to be done first like buying the property, that's the key here, to get the property in your hands so you can do what you want with it, if it's lost to a residential use, you'll regret it for many, many years to come; okay, thank you Al, one more question, somebody that hasn't spoken; one more, now; yeah now; just one more thing, I spoke with Joe, my neighbor, Joe Tyree, I was also under the impression that he was on board with this and involved so that is something that I want to say and my, when I was first approached with this from my neighbors, my first response was how do we build a buffer for my neighbor and I did some research on line, a twenty-five foot buffer is usually you know standard for reducing oral and visual impact so there's that, the other thing I want to say you know, and it's been said already, all half acre properties are unique, a half an acre on a hill is worth more than a half acre in a swamp and this particular half acre is valuable from the type of usage and maybe more value than ten acres in the middle of a meadow some place that people don't get access to, one thing about, I've heard people you know say let's put another access point in on the pond, the one thing unique about Fresh Pond Road is that years ago and it was illegal at the time but the Town Board was dumping sand into the pond and they would dump a truck load and it was like every week we had a torrential rain storm, it would wash it into the pond, and they would dump another truck load, I have photographs of the ten trucks that I saw come there so there is this sandy bottom there now that people do enjoy as opposed to any other place on the pond where there would just be a mud bottom if they were to access it, so you know it's an attribute to Fresh Pond Road that should not be there now, it shouldn't have been put there but people do enjoy that and the only other thing I will say is that for years and years I've heard complaints from the working class people of Shelter Island that they don't get good access to the pond, that they can't sit there, I've seen people come down with walkers trying to get into the pond over the gravel, I mean there's a lot of improvement that you could do there right now without buying my property, you know, make it ADA compliant somehow, put stones in that people step down into the pond or a better boat ramp, so there's a compromise between open space and access and I think it could be done with proper planning, I sent you a rough sketch, I've seen other people do more elaborate pictorial diagrams of what could be done there and it's really up to the Town Board's imagination how to proceed with that and particularly with this but the one thing I would like to see for my neighbor is to make it iron clad in whenever their contract comes about that there would be a significant buffer to protect the neighbor's property; okay thank you Vinny; okay; are you gonna allow opposition now, you allowed people for it, can the loyal opposition now; one more; I only have a couple of things, you know the difference, Greg Toner again, the difference between the Klenawicus airport and this, what was described by one of the supporters as a little tiny piece of property in terms of buying it, one of the primary reasons for the CPF fund was to keep open land where rainwater could percolate into the aquifer and so to compare this lot with the airfield is comparing, where you get ticks on Shelter Island, and an elephant, it's a big difference there, I thought I heard that the Town Board doesn't really have a plan for the Novak property at this point, that I guess you could say that flying in the dark in terms of what's to be done and that seems to be kind of an odd way; wasn't that awful Greg, it's a half an acre Greg, how much of a plan are you gonna have; you know what, I think they should out and __; ___; __; __; I'm sorry to interrupt but my goodness; we're not gonna get into __; I apologize; __ the Town Board doesn't really have a plan like that; the Town Board does not only not have a plan, we don't have a proposal yet; okay; this is an informational hearing, now we will continue, this is gonna remain open, we'll get back to this, we'll set another hearing, this is gonna remain open, we've got your input today so I think at this point in time; very good, thank you; thank you Greg; thank you; I've got one question that I just want to raise for the next meeting; okay lately I've heard a lot of, Lily Hoffman, I've been sitting here and learning a lot but I'm a little confused about what is the access and I'd like to have some presentation, maybe even pictorially, I gather from what Jim Colligan said, we owned some land together with the County; right; I hear that no, the only possible land that we're gonna have is this access, I hear about other land that's unsuitable, we may have acres and acres; we do; I have no idea as a taxpayer, what actual properties we own, also somebody talking about the, one of the people from the Association was

mentioning well maybe we'll buy up more houses, who knows who will ever do this, is there some thought of making the pond itself as sort of parkland area, I have no idea what the land is and what the plan is; I think your idea of having a plan is something that we can entertain for the next meeting and I think we owe it to the public to probably be able; a proposal and a __; to show the various properties and what is looked at you know, I think that's realistic; than you; and it should happen; thank you very much; I think in the terms of a proposal, what is it you're looking for; can I answer that; oh my God; I'm hearing for the first time now, PLT, I hear PLT, what does that mean to me, I don't see anything, I hear money being raised, I don't see anything, ___ here, I mean what are we talking, there's no proposal, Gary said there is no proposal; there's no proposal; there's no written proposal in front of us, we're talking about this but there's no proposal, I need to see a proposal; ___; __; ___; that's what I'm saying; that's why we can't have a vote, it's gotta be, and this has been evolving for us, we all know that, everybody's on the same page but let's keep this hearing open, let's keep the hearing open; can I; so we're gonna hold this hearing open until the Supervisor calls to reconvene the next hearing.

At 6:50 p. m., the Deputy Supervisor declared the public hearing held open, to be reconvened at the call of the Supervisor, and reconvened the recessed public hearing to be held as advertised on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it's gonna be presented to the WMAC Monday meeting at 5:30, Matt Sherman is gonna _, he has photographs; it has to be tabled til next week; so we'll hold it open til the next meeting; yes; one more time, but with all honesty I want to say that we know that we don't know and we know what they want to do and the main problem that the committee had was that they thought that the dock was illegal in some way; there was no permitting, there was no paperwork; there was no paperwork; there is no paperwork, we know that, so what's the committee's problem now, we have evidence of that going back to what 1975 or something like that, probably prior to paperwork being issued; __; they have to meet right; huh; they have to meet right; they do, next week, Monday; they haven't gotten this; correct, that is correct; I'm sorry Amber I can't hear you; they haven't met since they've gotten this information, so now they'll meet with the information; there's not any information to get is there, they got the pictures that he sent two weeks ago, three weeks ago and that's what they've got, the information is there's no new information; okay, I'm not on the WMAC; well neither am I any more, alright but I am on this Board and I've been watching this thing back and forth like a tennis match and I'm wondering do you think they'll be able to come to a decision tomorrow; I don't know; I want it to go to the committee and let them discuss it and maybe they'll come to a decision and they'll come to some decision one way or another, present it to us and then it will come to us and then we'll decide; I'm not before __; let it go through the chain, for crying out loud the chain just keeps getting longer; it's not long; how many months is it, it's months to find out we have no __, I'm just saying okay; how about one or two of us making a phone call, I'll make a phone call to John Needham to find out in fact has he received any information; it hasn't been discussed; it wasn't discussed at a committee meeting, no; it hasn't been discussed since July, it hasn't been because there was missing information, it was discussed in June, I brought the minutes for June, July and August, it was discussed in June, it was tabled because of lack of information, the information wasn't available in July, wasn't available in August and now in September we're gonna figure out whether it's there or not, I'm gonna ask them that question in preparation for Monday's meeting, it's the best we can do so therefore that's where we're at, let's move on.

The Deputy Supervisor declared the public hearing held open at 6:56 p. m., to be reconvened at the next regular meeting, and reconvened the regular Town Board meeting.

On motion of Councilman Colligan and seconded by Councilwoman Brach-Williams, the meeting was adjourned at 6:57 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 18, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 18th day of September, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and five persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 1:45 p. m.

RESOLUTION NO. 445

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the easement agreement between the Town of Shelter Island and SBA.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 1:47 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 28, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 28th day of September, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and nine persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from Anita Greenbaum-Brush, President of the Menantic Peninsula Association, expressing the opinion that the Town Board and committees should be more committed to enforcing laws and regulations, building codes, water use and protection, and short term rentals, also request the repair of Montclair Avenue, make road repair costs part of building permit fees, etc.
2. A letter from Barbara Allen-Lieblein concerning the proposed purchase of the Novak property and the purchase of the 40 North Ferry Road property.
3. An email from K. O'Hagan stating "Repeal the STR law."

The Deputy Supervisor presented the following financial report for the month of August, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
AUGUST 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen. Checking | 3,862,997.72 | 285,631.29 | 808,498.52 | 3,340,130.49 | 783,681.41 |
| Hwy Checking | 745,357.58 | 1,024.65 | 98,380.57 | 648,001.66 | |
| T&AChecking | 618,181.36 | 26,448.86 | 19,945.77 | 624,684.45 | 15,671.72 |

| | | | | | |
|---|---|---|---|---|---|
| T&A Savings | 12,229.12 | 0.31 | 0.00 | 12,229.43 | |
| Hwy Cap Res | 358,882.47 | 20,009.27 | 0 | 378,891.74 | |
| WNW Supply | 67,544.12 | 647.19 | 6,634.97 | 61,556.34 | 111,915.93 |
| Taylor's Island | 43,706.35 | 15.9 | 0 | 43,722.25 | |
| Comm Preserv | 3,792,941.50 | 223,942.31 | 0 | 4,016,883.81 | 5,660,847.55 |
| Waterways | 288,438.59 | 1,775.00 | 0 | 290,213.59 | |
| Reserve Fund | 837,225.27 | 0 | 0 | 837,225.27 | |
| Bridge St Escr | 0 | 0 | 0 | 0 | 359,333.62 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reserv | 20,045.25 | 0 | 0 | 20,045.25 | |
| Ambul Reserv | 356,977.22 | 30.21 | 0 | 357,007.43 | |
| Ambul Train | 29,341.01 | 0.75 | 0 | 29,341.76 | |
| TOTALS | 11,049,617.56 | 559,525.74 | 933,459.83 | 10,675,683.47 | 6,931,450.23 |

Councilman Shepherd read, and Supervisor Gerth presented a PROCLAMATION to Anthony Reiter, Chief of the Shelter Island Fire Department, proclaiming the week of October 7 through 15, 2018 as Fire Prevention Week and urging all people to LOOK, LISTEN, and LEARN concerning fire prevention. (A copy of said proclamation is attached to these minutes.)

RESOLUTION NO. 446

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Robert and Sylvie Fitzpatrick, 4 Bay Avenue, have petitioned the Town of Shelter Island for permission to remove and replace in-place five existing ten inch dock piling; remove existing six foot by twenty foot floating dock, three foot by fourteen wood ramp and two two-pile dolphins, install new three foot by fourteen aluminum ramp and eight foot by twenty-four floating dock and install two new two-pile dolphins in West Neck Creek, now, Therefore

BE IT RESOLVED, That pursuant to Section 53-9 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 19th day of October, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed construction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 447

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", John Slater, 80 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 140 feet east of the Coles C-3323 mooring, and approximately 200 feet south from the second causeway, and further designated as latitude 41.080529° north and longitude 72.301012° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:41 p. m., prevailing time, on the 19th day of October, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 448

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 2018 A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the period October 1, 2018 through December 31, 2018.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 449

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,898.04 from the A1620.476 Buildings computer services account to Microsoft Corporation, One Microsoft Way, Redmond, WA 98052 for additional e-mails for the Town.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 450

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from A1220.491 Supervisor's support contracts account to Records Consultants, Inc., 12829 Wetmore Road, San Antonio, Texas 78247, for the renewal of the fixed asset management inventory software for the period September 24, 2018 though September 23, 2019.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 451

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,113.00 from the A 1220.491 Supervisor contracts account to Williamson Law Book Company, 790 Canning Parkway, Victor, NY 14564 for the accounting budget software support contract for the period October 1, 2018 through September 30, 2019.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 452

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $625.00 from the A1620.476 buildings computer services account to East End Computers, LLC for 5 vulnerability scanning fees for the period September 15, 2018 through September 14, 2019.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 453

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending August 31, 2018 in the amount of $153.81, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $153.81 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 454

Councilwoman Brach-Willliams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That Honorable Helen J. Rosenblum, Justice of the Town of Shelter Island, is hereby authorized and directed to file an application for funds from the State of New York Unified Court System under its Justice Court 2018 Assistance Program, in an amount not

to exceed $30,000, and upon approval of said request, to enter into and execute a project agreement with the State for improvements to the court facility.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 455

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $500.00 to Winthrop Manor LTD, P O Box 3028, Shelter Island Heights, NY 11965, for ten unused parking permits for the year 2018; and the fee of $50.00 to Seven on Shelter, P O Box 561, Shelter Island Heights, NY 11965 for one unused parking permit for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 456

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Resolution No. 274 - 2016, dated June 24, 2016, the Supervisor was authorized to apply for a federal grant of up to $52,118.00 for funding to obtain bus transportation to medical appointments, shopping and outings within Shelter Island to meet the needs of elderly individuals and individuals with disabilities, and

"Whereas", said grant has been approved, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $12,167.00 from the A6777.201 senior center new vehicle account payable to US Bank NA to pay the Town's share for the purchase of said vehicle as per the grant.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 457

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", 6E Hager Road Trust, Daniel and Felicity Siegel, Trustees, have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 6E Hager Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 5.8 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated September 19, 2018 and certifies that the Low-Nitrogen Sanitary System project by 6E Hager Road Trust, Daniel and Felicity Siegel, Trustees, at 6E Hager Road, is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 458

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Dan and Felicity Siegel, 6F Hager Road, have applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 6F Hager Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 7.0 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated September 20, 2018 and certifies that the Low-Nitrogen Sanitary System project by Dan and Felicity Siegel at 6F Hager Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 459

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", James Eklund has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 40 South Ferry Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 12.3 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated September 20, 2018 and certifies that the Low-Nitrogen Sanitary System project by James Eklund at 40 South Ferry Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 460

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", William S. Baldwin of the Great Peconic Race paid a compliance fee of $100.00 for the stand up paddle boat race on September 8, 2018, and

"Whereas", the Superintendent of Highways requests that there be no fees charged and the compliance fee returned, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit to Mr. William S. Baldwin, P. O. Box 3238, Sag Harbor, NY 11963.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 461

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Sylvester Manor Educational Farm paid a compliance fee of $100.00 for the fundraising cocktail party on August 25, 2018, and

"Whereas", the Superintendent of Highways requests that there be no fees charged and the compliance fee returned, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 deposit to the Sylvester Manor Educational Farm, P. O. Box 2029, Shelter Island, NY 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 462

Councilwoman Brach-Willliams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", pursuant to Section 45-4 of the Code of the Town of Shelter Island, the Town Board has determined, pursuant to the Building Inspector's report, that the building located at 169 Ram Island Drive, owned by Dominic Barbara, Jason Barbara, and Elyse Figueiredo, and further designated as Suffolk County Tax Map No. 0700-010-01-020, to be unsafe, does hereby direct the Building Inspector to give notice to be served on the owner as per the requirements of the Unsafe Buildings Law.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 463

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town of Shelter Island has heretofore established a Town of Shelter Island PURCHASING POLICY AND PROCEDURES which was effective on April 1, 2014, and

"Whereas", the last sentence of said policy states as follows: This policy shall go into effect on April 1, 2014 and will be reviewed annually, and

"Whereas", the Town Board has reviewed the aforementioned, and suggested no amendments, now, Therefore

BE IT RESOLVED, That said policy dated April 1, 2014 is hereby approved and adopted for the year 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 464

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the Town Board of the Town Shelter Island wishes to standardize its sick day policy; now, Therefore

BE IT RESOLVED, That the final sentence of Section 18-10(A) of the Town Code which states "Sick days are for personal illness only, except that five sick days per year may be

used for the illness of a spouse, child or anyone else living in the immediate household." is hereby deleted; and

BE IT FURTHER RESOLVED, That the second to last sentence of Section 18-10(B) of the Town Code which states "Sick days are for personal illness only, except that five sick days per year may be used for the illness of a spouse, child or anyone else living in the immediate household." is hereby deleted; and

BE IT FURTHER RESOLVED**,** That the second sentence of Section 18-10(B) of the Town Code which states "All employees hired on or after January 1, 2012, will be entitled to 15 paid sick days per year, accumulated 1.25 days per month." is deleted; and

BE IT FURTHER RESOLVED, That a new section C is added to Section 18-10 of the Town Code stating "Sick days are for personal illness only, except that five sick days per year may be used for the illness of a spouse, child or anyone else living in the immediate household."

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 465

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the Joint Funding Agreement for Water Resources Investigations Amendment No. 2 between the Town of Shelter Island and the U. S. Geological Survey for the period October 1, 2015 to September 30, 2019; said amendment is to add funding in the amount of $10,000.00 to be contributed by the Town for analysis of the Delineation of the Saltwater-Freshwater Interface for Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 466

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute any and all necessary documents and payments to effectuate the purchase by the Town, the property located at 40 North Ferry Road, for a total amount not to exceed $621,000.00, to be paid from the A8660.400 acquisition of real property account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 467

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:48 p. m., prevailing time, on the 19th day of October, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed renewal of the Cablevision franchise for a period of five years.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 468

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a pubic hearing to be held at 4:45 p. m., prevailing time, on the 19th day of October, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled amend Chapter 133, Zoning, of the Code of the Town of Shelter Island re: ADVERTISEMENT DAYS CHANGED FROM 10 DAYS TO 30 DAYS FOR ZONING BOARD OF APPEALS PUBLIC HEARINGS, as follows:

Section 1. Amend Section 133-34 B. to increase the time required that a notice be published in the official newspaper from at least 10 days to at least 30 days prior to the hearing, to read as follows: except notices for Zoning Board of Appeals variances shall give notice in the official newspaper at least 30 days prior to the hearing.

Section 2. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 469

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Town of Shelter Island is a member of the Suffolk County Community Development Consortium, and

"Whereas", the Town of Shelter Island expects to receive approximately $13,570.00 in Federal Community Development Block Grant funds in 2018, now, Therefore

BE IT RESOLVED, That a public hearing will be held on the 19th day of October, 2018, at 4:50 p. m., prevailing time, in the Shelter Island Town Hall, Shelter Island, New York, for all interested residents to express citizen views on local needs to be met with these funds.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 470

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Police Department has received funds from the U.S. Department of Justice for ballistic vests in the amount of $577.92, and

"Whereas", the Town of Shelter Island has received a very generous donation from Mr. Timothy Hogue in the amount of $15,000.00 to be used toward the purchase of a cold box unit for storage of deer meat, and

"Whereas", receipt of these funds was unknown at budget time, now, Therefore

BE IT RESOLVED, That the following 2018 budget revisions are hereby approved:

$577.92 increase to the 2018 A4389 Federal Reimbursement/Public Safety revenue account, to be funded by the sum received from the Department of Justice, and

$15,000.00 increase to the 2018 A2705S Seabox Donations revenue account, to be funded by the very generous donation from Mr. Hogue, and

$577.92 increase to the 2018 A3120.487 Police Department uniform allowances expense account, and

$15,000.00 increase to the 2018 A3510.265 Animal Control Officer appliances equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 471

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:

$2,500.00 from the A1490.410 Public Works grounds maintenance account to the A1490.416 Public Works mower repairs account;

$11,968.00 from the A1990.400 Contingent account to the A3510.265 Animal Control Officer appliances equipment account;

$157.00 from the A3120.277 Police Department office equipment account to the A3120.278 Police Department first aid and safety equipment account;

$1,008.00 from the A3120.483 Police Department telephone account to the A3120.120 Police Department TCO personal services account;

$25.00 from the A3120.490 Police Department DARE training account to the A3120.484 Police Department office and miscellaneous account;

$2,120.00 from the A3120.491 Police Department contracts account, and

$2,000.00 from the A3150.100 Jail personal services account to the A3120.121 Police Department bay constables personal services account;

$1,500.00 from the A3510.200 Animal Control Officer equipment account to the A3510.265 Animal Control Officer appliances equipment account;

$1,067.96 from the A3510.495 Animal Control Officer advertising account to the A3510.484 ACO office and miscellaneous account;

$3,000.00 from the A8160.433 Landfill solid waste carting fees account and dispersed as follows:
$2,000.00 to the A1490.420 Public Works signs and signals account, and
$1,000.00 to the A5010.400 Superintendent of Highways personal services account;
$1,200.00 from the A6776.422 Silver Circle food account and dispersed as follows:
$1,000.00 to the A6776.445 Silver Circle utilities account, and
$200.00 to the A6776.484 Silver Circle office and miscellaneous account;
$1,000.00 from the A8160.437 Landfill contingency account to the A8160.127 Landfill overtime account;
$311.00 from the A8160.442 Landfill purchase of bags account to the A5010.440 Superintendent of Highways training account;
$30,000.00 from the A9015.800 Police retirement account to the A3120.110 Police Department regular overtime account;
$500.00 from the B8010.485 Zoning Officer car maintenance account to the B8010.484 Zoning Officer office and miscellaneous account;
$3,100.00 from the DB5110.445 Highway repair & improvements account,
$1,000.00 from the DB5110.479 Highway Repair surveys account, and
$4,260.00 from the DB5110.482 Highway Repair MS4 maintenance account to the DB5110.441 Highway Repair fuel account; and

BE IT FURTHER RESOLVED, That the following 2018 budget modification is hereby approved:
$621,000.00 from the Capital Improvements & Equipment Reserve Fund to the A8660.400 Acquisition of Real Property expense account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 472

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That general claims numbered 1567 through 1702 in the amount of $170,689.16, highway claims numbered 174 through 193 in the amount of $26,934.58, and West Neck Water claims numbered 30 through 34 in the amount of $6,146.67 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:55 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of David and Theresa Denara, 23 Great Circle Drive, for permission to install a mooring in Coecles Harbor at a location near the Stone Wall and further designated as 41.085742° north and 72.313028° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: by a vote of four, zero, one, and that one abstension was from the person that was doing the actual installation of that mooring so he abstained from that vote, four, zero, one vote, no problem.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:56 p. m. and called to order the public hearing to be held as advertised on the application of William A. Ryan, 11 Crab Creek Road, for permission to install a stake, mooring and pulley system off the Town landing at East Brander Parkway; said location further identified as 41.04805° north and 72.354183° west; said location was formerly occupied by the W-1856 Sainsbury stake, mooring and pulley system.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: after a little bit of confusion on the number of that mooring, we finally staked it all out and by a vote of five, zero, zero, it was a vote to approve that mooring for Mr. Ryan at that location.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:57 p. m. and called to order the public hearing to be held as advertised on the application of Camille Anglin, 188 North Ferry Road, for permission to reconstruct within 18" and raise the elevation by 6", 42' of timber bulkhead utilizing vinyl sheathing, reconstruct within 18" and raise the elevation by 6", 31' of concrete bulkhead and to backfill the structure with approximately 15 cubic yards of clean sand to be trucked in from an upland source, and reconstruct existing 8.5' by 70' dock.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: all good, the WMAC approved this application four, zero, one, obviously one personally is involved abstaining from the application; it's a fifty year old bulkhead, in place, in kind and it was, it is long overdue and they're looking forward to replacing that bulkhead and it's an excellent choice of materials and location so actually it's a little stimulus to take a look at Volunteer Park so hopefully we'll be able to continue Mr. Anglin's bulkhead right through Volunteer Park and be able to secure that whole area so we're appreciative that it called attention to that area because our bulkhead there is in bad shape.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: one correction, it's not my bulkhead, it's my wife's; __; I'm sure; let her pay for it and as Jim said, it is fifty years old and it is in dire need of help, we've patched as much as we possibly can; is this continuous with ours as far as the; yes, right next to it; any returns or anything at the termination of yours, you know what I mean, on the line; not returns, well there's gonna be an eighteen inch return certainly, Jay and my contractor took a look at what's going on there and he's gonna cash in and make sure that; right; your bulkhead and my bulkhead don't fold; right; and they meet; the application is actually from Camille so let the record show that.

The Deputy Supervisor declared the public hearing closed at 5:00 p. m. and called to order the public hearing to be held as advertised on the proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Dot this is the standard thing that's done; this is done every year; this is done every year so it's nothing new, I don't want the people if they hear tax override think that this is something special, it's for 2019, the same thing we do every year; yes.

The Deputy Supervisor declared the public hearing closed at 5:03 p. m. and called to order the public hearing to be held as advertised on the application of Charles Gulluscio, 20 Manwaring Road, for permission to amend condition number "13" of a Town Board Resolution dated April 4, 2003, which presently reads as follows: 13. There shall be no outside storage nor overnight parking of vehicles in the self-storage facility, except for the adjacent nursery property operation; said requested amendment is as follows: It is requested that overnight parking of such vehicles be permitted in front of the unit being accessed; and also that permission be granted to permit the Petitioner to park not more than two (2) small trucks (not to exceed the size of vans) to the north of the easternmost storage building.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I guess number 13 in the resolution just states there shall be no outside storage nor overnight parking of vehicles in the self storage facility except for the

adjacent nursery property operation; yeah and I think that's important because of emergencies and fire or anything else if you have to have access to the roads and God forbid there was some type of an emergency down there, you'd have to be able to get vehicles through; didn't they ask that this be moved to the next; yes; alright so, isn't that what we should do; we will, we'll recess to the next meeting; but I mean is it appropriate to be discussing it without their representation; we perfectly have the right to do so but we may have to go back over it once they are in here so I'm not sure it's worthwhile; so let's leave it open; we'll recess this hearing then; that was the plan.

The Deputy Supervisor declared the public hearing recessed at 5:04 p. m., to be reconvened at the next Town Board meeting on October 19, 2018, and called to order the public hearing to be held as advertised on the proposed Local Law entitled a Local Law to amend Chapter 26 of the Town Code concerning appearance tickets.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 5:06 p. m. and reconvened the recessed public hearing on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

Correspondence included the following:

1. A report from Sherman Engineering explaining the whole set up going back to 1973.

Councilman Dickson reported that this application is on the agenda for the WMAC to discuss on Monday and Matt had indicated that Sam Case who had done the initial wiring for the house and the dock has been briefed and he is going to be there in conjunction with Matt's report.

The Deputy Supervisor recessed this public hearing at 5:10 p. m., to be reconvened at the next Town Board meeting on October 19, 2018, and reconvened the recessed public hearing on the application for a cell tower for the Shelter Island Fire District at the 48 Cobbett's Lane firehouse.

Correspondence included the following:

1. The supplemental RF Report concerning the proposed communication facility from Verizon.
2. A letter from John Coughlin concerning the public hearing held on June 1, 2018.
3. A from Quan Tat concerning the noise and noise impacts.
4. A letter from Vera Chaplin and Nick Vatakis supporting Mr. and Mrs. Harms' views concerning the noise level.
5. An e-mail from John Coughlin containing a revised design that further mitigates the sound levels emanating from the proposed equipment.
6. Two letters from Frank Isler concerning the sound barrier.
7. A letter from Frank Isler requesting the reconvening of the public hearing be held off until the next regular meeting of the Board.

The Deputy Supervisor declared the public hearing recessed at 5:15 p. m., to be reconvened at the next Town Board meeting on October 19, 2018, and reconvened the regular Town Board meeting.

RESOLUTION NO. 473

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", David and Theresa Denara, 23 Great Circle Drive, have petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location near the Stone Wall and further designated as 41.085742° north and 72.313028° west, and

"Whereas", a public hearing was duly held on the 28th day of September, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 474

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", William A. Ryan, 11 Crab Creek Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system off the Town landing at East Brander Parkway; said location further identified as 41.04805° north and 72.354183° west; said location was formerly occupied by the W-1856 Sainsbury stake, mooring and pulley system, and

"Whereas", a public hearing was duly held on the 28th day of September, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 475

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Camille Anglin, 188 North Ferry Road, has petitioned the Town of Shelter Island for permission to reconstruct within 18" and raise the elevation by 6", 42' of timber bulkhead utilizing vinyl sheathing, reconstruct within 18" and raise the elevation by 6", 31' of concrete bulkhead and to backfill the structure with approximately 15 cubic yards of clean sand to be trucked in from an upland source, and reconstruct existing 8.5' by 70' dock, and

"Whereas", a public hearing was duly held on the 28th day of September, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock and bulkhead reconstruction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 476

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a public hearing was duly held on the 28th day of September, 2018, on a proposed LOCAL LAW ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, and

"Whereas:, all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That LOCAL LAW No. 9 - 2018 ENTITLED OVERRIDE OF THE TAX LEVY LIMIT, is hereby adopted, to wit:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Shelter Island, County of Suffolk, pursuant to General Municipal Law § 3-c, and to allow the Town of Shelter Island, County of Suffolk to adopt a Town budget for (a) Town purposes (b) fire protection districts and (c) any other special or improvement district governed by the Town Board for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Shelter Island, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the limit specified in General Municipal Law, §3-c.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 477

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 28th day of September, 2018, on a proposed Local Law entitled a Local Law to amend Chapter 26 of the Town Code concerning appearance tickets, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 10 - 2018 entitled a Local Law to amend Chapter 26 of the Town Code concerning appearance tickets, is hereby adopted, to wit:

SECTION 1. Section 26-2(D) shall be amended by substituting the word Animal for the word Dog;

Section 26-2(F) shall be added to read as follows: (F) Fire Marshal; and

Section 26-2(G) shall be added to read as follows: (G) Town Attorney or Assistant Town Attorney.

SECTION 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 478

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", 6 Daniel Lord Road, LLC, Ursula Dobson, 6 Daniel Lord Road, has petitioned the Town of Shelter Island for permission to remove existing fixed dock completely, construct a new dock in-place to match existing one removed using Sure Step open grate decking, install a 4' x 5' platform with a 3' x 12' seasonal aluminum ramp onto a 4' x 16' seasonal floating dock on the south side and anchored by two 8" diameter piling, install a 3' x 12' seasonal aluminum ramp onto a 5' x 27' seasonal floating dock in an "L" configuration at north end side secured by four 8" diameter piling, in West Neck Creek, and

"Whereas", a public hearing was duly held on the 23rd day of March, 2018, and continued on September 28, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed dock:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned construction as per specifications filed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Brach-Williams and seconded by Councilman Colligan, the meeting was adjourned at 5:25 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 2, 2018

A special meeting of the Town Board of the Town of Shelter Island for budget purposes was held in the Shelter Island Town Hall, Shelter Island, New York on the 2nd day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Willliams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and six persons were also present.

October 2, 2018 - continued

The Supervisor called the special meeting to order at 1:00 p. m.

Salute to flag.

The Town Clerk presented the tentative 2019 Town budget to the Town Board members.

At 1:07 p. m., Councilwoman Brach-Williams moved and Councilman Colligan seconded to recess this special meeting until 9:00 a. m. on Friday, October 5, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 5, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 5th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Willliams. Town Clerk Dorothy S. Ogar, seven department heads and one person were also present.

The Supervisor reconvened the special meeting at 9:14 a. m.

The Board discussed many of the proposed budgets with the attending department heads and made adjustments.

At 12:18 p. m., Councilman Colligan moved and Councilman Shepherd seconded to recess said special meeting and reconvene at 2:00 p. m. This motion was carried.

At 2:03 p. m., the Supervisor reconvened the special meeting.

The Board discussed many of the proposed budgets with the attending department heads and made adjustments.

At 3:40 p. m., Councilman Shepherd moved and Councilman Dickson seconded to recess this special meeting until 1:00 p. m. on Tuesday, October 9th, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 9, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 9th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Willliams. Town Clerk Dorothy S. Ogar and five persons were also present.

The Supervisor reconvened the special meeting at 1:04 p. m.

The Board discussed many of the proposed budgets.

October 9, 2018 - continued

At 2:57 p. m., Councilman Colligan moved and Councilman Dickson seconded to recess this special meeting until 9:00 a. m. on Thursday, October 11th, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 10, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 10th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and four persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 2:41 p. m.

RESOLUTION NO. 479

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", New York State has mandated that all municipalities review and update their policy on sexual harassment to comply with State requirements, and

"Whereas", Shelter Island has prepared a new policy specifically adapted to the State guidelines, now, Therefore

BE IT RESOLVED, That the Town of Shelter Island hereby adopted the following Policy Against Workplace Sexual Harassment:

**POLICY AGAINST WORKPLACE SEXUAL HARASSMENT**

The Town of Shelter Island is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, interns, non-employees (as defined below) and other persons conducting business with the Town have a legal right to a workplace that is free from sexual harassment.

The Town is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see the Town's "Policy Against Discrimination."

**Policy**

This Policy applies to all employees, applicants for employment, interns, non-employees (see definition below), and other persons conducting business with the Town, regardless of immigration status, ("covered individuals") with respect to conduct by other persons.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include volunteers, temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the Town.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the Town's policies, unlawful, and may subject the Town to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the Town will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

## What is "Sexual Harassment?"

Sexual harassment is a form of sex discrimination and is unlawful pursuant to federal, State and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

– the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

– the conduct is made either explicitly or implicitly a term or condition of employment; or

– submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "*quid pro quo"* harassment.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

## Examples of Sexual Harassment

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

Physical acts of a sexual nature including:

Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and

Rape, sexual battery, molestation or attempts to commit these assaults.

Unwanted sexual advances or propositions including:

Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and

Subtle or obvious pressure for unwelcome sexual activities.

Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.

Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

Sexual or discriminatory displays or publications anywhere in the workplace including:

Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.

Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:

Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;

Sabotaging a person's work; and

Bullying, yelling or name-calling.

## Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers

can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

**Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

**Retaliation is Prohibited**

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Town will be implemented.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to Federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has, in good faith:

made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;

opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

reported that another employee has been sexually harassed; or

encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to his/her Department Head. If the complaint involves or the individual is hesitant to report to his/her Department Head, the individual should report the conduct to the Town Attorney. If the complaint involves or the individual is hesitant to report to the Town Attorney, the individual is encouraged to report the behavior to the Town Supervisor or Deputy Supervisor. If the complaint involves or the individual is hesitant to report to the Town Supervisor or Deputy Supervisor, the individual is encouraged to report the behavior to the Town Board.

Contact information for these individuals can be found on the Town's website: www.shelterislandtown.us/contactus.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections."

**Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The Town cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to his/her Department Head. If the complaint involves or the individual is hesitant to report to his/her Department Head, the behavior should be reported to the Town Attorney. If the complaint involves or the individual is hesitant to report to the Town Attorney, the individual is encouraged to report the behavior to the Town Supervisor or Deputy Supervisor. If the complaint involves or the individual is hesitant to report to the Town Supervisor or Deputy Supervisor, the individual is encouraged to report the behavior to the Town Board.

Contact information for these individuals can be found on the Town's website: www.shelterislandtown.us/contactus.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections."

**Supervisory Responsibilities**

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is **required** to report that suspected sexual harassment to the Town Attorney, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Town Attorney, the supervisor/manager must report the suspected sexual harassment to the Town Supervisor or Deputy Supervisor. If the complaint or information involves the Town Supervisor or Deputy Supervisor, the supervisor/manager must report the suspected sexual harassment to the Town Board.

Contact information for these individuals can be found on the Town's website: www.shelterislandtown.us/contactus.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

**Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The Town will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

The Town Attorney, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.

Upon receipt of a complaint or report of suspected sexual harassment, the Town Attorney, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Town Attorney, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Town Attorney, or designee, will prepare a complaint form based on the oral reporting.

If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the Town will take steps to obtain and preserve them.

The Town Attorney, or designee, will request and review all relevant documents, including all electronic communications.

The Town Attorney, or designee, will interview all parties involved, including any relevant witnesses.

All records of the investigation will be maintained in a secure and confidential location.

The Town Attorney, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.

The Town Attorney, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.

**Corrective Action**

Any person, including covered individuals of every level who, upon an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment).

If the sexual harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the Town and the non-employee or other individual.

**Confidentiality**

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the Town to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

**Bad Faith Claims**

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Town may be taken against that person, subject to any statutory or contractual limitations.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town, but it is also prohibited by State, Federal and (where applicable) local law. Aside from the internal process at the Town, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

**New York State Human Rights Law (HRL)**

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the Town does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

The DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Suffolk County Office is: State Office Building, 250 Veterans Memorial Highway, Suite 2B-49, Hauppauge, New York 11788, 631-952-6434, www.dhr.ny.gov. Individuals can contact the DHR at 888-392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

**Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces Federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42

U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in Federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in Federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Suffolk County may file complaints of sexual harassment with the Suffolk County Human Rights Commission at: H. Lee Dennison Building, 100 Veterans Memorial Hwy, Third Floor, Hauppauge, NY 11788, (631) 853-5480.

## Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

## Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The Town will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

**We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.**

## SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your Department Head. If your complaint involves or you are hesitant to submit this form to your Department Head, you should submit the form to the Town Attorney. If your complaint involves or you are hesitant to submit this form to the Town Attorney, you should submit this form to the Town Supervisor or Deputy Supervisor. If your complaint involves or you are hesitant to submit this form to the Town Supervisor or Deputy Supervisor, you should submit this form to the Town Board. Contact information for these individuals can be found on the Town's website: www.shelterislandtown.us/contactus. This form can be submitted by e-mail or hand-delivery. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the Town will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

**For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace**

### COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

### SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

### COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____
Relationship to you:
Supervisor Subordinate Co-Worker Other
2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.
_____
_____
_____
_____
_____
3. Date(s) sexual harassment occurred: _____
Is the sexual harassment continuing?
Yes No
4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:
_____
_____
_____
*The last question is optional, but may help the investigation.*
5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?
_____
_____
_____
If you retained legal counsel and would like us to work with them, please provide their contact information. _____
_____
_____
*I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.*
*Signature:* _____ *Date:* _____

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 480

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Suffolk County Department of Civil Service established List #15-5002-240 Police Officer OC on December 24, 2015, and

"Whereas", extensive background investigators and personal interviews were conducted by the Suffolk County and Shelter Island Town Police Departments to establish two (2) individuals eligible for hire by the Shelter Island Town Police Department, now, Therefore

BE IT RESOLVED, That effective October 15, 2018, Sean R. Clark is hereby appointed to the position of Full Time Police Officer, and

BE IT FURTHER RESOLVED, That Sean R. Clark will be placed on a leave of absence until the commencement of the next scheduled recruit police officer training session at the Suffolk County Police Academy to occur AFTER January 25, 2019, at which time he will have completed his active duty military commitment; on that day, the above named individual will become a Probationary Police Officer of the Shelter Island Town Police Department as long as he still meets the requirements for employment.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 481

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Jenny Landey Productions, 207 Three Mile Harbor H C Road, East Hampton, New York 11937, has requested a filming permit for October 19 and 20, 2018, for filming at 52 Peconic Avenue, and

"Whereas", the filming crew consists of 12 persons, 3 cube trucks and 1 car, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Filming Law states that filming is only permitted Monday through Friday, and October 20, 2018 falls on a Saturday, and

"Whereas", the Highway Department has responded that there must not be any obstructions on the road or walkways during the filming and all garbage must be picked up in the area, and

"Whereas", the Police Department is recommending that the majority of the vehicles should be parked on the location property (52 Peconic Avenue), especially large commercial type vehicles, and that vehicles parked off of location property (if any) on the public roadway should be parked on the shoulder of the road, in the direction of travel, and should not obstruct normal roadway usage, now, Therefore

BE IT RESOLVED, That the Town Board does hereby waive the requirement that filming is only permitted Monday through Friday, therefore allowing said filming to take place on Saturday October 20, 2018, and also on Friday, October 19, 2018, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to issue the aforementioned filming permit upon receipt of the following fees:

| | |
|---|---|
| Major filming application fee | $500.00 |
| Two days filming fees $600 per day | $1,200.00, and |
| Clean up deposit | $1,000.00. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 482

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That James J. Read, III is hereby appointed to serve as full time probationary Police Officer effective October 15, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilwoman Brach-Williams, the special meeting was adjourned at 2:57 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 11, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 11th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Willliams. Town Clerk Dorothy S. Ogar and eleven persons were also present.

The Supervisor reconvened the special meeting to order at 9:08 a. m.

The Board discussed many of the proposed budgets.

At 12:12 p. m., Councilman Colligan moved and Councilwoman Brach-Williams seconded to recess this special meeting until 10:45 a. m. on Friday, October 12th, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 12, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on 12th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, and James T. Colligan , and Councilwoman Amber Brach-Williams. Councilman Albert Dickson was absent. Town Clerk Dorothy S. Ogar and five persons were also present.

The Supervisor reconvened the special meeting to order at 10:47 a. m.

The Board discussed many of the proposed budgets.

At 11:52 a. m., Councilman Colligan moved and Councilman Shepherd seconded to recess this special meeting until 9:00 a. m. on Wednesday, October 17th, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 17, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on 17th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar and four persons were also present.

The Supervisor reconvened the special meeting to order at 9:13 a. m.

The Board discussed many of the proposed budgets.

At 12:27 p. m., Councilman Colligan moved and Councilman Shepherd seconded to recess this special meeting until 9:00 a. m. on Thursday, October 18th, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 18, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on 18th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar and four persons were also present.

The Supervisor reconvened the special meeting at 9:02 a. m.

At 10:49 a. m., the Supervisor moved and Councilman Dickson seconded to recess the special meeting for five minutes. This motion was carried.

The Supervisor reconvened the special meeting at 10:57 a. m.

At 11:55 a. m., the Supervisor moved and Councilman Colligan seconded to recess the special meeting until 1 p. m. This motion was carried.

October 18, 2018 - continued

The Supervisor reconvened the special meeting at 1:03 p. m.

The Board discussed many of the proposed budgets.

At 1:45 p. m., Councilman Colligan moved and Councilman Shepherd seconded to recess this special meeting until 9:00 a. m. on Monday, October 22, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 19, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 19th day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and nineteen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter from the Village of Dering Harbor stating that on September 8, 2018, the Village has passed a resolution changing the name of Shore Road to Harbor Lane due to the confusion and safety issues caused by having multiple Shore Roads on Shelter Island; said change is effective October 1, 2018.
2. A letter from Angela Van Rynbach resigning as a member of the Town's Green Options Committee.
3. The Supervisor amended the list of appointments of Town Officials to serve as Liaison for the specified standing Committees and Boards for the year 2018, to add Councilman Dickson as follows: Community Preservation Fund Advisory Board to be Supervisor Gerth and Councilman Albert Dickson.

RESOLUTION NO. 483

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Robert A. Fagen, 1 Tarkettle Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in Dickerson Creek at a location designated as latitude 41.054155° north and longitude 72.339500° west, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:40 p. m., prevailing time, on the 9th day of November, 2018 in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 484

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Andrew and Ashley Cole, 78 South Ram Island Drive, have petitioned the Town of Shelter Island for permission to install a mooring in Shanty Bay of Coecles Harbor at latitude 41.073582° north and longitude 72.280733° west; said mooring location was formerly occupied by the C2587 Liddle mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:41 p. m., prevailing time, on the 9th day of November,

2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 485

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Aimee Mareneck, 4 Lord's Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08790° north and longitude 72.34537° west; said mooring location was formerly occupied by the D-3170 Bailey mooring, now, Therefore

BE IT RESOLVED, That pursuant to Section 90-5 of the Code of the Town of Shelter Island, a public hearing will be held at 4:42 p. m., prevailing time, on the 9th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 486

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from the The Nature Conservancy in the amount of $1,800.00 as follows: $369.00 to the A3510.491 Animal Control Officer's 4 poster maintenance account, and $1,431.00 to the A3510.422 corn account; and the funds reimbursed from Cook Maran Associates, Inc. in the amount of $1,847.17 to the A4540.485 Ambulance vehicle repairs account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 487

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the work session of the Town Board scheduled to be held on October 23, 2018, is hereby canceled due to the Army Corps of Engineers meeting with the Town Board and others concerning the refurbishment of Reel Point on said date.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 488

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,241.60 to the Postmaster from the 2018 A1330.414 Receiver of Taxes postage account for the purchase of stamps.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 489

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Mary Ellen Adipietro, Louise Clark, Betty Fogarty, Gina Kraus, Linda Kraus, Lisa Shaw, Linda Springer, Julie O'Neill-Bliss, and Ginny Springer have requested permission to hold the Shelter Island 5K Run/Walk on Shelter Island on Saturday, October 20, 2018, at 11:00 a. m., and

"Whereas", the application fee of $100.00 and the compliance fee of $100.00 have been submitted, and

"Whereas", said application has been referred to the Police Department and Highway Department for recommendations, and

"Whereas", the Police Department is prepared to assist with the event as they have done in the past, and

"Whereas", the Highway Department reported that as in the past, the Highway Department will coordinate any details with the racing committee; if there are any markings on the street, it must be washable, and any signage removed immediately after the race, and

"Whereas", pursuant to Section 33-2 B (2), the Town Board has determined that the proposed 5K Run/Walk will benefit the Town, and no fees will be required for Police and Highway costs associated with the event, now, Therefore

BE IT RESOLVED, That said request is hereby approved subject to the following recommendations of the Highway Department: if there are any markings on the street, it must be washable, and any signage removed immediately after the race.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 490

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Sylvester Manor Educational Farm has requested permission to hold a fall festival at 21 Manwaring Road on October 27, 2018 from 12 to 3 p. m., and

"Whereas", the application fee and rush fee of $200.00 and the compliance fee of $100.00 have been submitted, and

"Whereas", said application has been referred to the Police Department and Highway Department for recommendations, and

"Whereas", the Police Department stated there is no need for police services, but would like to receive a copy of the NYS liquor license, and

"Whereas", the Highway Department reported that there are no problems with the application, now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 491

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", sealed bids were received by the Town Clerk's Office until 3:00 p. m. on the 12th day of October, 2018 to remove and replace an old clean burn waste oil burner located in the Shelter Island Highway Department, at which time they were publicly opened and read aloud as follows:

| | |
|---|---|
| Best Climate Control | $48,890.00 |
| Heating Alternatives, Inc. | $17,950.00, and |

"Whereas", the Commissioner of Public Works and the Town Board have reviewed the proposals, now, Therefore

BE IT RESOLVED, That the Bid for said oil burner replacement is hereby awarded to Heating Alternatives, Inc. for the sum of $17,950.00; the fee for same to be paid from the A1490.414 Public Works Town Hall and other buildings account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 492

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Barbara Jean Ianfolla, 20B Winthrop Road, paid two compliance fees of $100.00 each for a pre-wedding rehearsal barbecue at Wade's Beach on October 12, 2018, and a wedding reception at 20B Winthrop Road on October 13, 2018, and

"Whereas", the Superintendent of Highways has determined that no portion of said fees was to be retained by the Town, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $200.00 compliance fees to Barbara Jean Ianfolla, P. O. Box 797, Shelter Island Heights, New York 11965.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 493

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", pursuant to Town Board resolution dated November 16, 2016, the Town Board authorized the issuance of a wetlands permit to Mr. Ralph Whipple to reconstruct an existing house with a small addition for the premises located at 20 Thompson Road and zoned A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-024-01-019, and

"Whereas", Sherman Engineering has requested a one year permit extension in accordance with Town Code Section 129-4.I, now, Therefore

BE IT RESOLVED, That the Town Board hereby extends Wetlands Permit No. 0133, dated November 21, 2016, expiration date November 21, 2018, for one additional year, to expire on November 21, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 494

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby adopts the following Off Site Well Procedure Policy, to wit:

Off Site Well Procedure

1. Property owner develops a problem supplying water to their site.
2. Property owner engages a NYSDEC licensed well driller who determines well cannot be located on their property due to insufficient distances to contamination sources or poor water quality and should be located off site.
3 Property owner engages NYS licensed design professional to work with well driller (and Highway Superintendent or Commissioner of Public Works if well is to be on Town property) to identify a prospective well location and show on a site plan that depicts all required well, septic and other clearances to proposed well location.
4. Design professional obtains written consent of owner of property where well will be located. If the consenting owner is the Town, approval will come from the Superintendent of Highways/Commissioner of Public Works requires the submission of the Engineer's Report and site Plan and may entail conditions such as flow monitoring and controls, a prohibition on irrigation, or a requirement of a hydropneumatic tank. This will be only permission to use the land and will not be an evaluation or permit for the well itself.
5. Design professional files for proposed well location with Health Department using site plan and permission to site well on another property. The Town is to be copied on all submissions to and responses with the SCDHS.
6. Health Department through variance process approves location and design professional arranges for deed covenants (or a license in the case of the Town) and/or utility access agreements reflecting that the well for the property is located off site.
7. Health Department approval copies go to Town, design professional, applicant and NYSDEC licensed well driller.
8. If well location is on Town property, the well driller must obtain a license (again only for use of land; issued by the Highway Superintendent or Commissioner of Public Works and, if necessary, require conditions). A road opening permit from the Highway Superintendent will be necessary to use any portion of the adjacent right of way, and a letter of permission will be required from the Commissioner of Public Works to use any other Town property. Well driller must also file the well location with the well registry (to be created or appended to septic registry) so Town can maintain a record of well location.
9. Well driller installs well and performs or coordinates all required work (including testing) for submission to Health Department and their approval.
10. Close out documents are submitted to Town Building Department.
11. Subsequent repairs and maintenance will require another street opening permit.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 495

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the Agreement between the Town of Shelter Island and the U. S. Geological Survey for the year 2019; for the ground-level monitoring program in the amount of $24,250.00 for Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 496

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", 13 Shelter Island Associates, LLC (Alix Shearer) has petitioned the Town of Shelter Island for a wetlands permit to demolish an existing two-story dwelling and construct approximately 16 feet farther landward a new two-story dwelling with attached porches, decks, garden area, garage, and outdoor shower; construct a 10 foot by 30 foot saltwater swimming pool with automatic cover and surround pool patio, install pool enclosure fencing, pool equipment, and pool drywell, install an 8,000 gallon cistern for pool fill; and install a drainage system of leaders, gutters, and drywells, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 9th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 497

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Okan Azmak, 1 Simpson Avenue, has petitioned the Town of Shelter Island for a wetlands permit to remove 609 square feet of sand based pavers within adjacent regulated area and replace with concrete patio to include stormwater collection and recharge system, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:47 p. m., prevailing time, on the 9th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 498

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", on August 17, 2018, pursuant to voucher number 1458, a check in the amount of $5,531.28 was authorized to be paid to Waste Zero, Inc. for the purchase of Town garbage bags, and

"Whereas", Waste Zero, Inc. has issued a credit of $439.60, now, Therefore

BE IT RESOLVED, That voucher number 1458, approved for payment on August 17, 2018 in the amount of $5,531.28, is hereby amended to be issued to Waste Zero, Inc., in the amount of $5,091.68, and

BE IT FURTHER RESOLVED, That Resolution number 411, dated August 17, 2018, authorizing the payment of claims, is hereby amended to read as follows:

BE IT RESOLVED, That general claims numbered 1315 through 1460 in the amount of $273,800.97, highway claims numbered 148 through 163 in the amount of $13,682.42, and West Neck Water claims numbered 23 through 27 in the amount of $6,634.97 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 499

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$5,750.00 from the A1355.102 Assessor personal services account and dispersed as follows:
$750.00 to the A1355.105 Assessors clerk overtime personal services account, and
$5,000.00 to the A1355.106 Assessors clerk stipend personal services account;
$4,300.00 from the A1490.124 Public Works interns personal services account and dispersed as follows:
$300.00 to the A1490.200 Public Works equipment account,
$2,000.00 to the A1490.409 Public Works parks and beaches account, and
$2,000.00 to the A1490.416 Public Works mowers account;
$2,085.00 from the A1990.400 Contingent account and dispersed as follows:
$85.00 to the A1930.400 Judgments & Claims account, and
$2,000.00 to the A1490.499 Public Works Bridge Street restroom account;
$621.00 from the A3120.274 Police Department radio equipment account,
$500.00 from the A3120.277 Police Department office equipment account, and
$500.00 from the A3120.288 Police Department dive team equipment account to the A3120.484 Police Department office and miscellaneous account;
$27.00 from the A3120.277 Police Department office equipment account, and
$101.00 from the A3120.480 Police Department radio contract account to the A3120.278 Police Department first aid and safety equipment account;
$2,500.00 from the A3120.479 Police Department boat maintenance account, and
$1,450.00 from the A3120.491 Police Department contracts account to the A3120.121 Police Department bay constables personal services account;
$122.00 from the A3120.483 Police Department telephones account to the A3120.120 Police Department TCO personal services account;
$1,000.00 from the A4540.428 Ambulance communications account to the A4540.478 Ambulance medical supplies account;
$8,580.50 from the A8160.103 Landfill seasonal personal services account to the A8160.119 Landfill part time personal services account;
$1,000.00 from the A8160.106 Landfill hazmat personal services account, and
$2,000.00 from the A8160.108 Landfill hazmat personal services account to the A8160.127 Landfill over time personal services account;
$1,000.00 from the A8160.442 Landfill purchase of bags account to the A8160.484 Landfill office and miscellaneous account;
$4,820.00 from the B1990.400 Part Town Contingent account and dispersed as follows:
$200.00 to the B3620.484 Building Inspectors office and miscellaneous account, and
$4,620.00 to a new B8012.497 Zoning Board of Appeals professional services account;
$20,000.00 from the DA5130.246 Highway Machinery equipment account to the A1490.414 Public Works Town Hall and other buildings account;
$2,000.00 from the DA5140.168 Highway Brush & Weeds double time personal services account to the DA5140.167 Highway Brush & Weeds over time personal services account; and

BE IT FURTHER RESOLVED, That the following 2018 budget modification is hereby approved:
$1,365.00 from the Ambulance Training Capital Reserve account to the A4540.492 Ambulance travel and meetings expense account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 500

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That general claims numbered 1703 through 1844 in the amount of $102,794.96, highway claims numbered 194 through 204 in the amount of $3,723.60, and West Neck Water claims numbered 35 through 36 in the amount of $828.95 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:47 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Robert and Sylvie Fitzpatrick, 4 Bay Avenue, for permission to remove and replace in-place five existing ten inch dock piling, remove existing six foot by twenty foot floating dock, three foot by fourteen foot wood ramp and two two-pile dolphins, install new three foot by fourteen foot aluminum ramp and eight foot by twenty-four foot floating dock and install two new two-pile dolphins in West Neck Creek.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:
1. A hardship letter from Robert Fitzpatrick requesting relief from Town Code Section 53.11C(2) to allow for sufficient support and equilibrium for users.
2. A letter from Paul and Kay Hymowitz, and a letter from Jim Preston stating there will be no negative impact on their properties or neighbors and encouraging approval of this application.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the applicant is seeking to extend the non-conforming dock by four feet by installing new twenty-four foot by eight foot floating dock, the applicant submitted the hardship letter stating that the new dock would be more stable, the committee believes that a twenty foot by ten foot dock, floating dock would be more stable and that the already non-conforming dock should not be extended any further, the vote, WMAC approved the application with the following restriction, that the proposed floating dock will not exceed twenty foot by ten foot; how many; unanimous; unanimous; what's that five to zero; six to zero; thank you.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:49 p. m. and called to order the public hearing to be held as advertised on the application of John Slater, 80 Ram Island Drive, for permission to install a mooring in Coecles Harbor approximately 140 feet east of the Coles C-3323 mooring, and approximately 200 feet south from the second causeway, and further designated as latitude 41.080529° north and longitude 72.301012° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC voted five, zero, one, in favor of the application and the one abstention was for Mike Anglin who is actually installing the mooring equipment.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Supervisor declared the public hearing closed at 4:50 p. m. and called to order the public hearing to be held as advertised on a proposed Local Law entitled amend Chapter 133, Zoning, of the Code of the Town of Shelter Island re: ADVERTISEMENT DAYS CHANGED FROM 10 DAYS TO 30 DAYS FOR ZONING BOARD OF APPEALS PUBLIC HEARINGS.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: other than the fact that I think it's a reasonable request on the ten to thirty days, to the month, I think the thirty days is an adequate time for somebody to respond rather than the short period of time; and it was a request that was put forth by the ZBA.

The Deputy Supervisor declared the public hearing closed at 4:51 p. m. and called to order the public hearing to be held as advertised on the proposed renewal of the Cablevision franchise for a period of five years.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing closed at 4:52 p. m. and called to order the public hearing to be held as advertised on the proposed use of

approximately $13,500.00 the Town of Shelter Island expects to receive in Federal Community Development Block Grant funds in 2019.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: it's a good thing, $13,570.00 is a bit of change and the things that you listed, we can make an argument for any one of those things, where that money can be used so we'll enjoy some good ideas from the community and the Town Board and hopefully use it wisely.

The Deputy Supervisor declared the public hearing closed at 4:53 p. m. and called to order the recessed public hearing to be held on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

The Deputy Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: it's being continued but we do have a report, the WMAC received a letter from Sherman Engineering and Consulting outlining the discrepancies between the issued permits and the existing dock, apparently the dock was in place back in the 1970's, they're looking to reinstall the floating dock and ramp portion of the dock, WMAC approved the application with the following restrictions, the size of the floating dock will be limited to six feet by twenty feet and should be stated in the application along with how it is to be secured, the kayak float is not part of this proposal and the WMAC is suggesting to the Town Board to consider the request of the removal of one wayward piling that is well off of where the floating dock will rest, it's to be continued; and when you say be continued, does that mean that the WMAC wants to weigh in further or do they just want us to; we just have to draft a resolution that reflects what they want, right; well just to confirm, we need confirmation of what, that they don't want the kayak floating dock back; right; and how they will secure the floating dock and the removal of that piling, I know Sherman, Matt has indicated; okay __ securing __, anything else we can stipulate; yeah; alright; Matt has indicated that he's handed this off to Costello Marine so I think they would need to go back or at least schedule a hearing with the WMAC; do they meet again before the next meeting, hearing cycle; I didn't check that; I'll see what I can get from Matt, from Jack; next time for sure; okay; applications will never quit.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, the Deputy Supervisor declared the public hearing recessed at 4:56 p. m. and called to order the recessed public hearing to be held on the application of Charles Gulluscio, for permission to amend condition number "13" of a Town Board Resolution dated April 4, 2003, which presently reads as follows: 13. There shall be no outside storage nor overnight parking of vehicles in the self-storage facility, except for the adjacent nursery property operation; said requested amendment is as follows: It is requested that overnight parking of such vehicles be permitted in front of the unit being accessed; and also that permission be granted to permit the Petitioner to park not more than two (2) small trucks (not to exceed the size of vans) to the north of the easternmost storage building.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good afternoon Mr. Supervisor, members of the Town Council, ladies and gentlemen, my name is Albert D'Agostino, I represent Charles Gulluscio, the owner of the subject property, the property was acquired by Mr. Gulluscio back in 2000 from the Peconic Land Trust, there was an application at that time before the Town Board for a special use permit for a storage facility, the premises are zoned B business, the Town Board at that time in their resolution and I'm referring to a communication dated April 7, 2003 from the Town Clerk to Mr. Gulluscio found that, I'll read the provision, the property is zoned district zone B business in which moving and storage is allowed with special permit, the Town Board has determined that the proposed storage units are allowed under this section of the Code and that these units have far less impact on the neighborhood than other moving and storage businesses also allowed by the Code, I seem to recall, I think this was the first storage unit development on the Island and over the past eighteen years I guess, the manner in which the lessee, the people who rent these units, that seek to use them, many of these people are second homeowners, they seek to move furniture

and other large items in and out of the facility which they lease and they will very often bring their car, load up a small panel truck, a vehicle of that type to move those items, many of the second homeowners have primary residences in Nassau County or New York City or other distant locations, they then seek to leave the car at the site and as you are aware the owner of the property cannot, will not permit a car to allow a car to be stored in the premises, that was a definite prohibition and an understandable one from a health and safety and provision rationale, so the petitioner, Mr. Gulluscio is requesting to amend condition number thirteen of the __ of the year 2000 which provided that there should be no outside storage nor overnight storage of vehicles in the self storage facility and again I think everybody knows that the Gulluscio property is also a nursery, parking relatively near to the adjacent nursery operations, outdoor parking, overnight parking is permitted, the improvements on the property with respect to the self storage facility consist of three buildings of approximately two hundred feet in length, each one of the units has an overhead access door to the unit and as I said it's not unusual for persons who are moving in or out of the residence to park their vehicles in front of the storage unit in front of the overhead door before or after loading or unloading their personal property which they'll usually deliver to or from another residence and it is requested that they be permitted to park those overnight, those vehicles overnight while they're making the move and then remove the vehicle perhaps the next morning, there will be no long term parking the vehicle, it will be in the daily use of the property, again no long term, additional, the applicant is requesting permission to permit not more than two small trucks not to exceed the size of a van and I apologize, my computer was out so I couldn't give you the measurements but I think we all know the general size of a van, not a large truck to the north of and eastmost storage building, so if you were looking at the premises, say from the farm across the street, and looking at it would be the building to the left and those vehicles would be screened from the street, I'd be happy to try to answer any questions that you have; I have some; okay; I pulled in, I just drove through the storage, self storage facility, when I pulled in, there was a skid steer unit parked to the left, okay; you're talking about a manual skid steer or; a bobcat; oh bobcat; that's a brand but; yes, yes; and there was a large camper trailer that was parked also, the camper, a large camper, trailer parked I think in the vicinity of where Mr. Gulluscio is looking to put parking, on the north side of the easternmost building, drove a little farther, there was a pile of trash probably eight cubic yards of debris, old lawn mowers, a pile of debris there in the yard and there was a U-Haul trailer parked, next to that there was a large trailer that was parked, next to that was a pickup truck that the bed was built out with wood on the sides and it was filled with garbage and it was missing a rear wheel and the hub was in the ground, obviously it hadn't been driven for a while; I think that's a reasonable assumption; next to that there was a U-Haul van that was parked and then I continued on into the site and there was a roll up door that was up and there was a large commercial lawnmower in one of the storage units with, I didn't get out, but looking in, roughly eight to ten gas cans, one of the conditions of the resolution, the facility must not permit the operation of a business out of a storage unit, there shall be no on site storage of explosives, flammable or otherwise hazardous chemicals or __ materials, condition ten, I further drove around and at the southern end of the westernmost building, there was a pickup truck, no license plates on it, it had been there quite a while, it hadn't moved, one of the conditions as well as the resolution, if I can find it here, the setbacks along the east, west and south property lines, oh no that's, the applicant shall screen, number seven, the applicant shall screen the facility by placing a minimum of one row of evergreens along the east and west property lines, the street front shall be fully landscaped, on the east property there was nothing, there nothing growing, a bare building, on the west side, I counted one evergreen and there was just underbrush and invasives, just weeds growing along the side of the building, there wasn't a row of evergreens, there were no evergreens planted on the east or west sides as stipulated in the resolution, __ speak to those items; I will attempt to address them as best as I can, I don't know if I'll hit all of them because there were quite a number of them, first of all in terms of any vehicles that are not operational, they should be removed and if the Board is inclined to grant the request made before you this afternoon, this evening, there would be no objection to a condition that they be removed, in terms of vehicles which may be operational in conjunction with the nursery and landscaping business, there was an exception carved out of the, that's one that I read into the record that was under the third resolution on page one of the letters from Mrs. Ogar to Mr. Gulluscio dated April 7, 2003, which said, one second, let me find it, I may have misquoted the section, I read it a moment ago, it excepted vehicles used in, here we are, it's number thirteen, where it said there will be no outside storage nor overnight parking of vehicles in the self storage facility except the adjacent nursery property operations, there maybe some vehicular use in terms of the nursery which were permitted in 2000 in terms of a vehicle, which is an abandoned vehicle of a

camper, they should be removed and I don't know, as I said I'm trying to remember all of them; the vehicles that I encountered, I had a list, they were back in the self storage area, they weren't near the front of the nursery area, they were back in front of and within the self storage area; okay I, and again I don't know whether the, I think the word resolution and I stress the word think and obviously I defer to the opinion of the Town Board, the resolution that was adopted back in April 4, 2003 envision that there were two uses on this property which were, one which was permitted in the business zone which the nursery used and that vehicle could be used in conjunction with that, if the issue is if the vehicle is being parked inside of a storage unit, I would agree that they should not be and I; well these were vehicles that were in the self storage area trailers and what not, are trucks, obviously are a couple of trucks that have not been driven are full of garbage, they are just sitting there; they should be moved because they are derelict vehicles, again, my reading and I defer to the Town's reading of it is that there was not an area which was designated as the nursery area and the self storage area but there should be no vehicles, no derelict vehicles stored there and I would also suggest that there should not be a camper there, any vehicle which is permitted to be used in conjunction with the nursery use, I think it was carved out as an exception and obviously you know you can look at certain types of equipment and well is this nursery use and it is not, clearly, clearly a derelict vehicle, it's either gonna be repaired so it's not just gonna be stored there to deteriorate; right, the special permit refers to two businesses, a nursery and a self storage; yes it does; is Mr. Gulluscio conducting landscaping businesses out of there, does he have lawnmowers, I see a lawnmower, is he working business out of the storage unit, I see a lawnmower, I see gas cans, you're not supposed to have gas cans on the __; you know, again I don't know which, whether that's his or if somebody else is using it; it's not permitted; I agree with you; okay; if it's his, the question of what vehicles are used in connection with a nursery business perhaps has to be looked at and more closely defined; I don't think a __ lawnmower would be used for a nursery; __ with what you described initially, and what Councilman Dickson found are two different things, you're asking us to approve something with the idea that these other things will take place, I'm of the other __, I'd rather see the other things taken place, removal of the gas cans and the removal of the cars that have not moved in months and then come back and when it is satisfactorily cleaned up; may I make this request to the Board; yeah; may I ask for a further adjournment, I appreciate the fact that this matter was carried over from the original date cause I was unable to be here, all a matter of my wife's birthday but I would ask for an adjournment, a continuation of the hearing while those items are addressed; okay; fair enough Albert; again is you would like to contact Al privately to get a list of those deficiencies; it came rather fast but I; he'd be more than happy to share those findings and you can satisfactorily take care of those things and I think we're ready to hear them; okay, I thank you very much and I appreciate the further adjournment, thank you, so it would be adjourned without date; recess; without date; I presume; to be reconvened at the call of the Supervisor, we could put it that way; that would be fine, thank you very much, have a good evening.

The Deputy Supervisor declared the public hearing recessed at 5:12 p. m., to be reconvened at the call of the Supervisor, and called to order the recessed public hearing on the application of the Shelter Island Fire District to install a communications tower at 48 Cobbett's Lane.

The Deputy Supervisor recused herself from participating in this hearing.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good afternoon Mr. Supervisor and members of the Board, John Coughlin, attorney for the applicants, the Shelter Island Fire District, Elite Towers and New York FM FA which is Verizon Wireless, we're here this evening following the initial application that was made in January of this year, a supplemental filing was made following the comments made from the Town's wireless consultant, that was done in April, we were here in June for the meeting and this is our follow up reconvened session of that public hearing that commenced in June, from June to present, a couple things have been presented to the Board in writing, there was a supplemental radio frequency report from Verizon Wireless that was submitted by e-mail, I have hard copies, I assumed that the visual copies were circulated but if you'd like the physical, I have extras; okay fine; we have them, I'll take one anyway; here you go; okay fine; what is the date on that; the date on that is September fourteenth; Councilman Shepherd; the other items submitted to the Board really focused on the __ June fifteenth session, Councilman Shepherd in particular asked the applicant to revisit some of the __ noise concerns that were raised by our residents in proximity to the site, so I have two __ here who can speak to a couple of those items

that were submitted, I have Greg __ from Peconic came up with an alternate design location layout of the equipment on the Fire District property and also the development of an acoustical barrier that will surround three sides of the Verizon equipment and also __ who can speak to the impact that __ have on the anticipated acoustical level of noise from the equipment as redesigned and reoriented so what I'd like to do is have Greg come up with the revised plan, show the Board, explain what was changed, the shift and we'll have Kwan come up and talk to you a little bit about the impact of that, I just kind of wanted to reintroduce the layout, how we got to where we are and have those items from Greg if he would, we're fortunate enough to get Greg here, he had a battery issue just after getting off the ferry so we're pleased that he made it; so; welcome Greg; my name if Greg __ , ____ Engineers, __ New York so our changes on the site, nothing changed vertically or the location of the tower or fenced area itself, it's still a hundred and twenty foot tall concealment pole with Verizon Wireless concealed within the pole at the top two rad centers, it's a very popular pole, at the very top of the pole we added the Fire Department whip antenna and it's a __ whip antenna, then at grade we shifted the equipment for Verizon and the Fire Department, Verizon was previously in the southwest corner here, we moved them to the east side and the Fire Department equipment was previously just north, yeah just north of the Verizon equipment and we shifted them south to the south side of the compound, the Fire Department itself is situated to the south so we're directly behind that, the __ hasn't changed, our proposed propane tank location hasn't changed, buried propane tank, so that's all in the same location and ancillary equipment for power and fibre transformer that location is on the east side, we're gonna bring power from the utility pole located off the property to the east, originally at this point __, the major change here that we added was an eight foot pole, sound __ walk that surrounds the Verizon Wireless equipment on three sides, and those really are our changes, moving the equipment and adding the sound wall to help decrease the sound issues; why three sides and not four; I'll let Kwan answer to that; the __ faces towards the east where it's a ___ not exclusive ___ surface parking lot and also it was allowing for access for maintenance purposes __ and the equipment; is there room for a wall to be put that distance from it so you could walk around the edge and get in for maintenance rather than, I think it's been expressed that there is some capability for reflective sound off the surface of the parking lot and things like that; so if you put, actually if you put the wall on the other side you'd actually have the potential for the reflection back to the __ on the other side so knowing that, there was noise receptor on the east side, left that open so there was no reflection onto that, the wall, minimize that impact; if there's acoustical material on the inside of the wall, would that work to absorb any; __ the wall made out of acoustical material to help absorb that, you still would have some __ from the wall; ___ if you felt it like that, __ angular end; on the fourth side; yeah, the one that doesn't exist, can you set it off a little bit, if you tip the ends in, the wings in so you can reflect it towards the reflective material inside, I'm just jamming here, well the concern has been expressed by the people, it seems to be that you know, they're not considered receptive but they're afraid they may be; so Councilman Shepherd may we have Kwan come up and talk about what this change actually does to the number and again this open side is the parking, faces the parking lot; __ to the east of the parking lot; __ on the east side; there is a house further away but that __ in the analysis; __; __; __: __ that covers more about what you're gonna talk about a little bit further away, this is the remainder of the Fire District property to the parking lot, it is owned by the Town but it is utilized by the Fire District, that first lot over here on Cobbett's is the parking lot; and that's the open side; __ receptors further over; yeah so when we first presented to you, we had the issue of the west property line of Cobbett's Lane and the equipment being close to it, ___ so overall Town Code so after hearing the comments from the Board and the letters, we went back and looked at the site design and kind of shifted the noise sources away from the noise sensitive receptors or the property lines that were concerned and by doing that we increased the distance so sound waves dissipate with distance so by increasing that distance we're able to help reduce it and in addition we put an eight foot acoustical wall to help reduce that level and from the first meeting we had, the Town suggested trying to get back to __ condition so as part of that, that's where the noise __ reduce more of it because I think that by shifting with the distance we could actually __ meet the Town's Code of fifty but to further reduce it back to ambient conditions, we decided to put up, we needed to put up an eight foot wall to do so; do you feel, you're indicating that the height of this sound barrier is eight feet, I thought I heard a higher, higher construction last time, twenty-four feet or something like that; well; do you feel this is sufficient, the eight feet; eight feet is sufficient just because the equipment is about five to six feet tall, so once you ___ above that so; okay; ___ and to the point of the fourth side, we didn't believe it was necessary because of the noise receptors further beyond than the

surface parking lot property line and even that at that property line we are achieving overall of the forty-eight decibels which is actually below the Town's __ overall __; right; without the barrier, what's the decibel reading ___ down from forty-eight to; so the west side of the parking lot, that's actually without the wall, that's just exposed so it's __ on the distance, we actually do this ___, so the primary objective was to minimize __ with the receptors that were on the western, the other three sides of the property and that's why the wall ___ those three sides, so as you can see, the overall reduction from the east side to the west side drops down to forty-three decibels with everything, assuming everything is operating at full load with the generator as well, if we just look at the continuous noise of the __ system, we're down to thirty nine decibels which is below the ambient condition as well so; just out of curiosity, since you _ a lot of towers and you do this for a living, you put these towers in, some in residential areas, do you have another tower that's in a similar type of situation with approximately the distances to the homes and my reason for bringing that up is people with concerns that live in the area that would simply if you have something on Long Island and hopefully in Suffolk County, another tower, that people would be invited to go there while the thing is in operation and you could say, here's a decibel reading and just show it to them, the reduced anxieties you know just to say here; and there are many sites in operation of what we would offer to the Board and to the community, if the applicants will consent to any condition of approval that would we give you some example out there, we'll actually come and measure this site and if it's a condition post installation, post operation that once a year the applicants come out and make sure that they are satisfied and it's standard, then fine we'll do it and if it doesn't then we'll do it, we will acquiesce to that condition one hundred percent, if it was something that was suggested by the neighbors, then we'll certainly do it, in addition; that sounds good, and it's apparent by the site design, there's room for other operators here and the code encourages that, in fact it requires that we design the site so that other operators can go on these towers and not have to build four or five other ones, we'll _ to any other future operator, we'll have to meet that standard, finally the applicants will agree the generator as Kwan just noted does not run all the time, it's an emergency generator that will be utilized when there is an emergency and the power is down, that said, we do need to test them, the applicants will agree that the generator be tested on a certain date and time, if they want to do it Monday afternoons when the lawnmower is already buzzing and everyone else is doing it as opposed to Tuesday at two o'clock in the morning, that condition would be acceptable as well; it's a good point, three good points right there; what shall we call the standard, that's the next question; well the Code does provide fifty decibels and this has been designed to __ them at, you know what I would submit to the Board is that we would, we design the site to a __ that's standard for the residentially owned properties in the vicinity, not including the parking lot but the next closest residential lots are all well beyond that, in fact the highest level aside from the parking lot, Kwan correct me if I'm wrong, thirty-eight point eight decibels, that's at fifty-five Cobbett's to the west, I believe the point that was measured is right about here; okay; that could be the winner; reading from as you call, one of the abutters, as measured by the applicants, acoustical engineer over a twenty-four hour period on June twenty-first of June two thousand seventeen, the ambient levels at this point fluctuated between an hourly minimum of thirty-four point four decibels and an hourly maximum of forty-four point four, our proposed target of thirty-nine point three decibels the average of these minimum and maximum levels; Mr. Dickson the proposed level right now is thirty-eight point eight which is below that thirty-nine point three which is what our neighbor, no other residential neighbor in the vicinity is more impacted than that so everyone is below that thirty-nine point three; right Kevin, that property line that's closest to the ___ so ___; so you're looking at thirty-eight as your maximum that you're gonna generate; when the generator is not running, again the generator is only gonna run when they're testing it or when it's an emergency in which case you guys are gonna have a lot of generators running; how often does that generator run; they're gonna test it every two weeks; for how long; half hour; is that on a time cycle; yeah most of them are set, pre-programmed, Mondays at two-thirty, it runs for half an hour every other Monday; who's in charge of that, is the Fire Department gonna take care of the cycling; each operator, so this is Verizon's generator so they would program it to satisfy whatever; does power outages offset the time in coming on; just to make sure it works when they need it to they were gonna; when you people, when you say operator, would you define that for me; well the operators are actually the licensed operators that are gonna exist on the tower itself, the Fire District is an operator with their antenna up here, Verizon is an operator with their antennas that are gonna be within the pole, each of these other canisters, these ten foot sections are available to future FCC licensed operators, you know, the vision would be that you would have AT&T, T-Mobile, Sprint occupy some of these spaces, if there were other emergency operators in the Town

or County FRES, I know I heard them talking something about being able to communicate with the District and the redesign, FRES Fire Rescue, that could all be accommodated, each of those entities, those FCC Federally licensed entities, could have their equipment in the not quite square shape and they could, they may see a need for a generator as well; what is the maximum number, six potential operations; six potential canisters, some of the operators may utilize more than one due to multiple frequencies; who oversees the operators to ensure that their decibel level is contained; the acoustical level; yeah, well we'll __ that condition, and again the applicants will agree to come out and measure it and if the Board says any condition of the approval that we seek from this Board says, operator number two is gonna go here, it needs to be at thirty-eight or lower, then they're gonna have to comply with that condition when they come; I guess I, my hesitation is you can construct a containment mitigation measures now to take care of the equipment but subsequent operators in there, are you gonna modify it or are you gonna construct the mitigation measures now to ensure the subsequent operators that will fall below the threshold established; it's too forward to __ the equipment design, any other additional locator might want a generator, they might not, they might want a shelfer as opposed to this open air equipment which would have it's own different issues with __ potentially, so to try to design something now that would satisfy whoever else is going to go in the space, it's more than we can design, it is something that we would agree to that condition and each new tenant for the Fire District with space there would need to comply, the condition would be you have to get the Board to agree with the; okay so they would have to apply, I was just gonna ask about the process for stacking up different; sure, generally speaking Councilman Shepherd, if an operator were to come in and collocate on an approved existing tower, there is Federal law that they comply with certain provisions, building permit only, however what we are suggesting to the Board and what we will agree to is that these certain conditions that really speak to safety and health kind of go beyond FCC order and that they would have to ____ and if that means likewise build __; to do what needs to be done to meet the standards; to meet that standard, it would __; I think what we're tripping over is the fact that you moved out of the way and we were afraid of __ going forward; again we're happy to have come up with a design that satisfies the concerns if it exceeds the standards __ by the neighbor but for when the need to test the generator and again the Code does say that __; ___ that's amplified music so we don't even look at that generally speaking, in my opinion this is actually not standing accommodation here until it all comes to fruition and I think __ are both a little bit of disbelief but then that said; these guys are good, they came up with a good design, it may take us a little time to get it back to you but we're pleased and; if it does come to fruition as it is an outstanding example __ you can actually work with the public to make things like this actually happen instead trying __ this is how we do it; understood; so we're appreciative of that, I'm sure the neighbors will appreciate that, we'll do what we can to make sure they are, Mr. Harms is nodding back there but amen; I'd like to speak; I'm sure you'll get there; we'll get there; you guys have anything more; do you have anything more to add; I wanted to focus on this cause I think those were the __ questions from the Board and I believe; it was very helpful, I appreciate that so I reserve the opportunity to come back if there are additional questions or comments; come back; redirect; David Harms, David, come on up; thanks for the opportunity to speak, I want to start with just two quick things on the noise problem, one is, my family and I are extremely appreciative of the Town's attention to this problem, we love Shelter Island first and foremost, __ peace and quiet and we don't want to give that up so we're very appreciative of the attention you are paying to this problem, we're defenseless if you guys don't deal with that, so I appreciate that, I also would like to say some of the steps that John has mentioned are also very helpful, we proposed them as well in our letter, let me just go to a couple of clarifying things which I think are important, I still think that the noise limit and that is going to be and should be the thirty-nine point three, not the forty-two or forty-three which is on the, and that's an accumulative noise level with the generator running, which they run the tests on, that's measured at the measuring point R two which is the closest to which is the closest to my property, closest to my house, it is still above that amount, now you might say and they said well three decibels, who cares, I don't know that you can say that's the actual case, number one, there's a difference in the quality of the sound right, thirty-nine point three decibels of crickets and leaves is one thing, thirty-nine of machinery at two or three in the morning is a very different thing so the thirty-nine is the midpoint of the ambient sound level and as we mentioned, as you move above that, you're basically moving to the daytime ambient level so everything above thirty-nine point three basically says okay, the noise that's always there during the workday will always be there all night as well, so it's important to us that we keep that at the midpoint, we could have argued for something lower but we'll stay at midpoint and I think that's easy enough to do with a slightly higher wall, I mean they built a wall, it's only one or two

feet higher than the equipment and basic standard is for every three feet above the line of sight you get another decibel and a half so you could put up a wall six feet higher, that's not expensive and get rid of the sound, lower it down, and also put the fourth wall in, I know what you're saying about the parking lot there but neighbors directly across from that, it's just a clean shot from that open machinery to their yard and again it's not that expensive to put that fourth wall and do it right, okay, it's a nice attempt but we need to do it right okay, it's a nice attempt but we ought to do this thing right, now the other plan I want to focus on is the problem with the new operators coming in, right, we don't know what their equipment is gonna be, presumably it will be similar ___ , in addition they save a lot of sound here by moving the Verizon equipment to the back of the pad, all the other operators are going to be to the front of the pad, from my perspective, right, so they will by definition be noisier, higher decibel levels than the Verizon will be, plus; assuming the same technology; yeah; there could be more than that plus you have to think about the aggregate level, having one set of machinery there as opposed to three or four sets of machinery there that could add to the overall noise level so it's really important that future operators have to be looked at carefully to make sure that they comply so what we're most concerned about now is how does this get rolled out going forward, once a permit is issued, they're gone, it's just us, right, so what we think makes sense and we appreciate your proposal is to say look as soon as this is up and running, again start with the thirty-nine point three, get it to that point which it's easy to do, then once it's implemented, actually running, test it again to see if it really works, these are all based on estimates, right, so we don't really know what's gonna happen with the lay of the land, so test it right afterward, certify that the count meets the thirty-nine point three at all of the measuring points, that's fine, next guys come in, as a condition before they can start up operations, they've got to show you a design that meets that same standard and then again test it afterwards, on an aggregate basis, right, to make sure and then we'd say you do that annually because there will be wear and tear issues and I'm sure there'd be change and so forth but that process is really important going forward so we can be sure that the level is adhered to so it seems to me we're very close on it, a higher wall would bring us down to thirty-nine point three, right, makes us sleep a lot more comfortably; ___ thirty-nine point three or less now, without the higher walls, __ to understand that; __ the generator would be tested during the night so if you take that out of the equation, it brings it down to thirty-eight point eight; okay, the generator is occasional testing __; __; and you've got a problem with that; well again, I'm also dealing, these are their estimates, right, I don't know what it's gonna be like in __; so if the agreement stipulated that we had to get to that thirty-eight point whatever, your number thirty-nine; right; that'd be okay; in generality, except for the generator, I mean a generator is what it is, everybody's got one; I'm just thinking fast forward, sorry to interrupt, I'm just thinking fast forward, you've got four operators here, you've got four generators; __ operate the one that runs them all, that would be crazy; I don't know; and for my response back to you is that my concern is about future people coming to the tower and what you've outlined there and also Al you are on the same page, I would be interested to take your response back to some of the points that he has made, can we, are we good with that or is there a problem with anything that was just proposed; quite frankly I __ conditions that he's thinking about possible generators or equipment we've already acquiesced to, we've already agreed to that, as to the actual level, again, getting below thirty-nine three required a lot of homework and redesign, this eight foot wall is going to require that we go to the Zoning Board, a twelve foot wall, quite frankly it's not for this Board to review, it's gonna have its own impact on maybe others who are driving downtown, again it becomes a separate issue and I don't know how much you're really gonna gain, I guess we can have Kwan run that calculation but again for half an hour every two weeks that we're gonna be over the thirty-nine three, I would ask for some grace from the Board and from Mr. Harms, we've already come below his number; I appreciate that but listen, we need a margin for error too, I don't know how this is gonna play out, the sound levels; okay; __;__;___; again we're agreed that ___; I get that, that's important but let's look at the thirty-nine, I mean a couple of extra feet, three feet, would bring you down a decibel and a half, you could have a fourteen foot wall in there which would cut it by three decibels and then you'd down with everything so how hard is that to build an extra six feet; what are we planting for vegetation, evergreens; nothing, unfortunately vegetation doesn't work; let's direct the conversation, I'm sorry; up here; vegetation is a poor sound barrier, if you look it up on the internet, what they say; all I was looking for was one or two decibels; I'm looking for about three decibels; okay, but it takes three decibels for you to even notice that it has even moved; no, I don't know about that Paul; well that's everything that I have read; that's a rule of thumb that some people use but again you have to think about the quality of the difference as well; I understand; __ ; but that rule of thumb I think __ the nature of the sound so __ are correct; but that rule of thumb

seems to __ no matter the nature of the sound for it to be perceptible to three decibel whether it's an annoying noise or your favorite music; it's a different sound, it's a different sound; I hear you, I do, we'll work with you __; as I said I appreciate that; _ perfect you know; it just seems to be it could be done very easily, in fact, put it this way, an extra three feet brings you down, what's so hard about that; why don't we wait and see, what's involved, I wanted to ask this anyway, how does a wall get built, what is the nature of the construction of it, can you tell me that; well typically it's a steel post or panels and the panels are sort of like a cookie where the outside is a solid material, inside is more of an insulation to absorb the, so when you go up, the issue, the foundation, it gets bigger and takes up more space really, associated with the design of __; what is it specifically made of, what is the outside wall comprised of; it varies, it could be, I've seen as much, as little as solid wood __, they actually do sufficient reduction, typically we __, you see more steel outside material and inside is more of a wool kind of insulation to help absorb the sound waste so it varies from essentially wood materials to even steel so; how substantial is that acoustical material to hold up to weather; well the outside is what I consider the weatherproofing material where, it is more like your wall where you've got the shingles outside, it's made out of metal so that's gonna hold up to your weather, the interior is protected, the insulation is protected from what the outside; it's outside right; yeah; it's not like a modular type of situation where __ out of the loop, going up is a problem, __ fact, after the insulation at eight, going up, is it poured or does it come in four by eight sheets; they do come in panels, the issue is more the design of the post; right; so; so there wouldn't be any, you would not have made provision for it to be higher if approved necessary since you were dealing in the hypothetical, you weren't concerned at that point; well we; I'll also say though that when you add other carriers; right; that when that happens everything might have to be increased; well this is something you know; _ higher poles; well however it gets done for this __ is also relevant to how it gets done up the upcoming specs so you want to be thinking about that, right, or no; sure, if the measurement, if the post installation, operational measurement that we don't hit the thirty-nine three, then we redesign it and if the next operator were to come in, they want a generator too, they need to figure it out, if they need twelve because they need to go in this, not quite corner, then they would need to come up with an alternate design; yeah, yeah; but that again, this is the application we would have to focus on and I think our acquiescence to those proposed conditions deals with what might happen in the future; the only comment I would add to that small one is make sure we deal with this on an aggregate level because __ handle the design of his equipment to meet thirty-nine point three is __; if that wasn't clear from my initial _ I apologize, that certainly was not my intention; okay; good evening, I'm Frank Isler, Mr. Harms' attorney, I'm hearing this process that you're discussing, I think that's important is to put in place in your approval, it's ultimately gonna be approved, very clear provisions on what happens when they come and test when it's in accedence, is there a mechanism gonna be in place that while they make the annual testing if there is some problem and the noise is disturbing in the interim that you would get some relief of their coming for __ test, these __ of where, the first time hearing these concepts, we really want to be a party at the table while you're drafting an approval that has the conditions in it so that we could at least put our two cents in; do you want to approve of our approval; no, no, no, I don't want to do that at all, I want to be, more claims at the table always help, that's all I'm suggesting; that's not always my experience by the way; well anyway, for different points of view perhaps, how to say it, we're not trying to do your job, I don't intend to be implying that or your counsel job but we'd at least be able to provide you with some input even if it's just some __ to you as to what kind of concerns we would have like somebody has to figure out what happens if they violate; a time frame for remedy for all type of things; that's exactly, also with new users, the future users, we'd like to see in whatever approval is given, a specific permitting requirement the would agree to, that they would have to you, so there would be a process that we would come and we could be assured; you'd be notified whoever comes in; just to know the concerns, just from a legal point of view that I'd like to bring up and maybe we can brainstorm and give you a list of some of the things we'd like to see in a final resolution when it gets to that point; so in summation here we, this has been going on for months and months and months and we're looking to expedite this and we're close so that, everybody's submission in the room, there's been a lot of talking back and forth, a lot of sharing of information and there's a general agreement we're heading in the right direction, there's a couple of concerns that you still might have, can you articulate those down and actually direct them and the people say, can we do this you know or is it a major kind of thing and I think, they're willing to go with that eight foot wall and they'll give you certain guarantees with that eight foot wall, if it fails the test, then obviously the onus is back on them to reconstruct something different; they conceded that; yeah they conceded that so, you know the other things that you're bringing up here

are concerns for future tenants and I think that's a very important point that they would have to come back here and follow the same kind of thing and that they would meet the same standard but; I just think it's a question of process, there's some protection for the Harms; yes; __ we have to, we forgot to talk about that; right, or something like that, I think we, I don't want to speak to Mr. Harms' __, I think he would agree to my __; a lot of it is a process, right, yeah; the thirty-nine point three I think is important, certainly for without the generator, I'd be willing to even live with that, without the generator but it __ depends on how much protection there is to make sure the other guys comply with it and that it's tested regularly and that what we say is gonna happen on paper, really happens in reality; right, your response back; I'm happy to share and collaborate on if the Board wants to prevent the applicant with provoked conditions and make sure everyone is comfortable with the conditions and make sure everyone is comfortable with the language but I think we've given you a framework that come to it, it could be as simple as any amendment to this special permit approval comes back to the Board, you know that might be a way to streamline some of the concerns and give everyone the protection that the Board is going to give and if the Board is going to do so, it will be done publicly as opposed to a Building Department official handling it, that said, again if the circulation of the proposed conditions of approval be circulated, I'm fine with that as well; we also need to have like approval, like a point person, like let's say Mr. Harms wakes up and it's fifty decibels, who does he call; right; who does he call, the Supervisor; I suggest you call the Supervisor; __; __; __ practical issues; it's in fact a code enforcement issue; right; I'd like to just speak to, there is collaboration now, we met here months ago and we're only getting to this point now, I hate to have any further real delay in this; I would too; it's imperative to move this along; ___ in June, these exact conditions were offered in June, design hasn't been done yet but these exact conditions were presented to the Board in June; could we hear from the Chief; Mr. Lechmanski; I don't know that I'm not the Chief but I took the real __ job; ___; ___; just real quick, which is rare, the only thing, I don't know how long this is gonna take to, I realize everybody is getting along and it seems like we're gonna; we can fix that; the only thing, I just want everybody to know is that we have fourteen months left and we are getting turned off; right; so I note, Al, you said it, we want to expedite this thing, I want to get that number out, January first of 2020, our low band frequencies are going click; right; and we cannot, we can't possibly protect that area of the Island without and you know, just one other thing, I don't want blow anything is the fact that when you do something new like this, there's always gonna be bugs in it, now I'm not talking about noise and all that, I'm talking about equipment, I wish Andrew was gonna be here, he came right to my house and said he couldn't but frequencies have to be tweaked, our frequencies are extremely narrow banded down to the thousandths decibel point so that means that the equipment has to be very very sensitive so we're not only trying to build it and get it running, we need time to tweak it so that we can use it by the cutoff date; nobody sitting here is interested in carrying this paperwork around any longer than __; I know I just wanted to give the fourteen month number out, cause that might get forgotten; no, we want to act before that Chief, believe me; it's a sensitive agreement and understanding and I think; well we'll work together, my blood pressure has gone down about thirty points; I can be the point man; excuse me; I can be the point man; okay that's fine; so is it at all possible that you know at the end of the conclusion of this meeting that you guys hang out a little bit, take the concerns down and see if we can get some type of an agreement; I would be happy to do that and if we can't do it tonight, we need a little bit of reflection time, I can talk to Frank and we can email proposed conditions if we can work it out to Bob; ___; yes, that would be fine; have your people __ his people; his people; welcome to the real ___; __ do you want to do this; there's one in every crowd; I can make a space for you; I am __ one of the __ I don't know the Zoning Board's time frame, I know Larry's concern, I think with the wall at that height, we're gonna have to go back to the Zoning Board about it, we had presented a code interpretation __; the wall __; the wall is greater than six feet, side yard, so I don't see; well you could put a couple of plants inside and we allow garden walls; I think probably make some procedurally take to close out with the Zoning Board at eleven; what if we make the recommendation that you just submit the ___ just as soon as you can; yes sir; even while, even before, you're not gonna get the hearing before thirty days at this point so; that change to thirty days does not apply, it does not take effect until thirty days after filing with the Secretary of State; okay; he can get it in, in plenty of time before that; so Frank can I have __ next week; great; well we will have the revised plans submitted to the Zoning Board next week; good; any other comments from the audience; one down in back; come on up; I'm Mr. Caraccio, 2 Primrose Place, I'm happy to hear that we are moving in the right direction, I do have one question and that is when you put up a ___, how quickly do other operators come to the program, in

other words is there one year out, two years out, three months out, am I safe saying __ putting up the tower for one vendor, or putting up a tower for six vendors and the sooner that tower is filled; no sir, we're putting up the tower cause the Fire District needs it, you've been here, you've heard the Chief; I've been here for all of it; they need it so this is gonna; but I'm still of the opinion this is a revenue play; well it's your opinion sir, the record shows that the Fire District needs; I understand that but __; the tower put up as soon as __; there were other proposals out there that suggested ___ negate that, I'm still asking the same question, there are several levels of open space in the tower, how quickly is that space filled up and the reason I'm asking you is because we're talking about a __ for one vendor that may need to be expanded very quickly cause we have __ now; we can't have multiple tenants until they __ with the project; no, I understand that so I'm saying that the standard that we're talking about today is for one, we're talking about bringing in front of this Board the new proposals but how do we know that those, the new vendors coming in can meet that standard; but they can't, they then, they don't get the permit; right, so you as the stewards of this are going; yes we have to meet that standard; we are; so we as residents in the area are very concerned, too sure that that's happening; I don't know; you know, I don't mean this in the negative way but we're gonna hold your feet to the fire as we are concerned; as we should be, as we should be honestly; cause I think it is important that we don't think of it as one tenant, we think of it as a full house; I'm just looking forward to find out what you think when it starts, you know, you're kind of pre-aggrevated now you know; I don't know what the noise levels will ultimately be like __; __; I am worried that we've got one tenant operating within the parameters agreed to and suddenly in six months we've got three tenants; yeah; and the noise level is suddenly off the charts and we're all tossing our hands up in the air and saying we don't know what to do so that's my concern; just understand that the noise level won't affect us cumulatively, it's not like a linear accumulation, it's not arithmetic you know; I understand but you know multiple generators, I know you proposed maybe one generator; no I mean; I mean that's a lot of discussion you know; __; no, it is yet to be determined so I just think that we have to sort of insure that we have the right controls in place, the right people looking at it, there's an annual certification process, there's testing, everybody's seen the results and we move from there; those are good safeguards to have and I think we will that; that's my concern and I'm five hundred feet away so I'm very concerned; okay; thank you; anybody else, any other comments, seeing that there are none; no, somebody back there; oh I'm sorry, I didn't see him behind the chart; my name is Vera Chaplin, I live at 59 Cobbett's Lane right adjacent to the parking lot and I just don't understand why we can't have the fourth wall, cause that will give another level of comfort; is that fourth wall anything that can be put in later; it could be; I know you indicated that there may be some unattended consequences __ as far as __ area and direction, but things like that could be mitigated at some time; it could be but that was an option that we looked at; just a chance that we're all wrong, at that point, you understand that; yes; if adopted and up and running and we need the fourth wall or some alternate design, the conditions are going to provide a mechanism that would do that, I would just, I don't know if you've seen this but Bob's report considered our stick as your property line and the revised design, the letter that we submitted to the Board, last month we mitigated sound levels on which this revised design is twenty-six point eight and that's without the generator, it's thirty-three point nine when the generator is running, that's __, well below the ambient conditions surrounding the property, so if that gives you some comfort, this is what the analysis has come up with for your lot line; it can be right in the provision that if in fact the analysis is correct, we're good to go, if the analysis is false and you're having a problem, then we have to, other than mitigation has to take place on that side of you, facing you; we'll fix it; we'll fix it; John, my understanding is cause it's completely __ if you hit this number with this plan then we're fine and if you don't hit that number, then we're gonna keep going until you do; correct; that's right; I like that; now how much of that, just a curiosity, I'm hungry, how much of the overall noise is really related to the Fire Department's activity, any guesses on that; you mean the Fire Department; well whenever, their equipment obviously isn't the only thing that is going to be in there, I'm guessing it's pretty quiet all by itself; I think the Fire District generator is the loud __; the generator, but that generator works for everybody in the building, does it not; and it's not running all the time so; but I mean as far as they're on a time __ equipment, is there, I'm trying, I'm fishing around for a possible thing that the Fire Department can do what it has to do while everybody else gets their stuff together on mitigation if you know what I'm saying cause I'm not gonna hold the Fire Department necessarily to your standards; I think the Fire District is exempt under the code and I think; oh so they can do what they've got to do; the Fire District can do what it has to do; __; for it's operations and if that means a big truck with a siren; yes; thank goodness there's that big truck, right; can I just answer, give you a little info; yes; okay; the only thing that's

gonna be on Cobbett's Lane, there's a transmitter and a receiver over here; right; all the other equipment that makes humming noise and all that is in the center, everything else is; and that belongs; all we need is an antenna and a repeater which doesn't make any noise, it's just, it's like a radio when you don't have a station on, you get a slight hum; right, so worst case scenario, you guys are functional no matter what happens; right cause our generator will make our stuff work; yeah; and our generator is sitting out __; that's what I really care about; yes; so it doesn't necessarily hang you up; no, our generator will handle what we need to make it work as long, that won't work unless this works anyway; alright, we should stop talking while everybody is happy; we should, anybody else have any comments; sold, seeing that there are no comments; Amber can come back; we're gonna recess; we can close subject to acceptable conditions; absolutely, you come in with some type of an agreement and we'll __; okay, do we need to do that, I'm asking __ tonight, close now subject; you can close the hearing subject to written submission of the; right; of the conditions; I don't know if he's just looking for a __, he's just looking for something to say; he needs the hearing to be closed so he can first go to the Zoning Board; okay; then why don't we do that; okay; what did you decide to do with that just now; cut you out of all; we closed the hearing subject to the written submission of the conditions; correct, cooperatively; correct; that's fine, thank you.

The Supervisor declared the public hearing closed at 6:03 p. m. and reconvened the regular Town Board meeting, and Councilwoman Brach-Williams rejoined the meeting.

RESOLUTION NO. 501

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Robert and Sylvie Fitzpatrick, 4 Bay Avenue, have petitioned the Town of Shelter Island for permission to remove and replace in-place five existing ten inch dock piling, remove existing 6' x 20' floating dock, 3' x 14' wood ramp and two two-pile dolphins, install new 3' x 14' aluminum ramp and 8' x 24' floating dock, and install two new two-pile dolphins in West Neck Creek, and

"Whereas", a public hearing was duly held on the 19th day of October, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination:

The proposed dock reconstruction:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit to remove and replace in-place five existing ten inch dock piling, remove existing 6' x 20' floating dock, 3' x 14' wood ramp and two two-pile dolphins, install new 3' x 14' aluminum ramp and floating dock not to exceed 20' x 10', and install two new two-pile dolphins in West Neck Creek, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 502

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", John Slater, 80 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 140 feet east of the Coles C-3323 mooring, and approximately 200 feet south from the second causeway, and further designated as latitude 41.080529° north and longitude 72.301012° west, and

"Whereas", a public hearing was duly held on the 19th day of October, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 503

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a pubic hearing was duly held on the 19th day of October, 2018, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled amend Chapter 133, Zoning, of the Code of the Town of Shelter Island re: ADVERTISEMENT DAYS CHANGED FROM 10 DAYS TO 30 DAYS FOR ZONING BOARD OF APPEALS PUBLIC HEARINGS, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 11 -2018, entitled amend Chapter 133, Zoning, of the Code of the Town of Shelter Island re: ADVERTISEMENT DAYS CHANGED FROM 10 DAYS TO 30 DAYS FOR ZONING BOARD OF APPEALS PUBLIC HEARINGS, is hereby adopted, as follows:

Section 1. Amend Section 133-34 B. to increase the time required that a notice be published in the official newspaper from at least 10 days to at least 30 days prior to the hearing, to read as follows: except notices for Zoning Board of Appeals variances shall give notice in the official newspaper at least 30 days prior to the hearing.

Section 2. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

| | | |
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| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Councilwoman Brach-Williams | aye |
| | Supervisor Gerth | aye |

5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 504

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town entered into a Franchise Agreement with Suffolk Cable of Shelter Island, Inc. (Cablevision), which was subsequently confirmed by New York State, and

"Whereas", Cablevision has constructed, operated and maintained the cable television system pursuant to the terms of its previous franchise agreement and in accordance with the Rules and Regulations of the Federal Communications Commission and the New York State Public Service Commission, and

"Whereas", on October 19, 2018, the Town held a public hearing affording due process to review the application and the terms of the proposed Franchise Agreement, and

"Whereas", the agreement complies with the standards of the New York State Public Service Commission and will be submitted to that agency for formal certification, now, Therefore

BE IT RESOLVED, That this Board grants a non-exclusive cable television franchise to Cablevision and authorizes the Town Supervisor to execute such agreement with it as approved by the Town Attorney, and

BE IT FURTHER RESOLVED, That the Town Attorney shall coordinate with Cablevision to file the franchise certification application with the New York State Public Service Commission for its approval.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 6:10 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 22, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on 22nd day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar and two persons were also present.

The Supervisor reconvened the special meeting at 9:35 a. m.

The Board discussed many of the proposed budgets.

At 10:55 a. m., Councilman Colligan moved and Councilman Shepherd seconded to recess this special meeting until 11:00 a. m. on Tuesday, October 23rd, 2018. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 23, 2018

The recessed special meeting of the Town Board of the Town of Shelter Island for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on 23rd day of October, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar and one person were also present.

The Supervisor reconvened the special meeting at 1:45 p. m.

The Board discussed many of the proposed budgets, and was presented with certain new budget sheets.

RESOLUTION NO. 504A

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a tentative budget for the fiscal year 2019 has been proposed by the several departments, audited, adjusted and consolidated, and

"Whereas", the Town Board believes this tentative budget, as amended, represents the requirements for the fiscal year 2019, now, Therefore

BE IT RESOLVED, That it is hereby adopted as the preliminary budget for the ensuing year, and the Clerk is hereby authorized and directed to proceed with the necessary advertisements according to law, and

BE IT FURTHER RESOLVED, That the Town Clerk shall give notice pursuant to Article 108 of the Town Law of a public hearing to be held on the preliminary budget in the Shelter Island Town Hall, Shelter Island, New York, on the 7th day of November, 2018, at 1:00 p. m., prevailing time, for all interested persons to be heard in favor of or in opposition to the preliminary budget as compiled or for or against any item or items therein contained.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 1:57 p. m., Councilwoman Brach-Williams moved and Councilman Colligan seconded to adjourn this special meeting. This motion was carried.

Dorothy S. Ogar
Town Clerk

November 7, 2018

The public hearing to be held as advertised on the proposed 2019 Town budget was held in the Shelter Island Town Hall, Shelter Island, New York, on the 7th day of November, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Town Clerk Dorothy S. Ogar, and eleven persons were also present.

The Supervisor called the public hearing to order at 1:00 p. m.

Salute to flag.

The Supervisor announced as follows: thank you and welcome to our work session and once again this is the preliminary review of the budget, we encourage people to, who would like to speak on particular aspects of the budgets and please hold your comments to three to five minutes, we will review all of your comments and suggestions and why don't we begin.

The Supervisor opened the hearing for all interested persons to be heard in favor of or in opposition to the proposed budget, as follows: anybody have any recommendations, suggestions, that being said, does the Board want to make any; there's a couple of little edits here and there but I'm still pulling them together and so after the work session, I'm going to pull them together, I will be away tomorrow and Friday so I won't be here for the meeting but if need be I can just take a conference call on Friday to go over anything but I'll e-mail you and have Shelby make preliminary edits to the couple of tweaks, I have Judy checking the salary figures and so she and I have to finish reviewing a couple to make sure that they are starting from the correct place; any idea the amplitude; it would just be $2,000.00; okay; and I think it's less than $10,000.00; okay; that's a four digit number, not five or six; exactly, and I think Shelby you might have had like one revenue item that needed to be corrected; oh yeah; I think that was small too I think; but I think in the packets I gave everyone, it was corrected; oh okay, so it would just be any of the salary edits; yeah; I know like one longevity figure needs correcting, a couple of calculations I just have to review them, I don't know what the procedure would be like to review those pages before the adoption on Friday, I mean do we have; you can circulate it to the Board members and see if they have anything; then we'll just adopt it as amended; as amended, right; alright so I will make sure, I leave on the first boat tomorrow, I'll get that off to you; great, thank you Amber, Jim; just a lot of hard work went into you know putting this budget together and it was a team effort and the

victory dance or anything else, I think we tried to do what we felt was responsible, the responsible thing to do and we didn't do everything we wanted to do but it was, it was a process that I think we, we have to go through each and every year, I will tell you that, having the meeting this morning and I'll save my comments for around the table but I would say now that this Town owns a lot of things, a lot of buildings, a lot of sheds, a lot of marine assets, it's a big responsibility and to maintain, that's why we have a capital plan and that capital plan has been worked on, it's a plan in progress and we are trying to the best of our ability to not turn our back on infrastructure, it's very simple to do that by the way and it's easy for the taxpayer, it's easy to be popular by just saying we're not gonna spend the money and we're not gonna fix the bulkheads or Town landings or docks or buildings in general and let everything deteriorate but it's also irresponsible on the part of an elected official to do that and I think we have so many pressing points, to clean up our waterways, put in new septics, take care of projects like Reel Point, Goat Hill and a variety of other things, Volunteer Park, and we're trying to do our best to address those issues and not turn our back to them and that's something that we are, I think as a team we are dedicated to do, it's not gonna be a one done thing, it's gonna take a course of years to address all our needs but I can rest assured that you know that we are determined to not do it all in one year but to put together a solid plan that takes us through the next five to ten years and addresses the infrastructure needs of the Town and I think that's something that's key to you know, the salaries and the loss of income through home sales and all those other things are, you know, those are things that are, they're just out there but the infrastructure, infrastructure items are a part of our upkeep and we need to maintain these things, I don't know if anybody else has any comments about that topic but; Paul; I'd just say that it's one of the more accurate representations of what we expect to do that I've been involved in, it wasn't pretty but we had it done and there's not a lot of junk in it, that's for sure you know, nothing that was proposed was junk, we had to cut some good stuff out just because it just __; I concur, I think it was a good effort; and I'd just like to join in with you all, I thoroughly enjoyed the whole process from the beginning, Shelby our new account specialist and Amber and I worked together in terms of __ perspective, we wanted input from all the department heads, we took our time, we listened not only for this year but for future years and we kind of put that in its perfect place, that __ went very well from the program perspective and then I want to thank of course the Town Board, we all worked together, kind of __ down the budget to where it should be, I remember the day when John Cronin and Jay Card came in ashen gray and after inspecting the infrastructure out there, especially our bulkheads and the Town Board and all were very concerned, we have a legal responsibility to keep up our infrastructure which we did, we addressed the budget in that perspective and finally we have great employees here, our employees are professional, they are courteous, they are loyal, they do a great job, we tried to help out and kind of bring salaries into line with that perspective and we were also able to do that thanks again to the Town Board, so thank you once again, I enjoyed the process; and I think just for the record, it's a two fold committee that met this morning, it's a capital planning and a grants committee and Jennifer was here to join us, our grants writer, we have been working on at least twelve to fifteen grant proposals, a lot of them have been approved, a lot of them have come to fruition, obviously there's only a few ways in which you pay for many of these infrastructure improvements, one is through the operational budget, another is through you know, bonding and another way is through grants but you don't just rest on all your, you don't put all your eggs in any one basket, that's just not doable, the operational is not gonna address all our needs, grants are not gonna address all our needs and bonding is not gonna address all our needs, the combination of all those different perspectives that come together and we will continue to work very hard, I think we made major in roads on our roads with one point two million dollars worth of paving in the last two and a half years, we just took care of another almost quarter of a million dollar budget on a project at Taylor's Island, we've put a lot of __ at Reel Point, we recruited the Army Corps of Engineers to come in and help us with that because that's a big nut to crack and obviously we couldn't do it, we can't do it in the operational budget and, or even come close but we are, we're not turning our back on it, we are looking at Volunteer Park, we're looking up at Goat Hill, we're looking down at Crescent Beach, we've taken care of Wade's Beach, we're working across the street at the Legion, there's a lot of stuff that's going on in this Town __ and I will also say that I'd like to thank the Chamber of Commerce, the Lions Club and all the other people, even the gentleman that came in last Tuesday that took a team of seven or eight guys here for two days and scraped and painted Police Headquarters, we did, we had done Justice Hall with two guys taking almost a month of work to do that, we did all the brick pointing on a building that's eighty-five years old, the Town has made a commitment to do the brick pointing at Police Headquarters this year to get that done to prevent damage to the inside of the building so it's not like

we we're not working our best through all three things trying to get all these things done, I think we're making some significant progress, it's a joy of my life in working on that committee and being with four people of which two are here, Amber and John Cronin, Jay Card and Jimmy Read, it's a committed value and I think collectively it's not one person that's calling the shots, it's five of us putting our heads together and get the support of the Town Board which by the way Gary and administration that we have right here that they've been very, very supportive and we tried our best to get things done and we will continue to try to do that to the best of our ability; Mr. Bindler; yes; are you here for the budget hearing; yes; well this is where we're at right now; why don't you come up to the; come up and do what you've got to do if you want or do you just want to watch; no, is the budget hearing completed; no; we were waiting for you; we're in the midst of it; you're the first person; I just assumed that you were going to do a budget presentation; no, this is the process where we get your input, within three to five minutes; everybody; it's the public hearing; I'd be happy to do that, again my name is Don Bindler, I think I appeared before the Board several weeks ago, well before I __ what I have to say, am I correct in assuming that the budget hearing for the public is right now and that the Board will then vote on the budget subsequent to this; right; right; November ninth; Friday, this Friday; oh Friday, oh okay cause I read the agenda for today and it looked like the vote was going to take place right after this and I was about to say well that doesn't allow for any digestion of input, thank you, and I appear before the Board to express my alarm at my original presentation of the budget even though I realized and you've made it very clear that this was a preliminary budget but I felt that the sixteen percent even as a preliminary budget was alarming to the public at large and a very difficult place to start the weaning process from, to your credit and I'm sure a great deal of hard work you're down to a number which I said you would probably take great pride in and I predicted you would take great pride in when you were finished but that in my opinion was still not acceptable in terms of the CPI nationally, in terms of the cost of living for many people on the Island and so you're down to a much improved point although I would express my own personal opinion that it still exceeds levels where we should be looking at annual interest so to my questions, I did not come here to make a speech, I just wanted to preface my remarks, I do have a couple of questions on the expenses, I understand and I applaud you for work that's being done on the infrastructure, there's a great deal of things that need to be done on the Island and they're costly and they cannot be avoided so my hat is off to you for at least tackling these projects but there still are some questions and it's a very sensitive area because we're dealing with people who work for the Town but I don't have a handle on it, maybe it's in the published budget but if it did, I missed it so I have the following questions, first of all, maybe it would be better if you quantified it generally rather than single out individual people but to what extent are raises given to non-contractual people in the Island and what percentage does that amount to in terms of their total salary, I don't want to single out any one person, number two, were bonuses of any kind paid to any employees of the Town or to the Board: no; there were no bonuses paid, okay so in other words member of the Town whether it be the Board or employees received a salary that they came on as employees for, is that correct; I'm trying to understand the question, whatever their salary line is in the budget; lets say you earn $125,000.00 a year of in the case of a Board member you earn X or the Supervisor earned Y, were any of these people paid a bonus over and above the amount of money that was stipulated in their salary; no, because we would have to do a budget modification; what; we would have to do a budget modification on the Friday meeting to make a change in someone's salary, so the only; what about any bonuses; bonuses would have to be incorporated with the net salary line; okay so no bonuses were paid to the Board or to individuals; I don't know, forgive me for interjecting here but I don't know if a stipend counts as a bonus; a what; a stipend, for instance, Amber gets; that doesn't __; are you talking about 2018 bonuses or are you talking about increases that were put into the budget; bonuses over and above the salary that you're paid; nothing Don, very simply, in 2018 there was no money designated; what about 2019; 2019 there are a couple of things; but they're not bonuses; they're not bonuses, stipends are not bonuses; I agree with that; I was just trying to clarify the language between what he is saying and what we're thinking, okay; we're now looking at the 2019 budget; correct; so are bonuses incorporated into the 2019 budget; we don't use the word bonuses; okay what's the stipend; it's only a salary adjustment; stipend, a raise is different than a stipend; right, it is; yes it is; a stipend is given for additional duties; if an employee in the office earns $30,000.00 a year and the next year you're raising your salary to $32,000.00 a year, that's a raise; right; if you earn $30,000.00 a year and you're given a one time bonus/stipend amount of money of $3,000.00, I don't care whether you call it a stipend or a bonus, are they factored into the next year's budget; those are incorporated into the next year's budget and the stipends are not just a one shot deal unless the duties associated with

it, like say the residential repair program, we get money from the County I guess for that; a hundred percent; there's a stipend for the residential repair program but if they stopped having us do that program, then those stipends would go away but the stipends remain in place as long as the people; but what about internally for regular members of the employees or the Board, are there stipends in the bonus for the Board for example; I get a stipend as Deputy Supervisor; I'm sorry what; I have a stipend as Deputy Supervisor; do perform actual accounting work; no it's just to fill in the Supervisor's shoes and assist, it's sort of like Vice President, you know it's just; that's fine, I'm not criticizing, I just trying to get information; I think we need to summarize this to get to the __, basically a stipend is extra pay for extra work; okay so is any other members of the Board receiving stipends other than Amber; no; okay; but Amber fulfills all the jobs that, over and above what I can't do, so she not only does the accounting, she __; that's more than fair because she performs certain duties as a regular Board member; right; that are appropriate for her Board member role and when she steps in to do other work for another employee, you kind of take off your Board member hat and you put on whether you call yourself a consultant, ___; right; I just wanted to clarify that, lastly, what has been done on the revenue side of the budget with fees through out the Town and one that I threw out, not that it's major, things like beach permits which we're giving away for $150.00 because this is operating on the beach but in other, what are we doing in these areas; well we did a couple of things this year, the number one thing we did Don was the, took a look at the Building Department and we tried to align our which had not been raised in a good number of years, the permits and everything else with more of what they were doing over in Southold, we did not go near what they were doing down on the South Fork but we did significantly increase that, last year and this year we took a look at parking permits, the parking sticker that we handed out for beach parking and we increased the revenue there, we have taken those kind of measures, you know everything that we could do, we keep looking at that for instance I've often had this conversation with the Board, it's on record on television about this time of the year bringing leaves into the recycling center and we literally will have during the course of October, November and December, we may have several trucks that will come in with leaves, small trucks, medium size trucks and big trucks, they're basically taking leaves of people's property, some of them are homeowners like myself that drive a pickup truck that do a little bit at a time, we come up, we dump our leaves and off we go, don't get charged so we don't pay anything for that, so do the bigger trucks that come in, the landscapers but we still have to deal with that product, we still have to move that product around, it involves machinery time, effort and everything else so I've talked about this with the Board, is it possible you know, an area to look into for the Fall of 2019 and something I would like to pursue where if you are a commercial landscaper and you are cleaning up leaves on a large scale basis, not a large fee but just put a decal on the side and pull up to the scale and they weigh it and off you go and that particular is probably transferred to the homeowner so whatever you're paying, $500.00 or $700.00 to clean up your winter leaves or your fall leaves, then there's an extra fifteen, twenty, twenty-five fee on top of that, so we did raise the price when we did Congdon dock, we almost doubled, we significantly increased the amount of money cause there are only twenty-seven slips or something like thirty-three slips down at Congdon dock, we said well why should you if you don't have your boat at Congdon dock, be paying for that, that's for an individual, so we targeted that particular group of people in order to raise revenue so then in the course of a little over three years, that $50,000.00 that we spent to Costello to put in a new dock would be paid for, not through taxpayer money but through the slip holders, we took a lot of flack for that, I mean _ , we were paying one hundred and fifty and we brought it up to two hundred and fifty, three hundred, whatever we did, I mean hey listen you put your boat there for six or seven months, at the cost of a year at a marina, and you've got a brand new dock there, electrical and everything else there, I think we went out of our way to try to do that, so wherever we, wherever possible and I know we have gone back and forth down at Sunset Beach; it's just a small item; it is a small item but you know what; it should be addressed; but all revenues, when you add them together, they all mean something; has that been addressed; it hasn't been for this coming, for 2018, could it be addressed in 2019; not could it be, should it be; we're allowing beach; I'm one person, I say yes but; all I'm asking the Board generally, Mr. Supervisor, we're giving business to operate on the highest traffic spot on Shelter Island for $150.00 and yet you're talking about an individual taxpayer paying perhaps fifteen or twenty or more dollars per year to remove his leaves or her leaves, Amber you outlined the amount of increase to an average home that's proposed and I think you said it came to $126.00; right; so you're asking the taxpayer to pay $126.00 more a year to live on Shelter Island and you're giving businesses the right to operate on our public beach for $150.00, they're paying as much to operate for an entire summer as you're taxing every single operator, it's not

that I'm singling out these two items, I'm saying it's indicative of a state of mind of how we're looking the residents and some of these people might not even be Shelter Islanders; who, I'm trying so hard, Don, I'm sitting here, I'm stunned, you've obsessing on this beach for year after year; well I am when I see ___; you really are obsessing, you have for a long time; Paul I'm obsessed with the Board obsession not to do anything about it; how much do we have to charge the; __; in order to alter your __; you're charging me $126.00; charging me the same thing; okay; we all live here; but then you don't want to charge people who operate a business; we do charge them, how much would be appropriate; probably about two or three thousand dollars; and then, you've got to remember these are the equivalent of a lemonade stand, they are not necessarily big ticket items; I beg your pardon; they have signage, they signage, they have areas of the beach, they have equipment out on the beach, don't tell me it's the equipment of a lemonade stand, I operated one when I was six years old and I made a lot of money on it but I took something the size of this, don't tell me they're running a lemonade stand on the beach when you've got an area the length of this room with boards, with signs, with tents; Don how about we do this; I said adult equipment; how about we do this, you've made that point; I made myself clear that; yes; I am not obsessing, I object to Paul; it's not the first time anyone has objected to one of my terms, I apologize Mr. Bindler; thank you; you seem to be somewhat preoccupied; thank you; well you seem to be preoccupied with not charging when you're charging people for a budget that I think is not totally acceptable; I think __ compare with; I accept your apology on the word obsession; and thank you so much; well, and the other thing, when we make a decision we _ the five of us so it's directed to all of us so, but you know what, you made a fair point, I promise you we will take a look at it; __ the rest of the people, I haven't heard the Supervisor speak; well I don't like to speak over people, I'm with Jim on this and we all came into at the beginning of the year, the beach fees were fairly well set and I was new, Albert was new, we looked at it, we said we would review it, maybe not this year but again, I think we will subscribe to your, we may not make a quantum leap but we will be looking in on it 2019 absolutely; I'll tell you, a big revenue item that we're looking at right now Don, we talk about real money, not just; I know it's just a small amount; __; to me it's indicative Jim of a state of mind when the Town is being asked to accept a budget increase that is off; you're right; that is far in excess of the cost of living in the United States of America; I have two comments; it is far, excuse me, it is far in excess of the rate that Social Security recipients have received this year of for the past three and four years so I'm saying that when I look at the budget like that, I and I know many other Town residents who have come up to me are equally distressed and alarmed that if the budget is going to increase at these rates every single year, using the principles of compounding, the amount of taxes will be over the next five or six or seven years is considerable who made the __ income; to commence, number one, when it gets to real money, we actually, thank God we have a guy like Jay, Jay has turned that recycling center into a money maker and we were operating in the red for many, many years because we didn't have an innovative guy like Jay in there, Jay runs three different departments, he's the only one on the east end that actually has a title, he's a public works guy, runs a recycling center and also is the Highway Department guy, we taken three jobs, consolidated them and paid a fee of that amount of money, of which, in any other town would be two and a half times of what we pay him here, so we value and the same thing is true with a guy like Mr. Cronin, you know, the Town Engineer that puts in a lot of extra time, we've taken three jobs, consolidated them and paid a fee of that amount of money, of which, in any other town would be two and a half times of what we pay him here, so we value and same thing is true with a guy like Mr. Cronin, you know, the Town Engineer that puts in a lot more hours than he gets paid for because his heart and soul is in this Town so you know, they do a lot of great things, the combination of those two, we can't really afford to lose them but we're in the process of, John is right here in the audience, is, do something where we take his knowledge and his thirst and love of this Island, he's got a vision where very few people share, I'm just learning it, the other day I sat down with John, I learned something from him and what I'm learning as a public official, you don't live for the here and now, you don't just try to, you know, if you want a popularity contest, cut the budget five years in a row but to turn your back on the very beauty of this Island and the assets that we actually own, they're expensive assets, it's much more difficult to operate on an Island than it is a mainland without bulkheading and Town docks and all the other stuff that we put up with here, and for too many years we have turned our back on infrastructure, just like school districts do; ___ infrastructure, I hear you, I hear you; but what I was gonna say about the revenues that we're gonna get out of that landfill, now that we have so much mulch, we can't even use all the mulch, Jay is actually looking into sending it to the South Fork, to the North Fork, to bring more and more revenue back into the Island, so it's not like we don't value it, we value revenues and we're constantly thinking and by the

way, not just for you Don but anybody out there on TV or in the audience today, if you have a way in which you think that the fair thing, in fairness and again we don't want to just target people just, they're being targeted enough but if you have an innovative idea of how the Town can make a revenue on something, give us a suggestion, we're all ears, we realize that expenditures are going up but we do need to counterbalance that with additional revenues, not at the expense of the; I'll give you one right now, and that's, see if there are businesses on the Island that would like to adopt the circles on the Island, the circles on the Island have become an aesthetic disgrace; the what; the circles; oh; like Wilson Circle, have become an aesthetic disgrace, on an Island that prides itself on it's charm and it's ambiance; yeah; I drove through Sag Harbor and they're beautifully landscaped, I went through one just a little while ago in East Hampton, it was a sea of mums in bloom; yeah; there's a revenue item that we've got these circles that are deteriorating before our eyes, maybe there are businesses on the Island that would like to adopt them and work out something with one of the local landscapers to keep the landscape for a fee, I don't know but it's worth looking at but leaving them the way they are is certainly an embarrassment to the Island; great idea Don; yup; I don't want to dominate this meeting, I'm sorry that but I had to address your point Paul on the obsession but lastly do we know at this point in time the amount of money that's here from past reserves that will have to be __ or possibly tapped for the current budget, I know I said at the last meeting I understand that those numbers were still being; __; audited, is that the word you're looking for; I'm still analyzing, if I can find the right spread sheet, alright, so you want to know what's coming out of the; not to the penny, I don't need to; well we're pulling out of fund balance just to cover operational to help the operational side; apparently we're taking down from fund balance; yes; that is coming into the net result of this budget; yes between the A and the B fund, cause we've also pulled out from fund balance and the cell tower money, one time capital expenditure item, the operational piece is $309,000.00; so $309,000.00 is being taken from capital reserves to be used in this budget; yes; so the budget that is now presented to the Town is showing a final increase of what Amber; five point three percent; five point what; five point three percent and that is not the spending increase, that's the budget increase; that's the net increase; right; right; what is the spending increase for the year, so you have to give back the $309,000.00; yes, that would be a harder number to come up with and the reason being is we do have these capital projects in here that increase the expenditure and I talked about this before, is we're grossing up what's coming in from fund balance to cover these one time expenditures and we're also putting it in the expenditure side so if we were to look at the increase of last year's expenditures to this year and I haven't looked at that because we grossed it up so that we don't have to do budget transfers in the middle of the year, we've captured that we know where the $500,000.00 in pavement grants is cause we put the $500,000.00 into the budget, that wasn't always done historically, we started to do a little last year so to look at this year's expenditures to last year's, I have to, to give you a good base line, I have to go through and pull out all those capital projects to give you; so you don't really have a zero baseline; yeah, I haven't done that; it's hard to do appropriations one year older than that; yeah but I don't even have that, total appropriations in 2018 is twelve thousand nine hundred thirty-two dollars and pennies and; well can you do those two budgets; yeah, that's what I'm looking for, I'm gonna have to open up what I have from last year and last year's figure was eleven million six sixty-nine; so what was the percentage increase gross to gross, that's the easy question; yeah; compared to; but they're two different spread sheets, hold on, what's gonna be misleading is the percentage increase that I give you because we are increasing things by one point three million dollars but that's got capital projects in there; there's two kinds of spending as you know, at least, one is the long term spending and the other is the typical recurring expense; you have the operating budget and you have your capital budget; right; roughly an eleven percent increase; so the gross spending budget year to year is eleven what; eleven percent; eleven point what; I didn't go that far; oh eleven percent; ten point eight percent; so I can tell you Don right off the bat, that four hundred thirty-five thousand dollars of that expenditure is going to, a hundred twenty-five thousand dollars is going into the plate readers for the ferry terminals, forty thousand dollars is going into the forty K generator down at the Medical Center, it's also our emergency center, a hundred fifty thousand dollars is going into the bulkheading to replace the bulklheading at Volunteer Park which is literally falling apart, sixty thousand dollars is going into the Public Works to finish the brick pointing, we did the brick pointing at the Justice Hall, this one is coming in at Police Headquarters at sixty thousand, is going onto a protective roof that will go over all our recycling equipment which is now exposed to the weather so when you pull into the recycling center, maybe next year, maybe by next year you will actually pull into a steel structure with concrete with an overhang of eighteen feet I think he mentioned; you don't have to justify the capital budget Jim; but I'm just saying

there are some projects that we were looking to knock off and we haven't even addressed the cobbles out at Reel Point, we haven't addressed the causeways that are flooding and the mitigation measures that would, that's why our Supervisor recruited the Army Corps to get involved in this because the money is prohibitive, we can't be looking at multimillion dollar projects, we don't have a budget that's a hundred million dollars, if we had to come up with a hundred million dollars, picking up a three million dollar project might be doable but the only way we could do that is, we'd have to bond for that kind of stuff, we just kind of paid off the Highway Department bond to negate the loss of income off the cell tower so that's good for the next four years; what will the, what will the capital reserves be assuming the budget you have presented as it is, is adopted Amber; around one million dollars which is where we wanted, we wanted to maintain and every as it goes up, I think this year the __ is one point three or somewhere around there and if we are using roughly around three hundred thousand dollars, it will come down to about a million dollars but we need, that represents you know, as the State recommends for towns to stay at a minimum of ten percent minimum, maximum of fifteen percent to stay in there; so you will have a million dollars in capital reserves; well we'll even a little bit more than that because of the cell tower money of which was have a million dollars which we set aside, we've also set three hundred thousand dollars of that cell tower money to put out front to pay for our grants so we never had money, we never had a pot of money that we had to borrow from the reserves to do road paving, now we have a pot of money where we'll be able to do that; so you'll have about; yeah, the total in the general fund A will be about two point two million; how much; two point two million dollars; in capital reserves; yes; __ say a million dollars; well I'm saying, of that we've designated nine hundred thirty-three thousand dollars to just be set aside so that every year we have that sixty-seven thousand coming in as if the cell tower __; oh okay; that's to go forward for the next nineteen years; so what is the, excuse me for my ignorance, what is the real capital reserve at the end of the year if this budget is adopted, let me know, round numbers; I'm saying eight hundred thirty-eight thousand; eight hundred thirty-eight thousand; with nine hundred thirty-three thousand in one bucket, three hundred thousand set aside for funding grants; so around eight hundred thousand given change, will be the capital reserve; yes; and have we made public, perhaps I should know if it has been made, what is our long term liabilities or do we have an unfunded pensions and liabilities; twenty some __ is it, you mean the unfunded liabilities; the unfunded liabilities; we don't have the 2017 report; that's close enough, it probably hasn't changed very much or maybe not at all; I do not find it fast; there are no, Amber is looking for that, just to steal some time, there's a, there's some projects that are not even on tap yet that we are investigating and we're using all kinds of, whether it's Ken LaValle or Bridget Fleming you know, a variety of different people to help us with these projects, you know we have meetings set up to look at taking for instance the pipe that goes out of the North Ferry and redirecting that up to the Golf Course, that's a project that, Stella is President of the Heights Association, the Heights Association is looking for help to drive that a little bit so that's something that we're looking at and as I said Reel Point, the causeways, those are things that we don't have, we don't have money for those kinds of things, thank God in another two weeks we'll probably be pretty much finished with Taylor's Island, we have up there that we own and the whole historic area of Goat Hill and there are a lot of needs at Goat Hill, the decking is falling apart, the siding is falling apart, there are some issues up at Goat Hill that need to be addressed, just to be able to preserve that building but we are working through our grants writer to help do that, this thing you described right down here with the circles, there's a Downtown Beautification area, I would love to get some type of massive proposal which not only dealt with Wilson Circle but the entire area through the middle part of our Town because it's the middle part of our Town, so these are things that we have in the works but with, every time I look over at John, I just think, the two _ of marine assets that we own, the number of buildings that we own and all the stuff that we own that is not in great shape; it just hit me as I'm driving down the road recently and I saw this clean up was being done by __, I proposed this ten or fifteen years ago, adopt a highway on Shelter Island, perhaps we're a little bit small to handle that with the limited number of businesses that we have to draw on but it seems like this would be a no brainer when you see __ doing the clean up here and XYZ providing the landscape there as you drive down the Montauk Highway, these are opportunities to deal with some of the smaller infrastructure items that are nickel and diming you to death but when you add them together like painting one of the buildings, and that's why my obsession Paul, when with the beach permit and I said the proper fee on those, paints a building that desperately needs painting so it's not an obsession with one item as I recognize for all of you, there are trade-offs when you spend here, you've got to find the money there and so there's no, there's nothing that isn't a trail, I don't want to keep you on that Amber; __; I don't want to delay

the public, if you find that during the course of the meeting, it might be interesting and I don't want to take any more of the Board's time or the public, I want to first of all even though I applied some criticism of parts of the budget and the amount, I want to say at the same time, thank the Board for the effort that goes into it, I know that that is not an easy job, I know that this is not an easy process and again as I said there are trade-offs where you have to scrape the bottom of the barrel sometimes to get them from point A to point B so take my criticism as not personal but as an Islander looking at the financial status of the Island but at the same time thanking all of you because I know it's a thankless and difficult process to undertake whether you're gonna favorably or unfavorably, I know your heart goes into in the right place, so thank you very much and I'm sure there are other people that might want to say something; thank you; thank you Don; anybody else want to speak, any other comments; Amber, one question, what was the, how much was used from fund balance to offset last year; __ somewhere in the; I was gonna say; two seventy-five; a hundred and ninety-five thousand; oh one ninety-five, okay; and the unfunded actuarial accrual liability is twenty-seven and a half million dollars; approaching thirty; Don do you hear that, twenty-seven and a half million; twenty-seven and a half million is the unfunded; the unfunded actuarial accrual __ for other purposes of employment benefits; may I ask, may I ask a question to that, __, are we recovering our funding to control our money, how much annually do we have to put into; we don't at this time, we pay as we go; ___; by that definition it wouldn't be unfunded liability; okay if you pay as you go, it wouldn't be unfunded; exactly; so the unfunded part we don't pay, __ unfunded; but it's increasing, you said __ seventeen million; that's correct; you said seventeen million and now it's twenty-seven million so you're not paying as you go; we're paying the liabilities as they're incurred rather than as they're anticipated to incur sometime in the future; so how are we addressing the future liabilities; the same way everybody else is; when does the boom boom hit the fan; that I ask every year by the way when the auditors come in, every year; have you ever gotten an answer; every year, every year and they always say well uh I don't know; don't you think we ought to find that out at some point; I don't think, right now the State doesn't require us to do it and the last people I heard of that were required was the Post Office I think and it drove them near out of business, it's a lot of money to try to prefund; I know but if it's increasing each year; it's going to; if we're paying as we go then it wouldn't be increasing each year; we're paying as they're incurred, the unfunded liability is not paid as we go; no I understand that but our current liabilities are being paid as we go; that's correct; therefore you would not be increasing the unfunded liabilities; that's not necessarily true, the unfunded liabilities are those we anticipate coming for all our employees as they retire and they're not liabilities in fact yet, they are bills to be presented in the future, it's like you paying your light bill in advance or not; the unfunded liabilities will have to be paid at some point; yes but not necessarily all at once; no I understand that; in theory they should incur in regular increments as they have in the past, every current liability was once an unfunded liability as far as the employees go, right; may I suggest because it's a very complicated and since this is on this year's budget, may I suggest to the Board that a presentation or a written presentation even but done to the residents of the Town on what the unfunded liabilities mean to them or doesn't mean to them; we can have the auditors _; I don't want to take this Board's time; I understand; and but I think, I've been involved with the Town's budget in past years you may recall, ten and twelve years ago there was an active committee that was called concerned citizens, the budget was increasing at exponential rates that make you guys look terrific and at the same time, that subject was addressed then and swept away and now the number I hear, far exceeds the number that was being discussed then so I think it would be in the interest of the residents of the Town for them to know what it is that's staring them in the face and how and if it becomes a significant liability to the taxpayers in the future and it may not when you finish doing that presentation but I don't want to take this meeting to do it; thank you Don; okay is there anybody that would like to speak on the preliminary budget; yes, _ thank you and the Board for taking the time to address the infrastructure; Mr. Sivco; yes; hello; thank you.

Councilwoman Brach-Williams moved and Councilman Colligan seconded to close the pubic hearing at 1:51 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

November 9, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 9th day of November, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson. Councilwoman Amber Brach-Williams was absent. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and thirteen persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

Correspondence included the following:

1. A letter dated October 30, 2018 from Ron Lucas resigning as Residential Repair Mechanic.
2. A letter from Vera Chaplin and Nick Vatakis concerning the lack of a noise mitigation barrier for the proposed tower at 69 Cobbett's Lane.

Councilman Shepherd presented the following financial report for the month of September, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
SEPTEMBER 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBRSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen. Checking | 3,487,030.49 | 452,014.25 | 971,990.64 | 2,967,054.10 | 784,908.21 |
| Hwy Checking | 648,001.66 | 49,241.29 | 117,425.89 | 579,817.06 | |
| T&AChecking | 624,684.45 | 26,626.40 | 22,649.51 | 628,661.34 | 15,696.29 |
| T& A Savings | 12,229.43 | 0.28 | 0 | 12,229.71 | |
| Hwy Cap Res | 378,891.74 | 22,509.00 | 0 | 401,400.74 | |
| WNW Supply | 61,556.34 | 1,144.97 | 17,824.20 | 44,877.11 | 112,091.11 |
| Taylor's Island | 43,722.25 | 15.45 | 0 | 43,737.70 | |
| Comm Pres | 4,016,883.81 | 328.05 | 24,663.38 | 3,992,548.48 | 5,669,709.16 |
| Waterways | 143,313.59 | 1,050.00 | 0 | 144,363.59 | |
| Reserve Fund | 837,225.27 | 11,389.17 | 0 | 848,614.44 | |
| Bridge St Escr | 0 | 0 | 0 | 0 | 359,896.14 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Center Re | 20,045.25 | 0 | 0 | 20,045.25 | |
| Ambu. Reser | 357,007.43 | 29.24 | 0 | 357,036.67 | |
| Ambu. Train | 29,341.76 | 0.63 | 3,514.18 | 25,828.21 | |
| TOTALS | 10,675,683.47 | 564,348.73 | 1,158,067.80 | 10,081,964.40 | 6,942,300.91 |

RESOLUTION NO. 505

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", pursuant to Section 108 of the Town Law, a public hearing was duly held on the 7th day of November, 2018, on the preliminary budget for 2019, at which time all interested persons had an opportunity to speak in favor of or in opposition to any and all items therein contained, and

"Whereas", this budget has been available for inspection by any interested persons at all reasonable hours, and

"Whereas", the Town Board has revised the preliminary budget, now, Therefore

BE IT RESOLVED, That the preliminary budget is hereby adopted and declared to be the annual budget for the year 2019.

| | | |
|---|---|---|
| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Supervisor Gerth | aye |

4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 506

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from the The Nature Conservancy in the amount of $1,698.12 as follows: $438.12 to the A3510.491 Animal Control Officer's 4 poster maintenance account, and $1,260.00 to the A3510.422 corn account, the reimbursement funds received from the Shelter Island Country Club, Inc. in the amount of $394.90 to the A1490.410 Public Works grounds maintenance account, and the check returned from the Suffolk County Department of Health Services for a lifeguard violation in the amount of $585.00 to the A1930.400 Judgments and Claims account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 507

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,440.00 from the 2018 A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758-3439, for the quarterly contract payment for servicing the telephone systems for the improvements to the telephone system including front door security phone.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 508

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the Shelter Island 5K Run/Walk paid a compliance fee of $100.00 for their 5K Run/Walk on October 2, 2018, and

"Whereas", Jay Card, Jr., Superintendent of Highways, reported that no portion of the deposit was required, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the $100.00 fee to the Shelter Island 5K Run/Walk, P. O. Box 599, Shelter Island, New York 11964.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 509

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Sylvester Manor Educational Farm paid an application fee, a rush fee, and a cleanup fee for a total of $300.00 for their scheduled Fall Festival on October 27, 2018, and

"Whereas", the proposed event was canceled due to inclement weather, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fees in the amount of $300.00 to Sylvester Manor Educational Farm, P. O. Box 2029, Shelter Island, New York 11964.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 510

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", filming permit number 73 was issued on October 12, 2018 to Jenny Landey Productions for filming at 52 Peconic Avenue on October 19 and 20, 2018, and

"Whereas", a filming clean up deposit of $1,000.00 was paid for said filming, and

"Whereas", it has been determined that no part of the deposit was utilized, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the deposit amount of $1,000.00 to Jenny Landey Productions, 207 Three Mile Harbor HC Road, East Hampton, New York 11937.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 511

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the lease agreement between the Town of Shelter Island and the Presbyterian Church for the operation of the Senior Nutrition Program space for a period of three years, commencing January 1, 2019 and ending December 31, 2021, and

BE IT FURTHER RESOLVED, That effective January 2019, the rent to be paid to the Presbyterian Church is hereby increased from $1,517.80 per month to $1,593.69 per month.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 512

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Gary Sher has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 26 South Midway Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 4,704 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated October 14, 2018 and certifies that the Low-Nitrogen Sanitary System project by Gary Sher at 26 South Midway Road, is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 513

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Nancy Schulman has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 27 Tuthill Drive, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 8.8 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated October 18, 2018 and certifies that the Low-Nitrogen Sanitary System project by

Nancy Schulman at 27 Tuthill Drive is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 514

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor hereby authorized and directed to execute the first amendment to the Service Agreement between the Town of Shelter Island and Value Payment Systems, LLC ("VPS"), said agreement concerning the collection of real estate taxes by the use of credit card payments.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 515

Councilman Colligan offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the tenancies in the three apartments located at the recently acquired 40 North Ferry Road shall continue on the present terms with the landlord paying electric and heat, and

BE IT FURTHER RESOLVED, That the monthly rents are hereby set as follows:
Apartment 1 - $1,000.00,
Apartment 2 - $1,200.00,
Apartment 3 - $1,300.00; and

BE IT FURTHER RESOLVED, That such tenancies shall continue on a month to month basis with a guarantee that no tenant in good standing shall be asked to leave prior to November 1, 2019 after which time, the owner may require the tenant or tenants to vacate the premises upon three (3) months notice.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 516

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for sealed bids for the purchase of fuel oil for the Medical Building, Highway Department building and the Legion Hall for the year 2019.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 517

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for sealed bids for the purchase of propane for the Town of Shelter Island for the calendar year 2019 for the Police Department, Town Hall Complex, Hall of Justice, 40 North Ferry Road, and the ambulance building.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 518

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Little Ram Oaks, LLC, William Derrough, 34 Little Ram Island Drive, has petitioned the Town of Shelter Island for a wetlands permit to remove existing single family residence and fenced garden area partially located within regulated area; property to be developed with new single family residence, swimming pool, accessory building, IAOWTS, supply well, stormwater containment all outside of Town wetlands regulated area, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:45 p. m., prevailing time, on the 30th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 519

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Beach Glass Properties, LLC, Jack Morgani and Geri Schmitt, 21 Tarkettle Road, have petitioned the Town of Shelter Island for a wetlands permit to demolish existing one story dwelling and associated decks and patio within 100 foot tidal wetlands boundary, construct new two story, three bedroom single family dwelling with attached porches (approximately 400 square feet) situated within regulated area, construct 325 square foot on-grade terrace with trellis above and 74 square foot hot tub, and install a buried 1,000 gallon liquid propane tank, now, Therefore

BE IT RESOLVED, That pursuant to Section 129-7 of the Code of the Town of Shelter Island, a public hearing will be held at 4:48 p. m., prevailing time, on the 30th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 520

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:51 p. m., prevailing time, on the 30th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled Minimum Wage correction, as follows:

Section 1. Amend Section 18-1 as follows:

Amend the second sentence of Section 18-1 - Salaries and Wages of Chapter 18 of the Personnel Policy of the Shelter Island Town Code to read as follows: Unless otherwise specified, part-time secretarial workers are to be paid as per the current New York State Minimum wage applicable to Long Island.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 521

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", The Town Board wishes to grant licenses for the private use of Town property where it is in the best interest of the Town, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:53 p. m., prevailing time, on the 30th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled "Operations on Town Owned Property", to wit:

Section 1. Amend Section 133-30 of the Town Zoning Code by adding the following sentence, to wit:

This section shall not prevent the conduct of business, placement of a private well or other private use of Town property pursuant to a license issued by the Town Board.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 522

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:55 p. m., prevailing time, on the 30th day of November, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to a proposed Local Law entitled AMENDMENTS TO ZONING CODE, SECTION 133-12, RE: RAINFALL CALCULATIONS, as follows:

Section 1. Amend the last sentence of Section 133-12 F(6)(b) to read as follows:
Professional architects or engineers are not needed for this impermeable driveway installation since a four-foot-by-eight-foot drywell can accommodate the runoff of a two-inch per hour rain event when properly installed by the contractor.

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 523

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", the current Administration has expressed interest in opening the Atlantic Ocean to offshore oil and gas drilling and exploration, which includes the use of seismic airguns which fire intense blasts of compressed air that rank just behind military explosives, and the loudest source of noise in the ocean, every ten to twelve seconds, twenty-four hours a day, for months on end, and

"Whereas" offshore oil and gas drilling and exploration places coastal communities at economic and ecological risk from oil spills and the pollution brought by routine drilling operations and onshore industrialization, threatening the livelihoods of commercial and recreational fishermen and small businesses that rely on a clean and healthy ocean and beaches, and

"Whereas", offshore drilling may require significant onshore infrastructure, such as pipelines or refineries which would harm the character of New York State's coastline and could exacerbate wetlands loss and storm surge, and sea level rise impacts, and

"Whereas", the harmful impacts from off shore oil and gas drilling and exploration anywhere along the Atlantic coastline could extend far beyond immediately surrounding areas and severely impact communities that rely on the robust economy of the marine industry, and

"Whereas", the Town of Shelter Island recognizes that our community, businesses, and industries depend on a healthy coastal environment for the benefit of current and future residents, property owners and visitors alike, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby determines that offshore oil and gas drilling and exploration unnecessarily risks our economic and ecological health and thus, the Town Board sets forth its opposition to any plan or legislation which encourages oil and gas development and offshore and exploration offshore that would impact the citizens of New York State, and

BE IT FURTHER RESOLVED, That the Town Clerk shall forward certified copies of this Resolution to New York State Governor Andrew M. Cuomo, United States Senators Chuck

Schumer and Kirsten Gillibrand, United State Representative Lee Zeldin, New York State Senator Kenneth P. LaValle and New York State Assemblyman Fred W. Thiele, Jr.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 524

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That Resolution No. 466 - 2018, dated September 28, 2018, is hereby amended to read as follows:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute any and all necessary documents and payments to effectuate the purchase by the Town, the property located at 40 North Ferry Road, for a total amount not to exceed $693,100.00, to be paid from the A8660.400 acquisition of real property account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 525

Councilman Dickson offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Wetlands permit number 0143-2018 was issued to Lawrence Kogel, 6 Club Drive, for the installation of a swimming pool, and

"Whereas", Mr. Michael Gentile, Architect for the Kogel project, has requested that said approval be amended concerning the materials utilized to construct the project, now, Therefore

BE IT RESOLVED, That 1) of paragraph 10 of the approval resolution is hereby amended to read as follows: The above-described project shall be constructed as depicted on the Proposed Site Plan by Architect Michael C. Gentile dated March 15, 2018, as amended by letter dated June 13, 2018, and revised October 25, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 526

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$500.00 from the A1490.122 Public Works double time personal services account to the A1490.121 Public Works overtime personal services account;
$1,200.00 from the A1490.415 Public Works trees account and dispersed as follows:
$200.00 to the A1490.416 Public Works mower repairs account, and
$1,000.00 to the A1490.420 Public Works signs and signals account;
$26,860.50 from the A1990.400 Contingent account and dispersed as follows:
$25,600.00 to the A1010.497 Town Board professional services account, and
$1,260.50 to the A1620.408 Buildings repairs and maintenance account;
$512.00 from the A3120.272 Police Department new car account,
$87.00 from the A3120.476 Police Department FOIL expenses account, and
$188.00 from the A3120.480 Police Department radio contract account to the A3120.119 Police Department traffic control officers personal services account;
$124.00 from the A3120.479 Police Department boat maintenance account,
$816.00 from the A3120.482 Police Department boat gas and oil account, and
$1,269.00 from the A3120.486 Police Department car gas and oil account to the A3120.121 Police Department bay constables personal services account;
$510.04 from the A3510.408 Animal Control Officer signs, repairs, etc. account to the A3510.498 Animal Control Officer deer reduction management account;
$400.00 from the A6776.422 Silver Circle food account and dispersed as follows:
$200.00 to the A6776.484 Silver Circle office and miscellaneous account, and
$200.00 to the A6776.486 Silver Circle van fuel account;
$350.00 from the A8160.442 Landfill purchase of bags account, and
$150.00 from the A8160.490 Landfill hazmat training account to the A8160.495 Landfill printing and advertising account;
$2,500.00 from the A8160.451 Landfill C&D hauling account, and

$500.00 from the A8160.487 Landfill clothing account to the A8160.127 Landfill over time personal services account;
$3,370.00 from the B1990.400 Part Town contingent account to the B8030.487 Water Advisory Committee water quality testing account;
$2,500.00 from the DA5140.162 Highway Brush and Weeds longevity account and dispersed as follows:
$2,000.00 to the DA5140.167 Highway Brush and Weeds overtime personal services account, and
$500.00 to the DA5140.161 Highway Brush and Weeds longevity account;
$500.00 from the DA5142.447 Highway snow removal account to the DA5142.147 Highway Snow Removal personal services account;
$3,000.00 from the DB5110.149 Highway Repair & Improvement personal services account to the DB5110.152 Highway Repair & Improvement personal services account;
$500.00 from the DB5110.156 Highway Repair & Improvement longevity account to the DB5110.154 Highway Repair & Improvement longevity account; and

BE IT FURTHER RESOLVED, That the following 2018 budget modifications are hereby approved:
$68,308.13 from the Capital Improvements & Equipment Reserve Fund to the A8660.400 Acquisition of Real Property expense account;
$16,876.00 from the General Fund unassigned, unexpended balance and dispersed as follows:
$3,500.00 to the A1010.484 Town Board office and miscellaneous account,
$250.00 to the A1220.105 Supervisor administrative aide longevity account,
$78.00 to the A1356.102 Assessment Board of Review Thompson personal services account,
$78.00 to the A1356.103 Assessment Board of Review Dudley-Luecker personal services account,
$240.00 to the A1620.408 Buildings repairs and maintenance account,
$3,757.00 to the A3120.123 Police Department accrued sick time personal services account,
$73.00 to the A6775.439 Residential Repair supplies account,
$300.00 to the A6772.144 Nutrition Program Bennett longevity account,
$1,500.00 to the A6776.140 Silver Circle therapeutic aide personal services account,
$1,500.00 to the A6776.144 Silver Circle therapeutic aide personal services account,
$900.00 to the A6777.142 Senior Center clerk personal services account,
$300.00 to the A6777.143 Senior Center Bennett longevity account, and
$4,400.00 to the A7150.100 Beaches lifeguards personal services account;
$1,000.00 from the Community Preservation Fund balance to the CP8710.484 CPF office and miscellaneous account;
$6,150.00 from the Part Town unexpended fund balance and dispersed as follows:
$4,000.00 to the B3622.100 Fire Marshal personal services account, and
$2,150.00 to the B8030.487 Water Advisory Committee water quality testing account;
$4,813.00 from the DB Part Highway unexpended fund balance to the DB5110.164 Highway Repair & Improvements retro pay personal services account; and
$1,000.00 from the West Neck Water fund balance to the FX8320.408 West Neck Water repairs and maintenance account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 527

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That general claims numbered 1845 through 1977 in the amount of $98,986.78, Community Preservation Fund claim numbered 9 in the amount of $24.00, highway claims numbered 205 through 217 in the amount of $9,430.54, and West Neck Water claims numbered 37 through 39 in the amount of $1,349.81 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:56 p. m., Councilman Shepherd recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Robert A. Fagen, 1 Tarkettle Road, for permission to install a stake, mooring and pulley system in Dickerson Creek at a location designated as latitude 41.054155° north and longitude 72.339500° west.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd called for a report from the Waterways Committee of the Town Board, which was as follows: the WMAC met on November fifth, earlier this week and by a vote of six, zero, one, the one being an abstention from Mark that, that might have been Mike Anglin that this mooring be approved with the provisions that they had made, one being a pyramid mooring and not to exceed seventy feet from the stake at the high tide line, but if they meet that, it was approved.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. There being no comments, Councilman Shepherd declared the public hearing closed at 4:57 p. m. and called to order the public hearing to be held as advertised on the application of Andrew and Ashley Cole, 78 South Ram Island Drive, to install a mooring in Shanty Bay of Coecles Harbor at latitude 41.073582° north and longitude 72.280733° west; said mooring location was formerly occupied by the C-2587 Liddle mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd called for a report from the Waterways Committee of the Town Board, which was as follows: again, it was approved by a vote of five, zero, two, two abstentions and one of them was Mike Anglin because he was the installer of the mooring but there was no controversy at all, this discussion lasted maybe a minute and it was approved as stated by Dot.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. There being no comments, Councilman Shepherd declared the public hearing closed at 4:58 p. m. and called to order the public hearing to be held as advertised on the application of Aimee Mareneck, 4 Lord's Lane, for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08790° north and longitude 72.34537° west; said mooring location was formerly occupied by the D-3170 Bailey mooring.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd called for a report from the Waterways Committee of the Town Board, which was as follows: this is a takeover in Dering Harbor.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. There being no comments, Councilman Shepherd declared the public hearing closed at 5:00 p. m. and called to order the public hearing to be held as advertised on the application of 13 Shelter Island Associates, LLC (Alix Shearer), 13 East Brander Parkway, for a wetlands permit to demolish an existing two-story dwelling and construct approximately sixteen feet farther landward a new two-story dwelling with attached porches, decks, garden area, garage, and outdoor shower; construct a 10' x 30' saltwater swimming pool with automatic cover and surround pool patio, install pool enclosure fencing, pool equipment, and pool drywell, install an 8,000 gallon cistern for pool fill, and install a drainage system of leaders, gutters, and drywells.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd called for a report from the Planning Board, which he presented, as follows:

November 8, 2018

Re: 13 Shelter Island Associates, LLC Wetlands Permit Application
13 East Brander Parkway
Shelter Island, NY
SCTM # 700-22-1-49
Zone A Residential, Near Shore Overlay District

DEC Letter of No Jurisdiction dated May 24, 2017 UPA #1-4732-00987-00005

We are in receipt of a Wetlands Permit Application prepared by Matt Sherman, dated August 9, 2018 to allow for the demolition of the existing dwelling, decks and garage and the construction of a new dwelling with attached garage, detached pool and pool patio as shown on the survey prepared by Michael Hemmer with last revision dated November 2, 2017.

Planning Board members visited the site, reviewed the survey while on site and considered all submittals to the Planning Board.

We submit the following observations:

The existing house, circa 1925, is a story and a half cape that is in severe disrepair. You can see how bad the condition of the house is from the attached pictures. The house is located within the Town wetlands area 51'6" from the existing wooden bulkhead. The lot size is 39,196 sq. ft. There is presently a stand up basement which was dry. There was a dock and bulkhead on the premises. The bulkhead is in excellent shape. It is vinyl and probably from this century. The dock in terms of pilings and horizontal framing are in good and strong condition. However, there are about a half dozen missing deck planks from recent storms - an easy repair.

The following improvements are proposed within the seventy five (75) foot vegetative buffer: demolish the existing dwelling and construct a new two story 4,037 sq. ft. home which is approximately 16 feet farther landward, with attached porches, decks, garden area, garage and outdoor shower; construction of a 10' by 30' saltwater swimming pool with automatic cover and surrounding pool patio; install pool enclosure fencing, pool equipment and pool drywell; install an 8,000 gallon cistern for pool filling and install a drainage system of leaders, gutters and drywells as shown on the above described survey/site plan. The pool drywell is on the edge of the separation limit from property lines.

Within the seventy five (75) foot vegetative buffer will be a portion of the new house, including covered decks and screened porch and another deck is approximately 68' from the existing bulkhead. The proposed pool patio is 70' from the existing bulkhead, garden and the two (2) new drywells.

The Applicant makes a point that if the naturally occurring spring high water line which is located approximately 15 feet seaward of the bulkhead is properly considered to represent the tidal wetland boundary, then all proposed structures meet the recommended setbacks. However, if the bulkhead represents the wetland boundary line, then the setbacks referenced relate primarily to the bulkhead. Looking at the plans, the wetlands line is at the bulkhead line. The bulk of the new construction is 70 feet from that line except for a small part of the porch which is at 68 feet. The existing house is at 51.5 feet.

Within the additional twenty five (25) foot adjacent regulated wetlands area there will be portion of the new house, including a deck, pool, pool patio, portion of the new attached garage, outdoor shower, pool cistern, new HVAC units and a portion of the pool drywell.

The existing lot is approximately 39,196 sq. ft. as shown on the survey. The proposed area to be disturbed is shown at 22,041 sq. ft. The new structures are proposed to be 40'1" to 42" from the front yard property line and 25' and 40' approximately from the side yard property lines. These measurements are within the minimum setback except for one corner of the steps which is 39.7 feet. The side yard setbacks are okay at the minimum 25 feet.

Additional work outside of the Town wetlands areas include a portion of the new proposed house, including the new covered front entry, deck, sidewalk and the majority of the attached garage, new IAOWTS sanitary system for six (6) bedrooms maximum, new drinking water well, four (4) new drywells and new driveway. No change is proposed to the existing grade.

The project will not create a net increase in the risk of runoff because it will result in an increased distance between structural surface areas and West Neck Harbor and result in a substantial decrease in lot coverage within 75 feet of the bulkhead adjacent to West Neck Harbor.

The following mitigation measures are proposed:

The project will result in a sixteen (16) foot increase in wetlands setback as a result of the landward relocation of the dwelling.

The project will result in an 855 sq. ft. or approximately 60 percent reduction in lot coverage within the 75' setback to the bulkhead, using the spring high water line as the tidal wetland boundary; all lot coverage will be relocated outside the 75' vegetative buffer.

The existing septic system will be replaced with the SCDHS approved low-nitrogen I/A sanitary system located more than 100 feet from the bulkhead and outside the wetland regulated area.

The proposed swimming pool will be equipped to utilize a salt chlorinator to reduce the amount of chemicals required to maintain the pool and will be equipped with an automatic pool cover to limit evaporation.

An 8,000 gallon cistern will be installed for the purpose of storing and utilizing "off-Island" water to fill and maintain the proposed swimming pool.
A dedicated drywell will be permanently installed outside the regulated area to contain backwash associated with the proposed swimming pool.
During construction, runoff and site disturbance will be contained with a project limiting fence and wire-backed siltation fencing.
The proposed pool patio will be pervious in order to mitigate against an increased risk of runoff and a drainage system of leaders, gutters and drywells will be installed to permanently capture and recharge roof runoff.
We submit the following recommendations:
As the applicant spent much effort in making the project more environmentally sound than what currently exists, the Planning Board recommends approval as submitted.
By: Emory Breiner, Planning Board Chairman Marcus Kaasik, Planning Board Member
For the Planning Board

Councilman Shepherd reported that no report had been received from the Conservation Advisory Council due to the fact that the Council did not have a meeting last month.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening; good evening, hi; Rob Herrmann of En-Consultants on behalf of the applicant, I'm not sure that I can summarize the project any better than which was just summarized in the Planning Board report but I will go through a few items and just highlight some of the mitigation for the Board and the issue disregarding the exact location of the wetlands boundary, it was discussed a little bit in the report, so that that is clear, I should mention that the applicant Alix Shearer is here and also the architect, Pam Pospisil, is also here so if the Board has any questions when I'm through and I'll try to go through this just as quickly as I can, the Board should be a little bit familiar with the site as in 2014 you issued permit one oh eight to the northerly adjacent property, eleven East Brander for a renovation and addition to the existing dwelling on that property, the scope of this application is different because it calls for the demolition of the existing house and the construction of a new dwelling but that reconstruction has provided with the opportunity to make some substantial improvements to the property with respect to wetlands regulated area, most notably an increase to the wetlands setback area, most noticeably an increase to the wetlands setbacks on the property and a decrease of the lot coverage within the seventy-five foot vegetative buffer, specifically compared to the forty-two foot wetlands setback that was ultimately maintained at eleven East Brander and the fifty-one foot wetlands setback that exists on the subject property now, the new dwelling will establish a sixty-eight foot wetlands setback for the subject property which is about a sixteen to seventeen foot increase as the existing setback shown, I think it's fifty-one point six, in terms of the location of the wetlands boundary that was mentioned in the Planning Board report, this is West Neck Harbor, it's a sandy beach in front of a bulkhead so there's no wetland vegetation to speak of here, there's no delineated wetlands boundary, based on past cases I've been involved with and with the Board and how the Town Code is written, it's really the Spring high water line that would be sort of your highest tidal marker for the tidal wetland, the DEC uses mean high water in the absence of vegetation which is a little less conservative and so there was a case in Laury Dowd's tenure where we had talked about the fact that really Spring high water on these bay front properties makes sense because that's your twice a month high tide, we might __ a more conservative approach with the application because on the property to the north at eleven East Brander whether it's the Board's determination or the application presented it this way but the wetland boundary is considered to be the bulkhead for all practical purposes, so we do show setback, the Spring high water but all the applications, all the setbacks we formally submitted with the application are based on the bulkhead, now just to give an example, like the pool is seventy feet from, a seventy foot setback based on the bulkhead, it's ninety feet based on Spring high water and a hundred feet actually from mean high water which would be the setback the DEC would use, whichever reference you want to use, the important part is that removing farther away, the tidal waters or the bulkhead itself, you've got a sixteen to seventeen foot landward retreat with the house which is what is the significant part and then also using that more conservative boundary, we've had a reduction of almost nine hundred square feet of coverage within the seventy-five foot vegetative buffer which is the number which is about a sixty-five foot reduction of the lot coverage within the seventy-five foot buffer so that there's only about a seven foot section of the house and a five foot section of the pool patio that would be located within the setback, overall the proposed lot

coverage for the entire property only increases about four percent, this is including the entire property, not just your jurisdictional area up fifteen point nine percent where forty percent is allowed and the proposed roof coverage is less than eleven percent where twenty-five percent is permitted so we're way under on both of those numbers, as noted in the report, another significant improvement to the overall condition of the property with respect to protection of groundwater and surface water quality is the proposed IA sanitary system, low nitrogen sanitary system which will be located outside of your jurisdiction but of course connected to the asking, we're asking your permission to build and I should probably, it's probably worth noting since the Shearers are here, I have to give them a lot of credit because they were the first client that I had who proactively proposed to put in one of these systems and when we first started this, they were intent on using Fuji Clean system which they've done a lot of research on but at that time it had not even been certified by the Suffolk County Health Department to be used, it was not a requirement in the Town so they sought to use one of these IA systems as mitigation for the project, years ago when the design for this first started so they should be commended for that, of course there's a drainage system that's gonna be installed to collect and recharge roof runoff and the proposed swimming pool which has a patio around it which again, the pool meets the seventy-five foot setback even with the most conservative measure, the pool is, the patio is within five feet of the setback but there's also a bunch of mitigation which I think was mentioned in the Planning report relating to the pool and for the fact that they are using a soft chlorinator for the pool, an automatic pool cover to limit evaporation, ___ installation, eight thousand gallon cistern so only off Island water is being used to supply water to the pool, there's a pool drywell that's installed outside the hundred foot regulated area and to mitigate the patio, the patio is composed to be pervious so kind of following why the Board's precedent would be types of proposals within a regulated area, we're trying to proactively work a lot of that mitigation into the original proposal so we were happy to see the Planning Board had recognized that, finally of course is the project limiting fence proposed that would contain site disturbance and runoff during construction, so we think the applicants, our position and the Board and the architect, Pam Pospisil, have done an excellent job in designing the project in the context of the wetland regulated area and the environmental condition of the property at a whole, as I mentioned, Pam is here, if the Board has any questions about the design or anything but otherwise we think it's a really, really good project and I should mention that we do have a Suffolk County Department of Health approval for the proposed sanitary system and a non-jurisdiction letter from the DEC which is based on the fact that the property has been bulkheaded since prior to 1977, that's all I've got; that's plenty; my comments to the part, are gonna be short and sweet here but I love the fact what you did at eleven East Brander, but the house, in keeping with the neighborhood, I love the fact of what you've done here, I love the fact that the house has moved forward, I'm a neighbor of yours so I live right around the block, it's a big plus for East Brander, if we could do something across the street on the corner there we would be all set, but we're working on it, hopefully we're working on that but this is a nice conservative look and compared to what I see going up across the harbor, I love the fact and I think that people that live in the Silver Beach area love the fact that both owners are, they compliment one another very nicely, I love the fact that you moved it forward sixteen feet, I love everything that you've done with the pool and pool cover and the cistern and all that kind of stuff and you know putting in the IA system is a real big plus, hopefully it will be a little shot in the arm to a lot of people down in Silver Beach to do the same so I can't say enough things, I think it's a great project and thank you very much for doing what you did; we thank you; Al, anything; no, I think you've planned things out very well, very attractively, very environmental friendly, I don't have any issues with the project; I'll defy anyone around me who has, it's a very good plan, really it is but I did notice, I would like to see a non-vegetative buffer, a non-turf buffer along the bulkhead, you know, to carry on what we did on the neighboring property if possible, whatever that was, I can't even remember what that was, would you end up doing that; grass; yeah like a ten foot grass buffer or something like that; yeah; ___ to __; yeah we're trying to keep fertilizer and stuff away from bulkheads because inevitably somebody will be slinging it in the __; what if it was just non-turf; yeah; just so you didn't have any; but if it were not planted; it could be gravel or something, that's why I said non-turf, I didn't know whether you just wanted to continue the line of what was done or not; the grasses are __ invasive; yeah; yeah there was; and they are quite __; understood; ___; it doesn't have to be in particular, it just doesn't want to be something that has to be maintained, I would like to see that; so I'm looking at the decision for eleven East Brander and in the resolution I __ the Town Board finds that applicant must take additional steps to mitigate the, in this case it was an increase intrusion into the vegetative buffer which was; that was a bigger house; __ to mitigate the intrusion into the vegetative buffer and

therefore requiring the applicants to install a non-turf buffer at least seven feet deep along the bulkhead; right; so __; I had one problem with that; __ be consistent with that; that's exactly what I had in my mind; okay let's do that, I think they'd be agreeable to that; keep the spreaders away from the area, you're obviously not newbies in Silver Beach but I got a little bit panicked when I saw the five bedrooms and six baths, only because you know, six bathrooms that, I think I saw a picture, __, one in the garage as well; __ for the pool; the point ultimately being just you know what you're up against with water in Silver Beach, enough said, that's it for me; that's a good presentation; Howard; this is gonna be kept open for the CAC meeting; the hearing won't be held open, we'll take comments; okay; and that's my anticipated response to that, close the hearing except for; close the hearing and just take the comments then; from the CAC, yes; yes; yeah I was surprised to hear that cause we submitted the application over two months ago; they didn't have a meeting last month; okay, makes sense; thank you; move forward with it and take comments; anything else; I ask the Board, with the Planning Board review, did you also get the attached photo; yes; of the existing house; yes; yes; and see the condition of the existing house; oh yeah; I stood there and looked at it; a good wind; yeah; we're looking to move forward; it's gonna be a major __; don't mistake my request for any kind of criticism, this is gonna be a wonderful thing, I just; yeah; understood; ___ Paul; thank you; thank you; thanks for hearing us.

Councilman Shepherd declared the public hearing closed at 5:18 p. m. and called to order the public hearing to be held as advertised on the application of Okan Azmak, 1 Simpson Avenue, for a wetlands permit to remove 609 square feet of sand based pavers within adjacent regulated area and replace with concrete patio to include stormwater collection and recharge system.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Councilman Shepherd called for a report and presented said report from the Planning Board, which was as follows:

22 October 2018
Re: Azmak Wetlands application
1 Simpson Rd.
Shelter Island, NY
SCTM # 700-22-02-51.1
Zone A; Near Shore Overlay District

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by Sherman Engineering & Consulting, PC and dated 20 September 2018. It proposes replacing an existing brick patio with pavers set over a concrete base.

The .96 acre property is improved with a house, detached garage, pool house and pool. It also has a bulkhead along the West Neck Harbor frontage and a dock; with the exception of a few missing dock boards, both are in good repair.

A NYS DEC Letter of No Jurisdiction (#1-4732-00132/00004), dated 26 June 2018, has been issued for the property based on the project being landward of the 10-foot elevation contour.

A SCDHS permit (R07-18-0006) is cited for being issued for the removal of the existing septic system and the installation of an IA OWTS, though no paperwork relating to the permit has been submitted.

Planning Board members visited the site and considered all submittals.

We submit the following observations.

The project is a renovation of existing construction. The existing brick on sand patio is to be replaced with pavers set over a concrete slab with no change to the existing footprint. The patio is to be reconstructed with a perimeter trench drain to catch and recharge storm water runoff.

The swimming pool is to be fitted with an automatic cover which will reduce water evaporation and improve safety. It is not clear how the pool cover will be installed as the deep end of the pool abuts an existing raised Pergola. Will the pool be shortened to accommodate the automatic cover?

The applicant is installing a pool drywell per code. They are also installing stormwater drywells for all structures. The drywells are show outside of the Regulated Area.

Other mitigating features include: no increase in site usage or site coverage as all construction is within the existing footprint; the installation of IA OWTS sanitary system; and the temporary installation of wire backed silt fencing.

The plan does not show the new well location. It is possible that the test well located in the southwest corner of the property will act as the new well.

The SCDHS permit is not included in the plan and should be consulted for assurance that the new leaching field will have load bearing covers.
The existing driveway appears to be gravel over an impermeable base. It is not clear as to whether the new driveway section will match the existing construction.
We make the following recommendations:
With the above considerations, the Planning Board recommends approval of this wetlands application.
By: John Kerr, Planning Board member
Ian McDonald, Architect, Planning Board member
For the Planning Board

Councilman Shepherd reported that there is no report from the Conservation Advisory Council as they did not hold a meeting last month.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Good evening, Matt Sherman of Sherman Engineering, I'm for Okan Azmak, the property owner and __ the architect, the Planning Board as was the previous one, had a very good explanation of what the project is all about, the wetlands portion of this project is a very small portion of a larger project, we're looking in essence for the wetlands application, we're looking to replace just over six hundred square feet of pavers that are currently set in sand, put them on a concrete base as part of a larger concrete base paver system, the reason they're looking to go from a sand based system to a concrete based system is just for the stability and for the future stability of the project so that over the course of the next few years, the sand based patio has a tendency to settle and they need to be reworked every once in a while, the current patio that's there now suffered from the same fate which is one of the reasons why they're looking to replace it with a concrete based one, in order to mitigate the patio in and of itself, we propose a French drain and drywells to catch a hundred percent of the runoff to come off of that patio, in addition to that mitigation, there's other items that are incorporated into the project as a whole even though there's other parts of that project that do not require wetlands review, things such as the swimming pool, automatic cover on the swimming pool which as I mentioned is going to be coming up against an existing pergola that will end up being reconstructed as needed in order to accommodate the reconstruction of the swimming pool, also the current roof leaders going into new drywells, the sanitary system that is installed underneath the driveway as part of the Health Department approval which is pending, we've had to do an easement or a covenant on the deed saying that we recognize that the sanitary system is installed in the drywell, in the driveway and will have load bearing covers and that also if any maintenance needed to be done on that system at any point in the future, the property owners won't defer that maintenance because it's in the driveway, it would have additional effort required to maintaining it, they had mentioned the supply well, the current test well will become the final supply well, that has been installed and approved by the Health Department, we've tested the well to make sure we have decent water quality and all that at the Health Department and we should be getting a final approval from them any day now, other than that, the other mitigations on the project such as wire backed silt fence, storing of construction materials, things like that, all being outside of the wetlands regulated area on the water, on the roadside of the property away from the water, that's the brief description we have of the project, if you have any questions, we'd be happy to answer them; Jimmy; no, nothing; Al; I'm okay, I see you have an expensive channel drain; yeah; around the entire pool, the patio; yes, it extends on the drawing that you have, on the lower right hand corner where the page area has got a little herringbone hatch pattern; yes; you can see the channel drain off, the channel drain extends all the way around that outside of that patio and then up toward the north, we've got drywells, a couple of them to the south to capture and then a couple of them to the north again; to the north, no I don't have anything; I can ask them about a non-turf buffer, absolutely; that's the only thing I saw that's missing, it's a relatively simple __ that you guys have and it's a relatively short span to do that in it so it doesn't look like __; yeah they've got a lot of; it doesn't have to be high, I know they want to keep the view but they've got elevation there; they've got a lot of grass and things like that in the area as well so we would be able to; pull together some kind of natural looking thing, it wouldn't be; yeah just augment what's there but I will pass that by the owners and the designer; consistency generally speaking within the process; when I heard the fly buzzing around the last hearing, I said okay; it's a very annoying fly, I know that man, I mean that fly, Howard; again the same thing, wait for the comments from the CAC; precisely, that's what we're gonna do, so we're gonna close that hearing; thank you; thank you Matt; thank you Matt; and

we'll have comments from the CAC, they should be meeting Monday night so we should have the comments shortly.

Councilman Shepherd declared the public hearing closed at 5:26 p. m. and reconvened the recessed public hearing on the application of Josh and Ilana Levine, 37 D Westmoreland Drive, for permission to re-install ramp and float on end of dock in West Neck Bay.

Councilman Shepherd called for a report from the Waterways Committee of the Town Board, which was as follows: a vote was taken earlier this week, and the vote was six, zero, one, with the new additions to the application.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I would just like to take a quick one on that, Matt Sherman for Mr. and Mrs. Levine for the long suffering for the dock application, I just wanted to thank the Board for their patience on this one, it was quite a winding path to get to this point, due to no fault of the committees or the boards or even for the property owners, it was just a very complicated and convoluted situation but fortunately with help from the Clerk's office looking for files and things in different places than we thought they would be and going back to the DEC and going back to the Town records we were able to slowly piece this thing together; aerial photos were helpful as well; yes, there's a lot of times when it takes a little bit of a torture path, you do end up with a better result and I think that's the case here, so it's good, I appreciate the patience and the work on your part.

Councilman Shepherd declared the public hearing closed at 5:35 p. m. and reconvened the public hearing to be held as advertised on the application of Richard Homan for a wetlands permit for installation of 179' of boulders and geotextile fabric for erosion control within the regulated area at 1 & 3 Montclair Avenue.

Councilman Shepherd called for a report from the Waterways Committee of the Town Board, which was as follows: I don't think we're gonna have anything on that; we didn't discuss it this week.

Councilman Shepherd opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Mr. Bowman, long time no see; yeah it's been a while; good evening everyone, good evening members of the Board, my name is William Bowman of Land Use Ecological Services, agent for Rick and Rita Homan, our address is five seventy Expressway Drive South in Medford, New York, it's been a while since this project has been before the Board and there's been some Board turnover so I'll give a brief summary of the proposed project and the Town's review of the application, the homeowners at one and three Montclair Ave proposed the installation of two hundred and two linear feet of boulders between one hundred and fifty and two thousand four hundred pound stone to protect the, to prevent the erosion of a naturally vegetated upland featuring native coastal vegetation on their undeveloped property, one Montclair, this is located to the east of the developed property, three Montclair with the house, the boulders shall serve as an eastward extension of one hundred and eight feet, linear feet of boulders that were previously installed on the western three Montclair property in 2004, erosion at this site is due primarily to vessel waves and vessels entering the creek to the east, the waves crash on the shore, eroding the beach sand, this happens at all tides, high tide, low tide and throughout all the seasons but obviously mostly in the summer months, the persistent erosion from vessel waves has reduced both elevation and the width of the beach over time, making the property more vulnerable to coastal storms when they do occur in the fall or spring and as several Board members are aware, Homans have used previous attempts to utilize soft shoreline stabilization method at the site, these were largely not successful due to the effect of the vessel wakes along with severe storms such at Irene, Sandy and nor'easters and that winter following shortly after Hurricane Sandy, the erosion at the Homan's property is also exacerbated by the eight hundred feet of bulkheaded shoreline immediately to their west, the boulders shall be placed at the eroded edge of the upland vegetation where a small scarp exists up to about two feet in height, care will be taken to avoid the disturbance to the native vegetation, the primary reason for this proposal is to keep that really __ maritime __ that's present there and all those cedar trees keep in place, any upland areas that will be disturbed during construction to access the beach will be reseeded or replanted with __ grass or __ combination, so that's the summary of _, I should

mention that when the application was originally submitted to the Town back in July thirteen, July thirteenth, 2017, it was for one hundred and eighty-nine linear feet of boulders, that __ was based on field data from the winter of 2017, we're actually now quite distant, half past the time frame past that, what I was trying to say it is necessary to extend it another eighteen to nineteen feet to two hundred and two so we've had shift __ in the action plan; thirteen feet, right; I thought we went from one hundred eighty-nine to two oh two; what's that; nineteen; no, no, thirteen; alright even better, so just a summary of the application history, cause the application was originally submitted to the Town on July thirteenth, 2017, we appeared before the Town's CAC on August fourteenth, 2017, the CAC was supportive of the project, they requested that we modify the plan to indicate that any areas of backfill have started immediately behind the proposed boulders would be replanted or reseeded with native coastal grasses, that recommendation was incorporated into the __, the Town Planning Board recommended, reviewed the application, they recommended granting the application in a memo dated August twenty-fourth, 2017, concluding that the proposed boulders will improve the current situation by reducing erosion and will be environmentally and visually acceptable, we were before the Town Board on October sixth, 2017, at the initial public hearing for the proposed project, the Town requested one, that the applicant update the property survey and site plan to reflect the current mean high water and conditions and property boundary conditions, the survey was dated I think from 2011 so it had been quite some time so that was requested by the Board and completed, second, at that time the DEC approval was not exactly the same as the submission to the Town so had to modify the DEC approval to match what was submitted to the Town, we now have the DEC modification matching the current submission to the Town, that DEC modification was received on July twenty-sixth 2018, both the updated survey and site plan and the DEC modification were submitted to the Town on August third of this year, that is the quick summary of the history and metes and dimensions of the project and I'd be happy to answer any questions that the Board may have; __; I'd rather hear from Albert or somebody from __; yes; I, so the addition stone is thirteen and overall; it would appear to be; thirteen linear feet; yes; when I went to school it would have been thirteen; well looking at the plan, it's you know pretty self-explanatory, I don't have any questions; okay, Howard what have you got to say; I don't, is this going to be re-submitted to the CAC or just __; do you think the thirteen feet would require that; I don't think so, I'm just saying; my instinct was no, you can certainly bring it up tomorrow or Monday; I'd like to bring it up; you certainly can do that, we'll talk about it in case something comes out of this; I don't see any problem; I don't see any problems, if you want to bring it up, that's great but the plantings may concern the CAC rather than plants; I think they have really taken our recommendations __; I can't remember when it was initially made but we incorporated it and as you know the Homans did a lot of plantings there but there have never been any issues and they've __ things many, many times and some have taken and some haven't taken but they've been very persistent about it; okay, so we'll take a look at it tomorrow; Monday; you are meeting on Monday then on; we're supposed to, I understand the Town Hall is closed but we should have access to it; I will be here; this is not on the agenda though; just bring it up, like I say, I don't know, the core of the project is in tact, the overwhelming majority of it is, so I don't see anything materially shifting that would require additional comment but certainly there's nothing stopping you from talking about it; you know we're still waiting for the Town survey of the Town landing but; right; __ that's something else will come up that really won't affect the __; that's the one that I would mention on this, there will be a statement on conditions that nothing in this permit __ for the Town __ concerning ownership issues; oh that will be fine and I think it was mentioned __; right; __ want that to be in there, that's fine; okay; anything else; no.

Councilman Shepherd declared the public hearing closed at 5:38 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 528

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Robert A. Fagen, 1 Tarkettle Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in Dickerson Creek at a location designated as latitude 41.054155° north and longitude 72.339500° west, and

"Whereas", a public hearing was duly held on the 9th day of November, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the installation of a stake, mooring and pulley system in Dickerson Creek at a location designated as latitude 41.054155° north and longitude 72.339500° west, with the proviso that the length of said system shall not exceed 70 feet from stake to mooring and also that a pyramid mooring is required.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 529

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Andrew and Ashley Cole, 78 South Ram Island Drive, have petitioned the Town of Shelter Island to install a mooring in Shanty Bay of Coecles Harbor at latitude 41.073582° north and longitude 72.280733° west; said mooring location was formerly occupied by the C-2587 Liddle mooring, and

"Whereas", a public hearing was duly held on the 9th day of November, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 530

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Josh and Ilana Levine, 37 D Westmoreland Drive, have petitioned the Town of Shelter Island for permission to re-install ramp and float on end of dock in West Neck Bay, and

"Whereas", a public hearing was duly held on the 15th day of June, 2018, and continued on the 6th day of July, 2018, and on every subsequent regular Town Board meeting, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That pursuant to Part 617, Section 617.10 of the State Environmental Quality Review Act and Chapter 60 of the Code of the Town of Shelter Island, notice is hereby given that the Town Board, as lead agency, has determined that the project will not have a significant effect on the environment, and a Draft Environmental Impact Statement will not be prepared.

Environmental Review Status pursuant to Chapter 60 of the Town Code of the Town of Shelter Island: Type II.

Reasons supporting this determination: The proposed re-installation of a ramp and float:

1. will not cause an obstruction into navigable channels or an interference with navigation;
2. will not adversely affect the public's right to use Town waters or land under Town waters;
3. will not adversely affect shellfishing grounds or other aquatic wildlife which may exist in the immediate area;
4. will not adversely affect the quality of the tidal waters, shoreline or beaches;
5. will not adversely affect the rights of adjacent residents; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized to issue a permit to re-install the 10' x 2.5' ramp and 20' x 6' float on end of dock in West Neck Bay; said floating dock to be anchored by one piling, and unused existing piling shall be removed, after said applicant, pursuant to Section 53-9 of the Code of the Town of Shelter Island, has filed with the Town Clerk a certificate that the owner has at least three hundred thousand ($300,000.00) dollars liability insurance on the location and operations covered by said permit, a copy of the contractor's current Home Improvement Contractor's License and a certificate from the contractor performing the operations covered by said permit that said contractor has an owner's/contractor's policy issued in favor of the Town of Shelter Island for the liability limits of at least five hundred thousand ($500,000.00) dollars covering operations of the contractor pursuant to said permit, and

BE IT FURTHER RESOLVED, That said operations shall be completed within one (1) year from the date of issuance of this permit; said permit is subject to the recommended limitations and any requirements that may be necessary under the New York State Department of

Environmental Conservation, the Army Corps of Engineers, and any other agencies having jurisdiction.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 531

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Aimee Mareneck, 4 Lord's Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08790° north and longitude 72.34537° west; said mooring location was formerly occupied by the D-3170 Bailey mooring, and

"Whereas", a public hearing was duly held on the 9th day of November, 2018, for all interested persons to be heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Town Clerk is hereby authorized to issue a permit for the aforementioned installation.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 5:47 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

November 30, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 30th day of November, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and ten persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

The Deputy Supervisor presented the following financial report for the month of October, 2018:

OCTOBER 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM. | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen Checking | 2,967,054.10 | 160,087.79 | 696,650.11 | 2,430,491.78 | 786,285.52 |
| Hwy Checking | 579,817.06 | 205,249.31 | 145,624.14 | 639,442.23 | |
| T&AChecking | 628,661.34 | 24,702.88 | 23,864.84 | 629.499.38 | 15,723.79 |
| T&A Savings | 12,229.71 | 0.33 | 0 | 12,230.04 | |
| Hwy Cap Res | 401,400.74 | 10.89 | 0 | 401,411.63 | |
| WNW Supply | 44,877.11 | 13,889.05 | 828.95 | 57,937.21 | 112,287.80 |
| Taylor's Island | 43,737.70 | 20.8 | 0 | 43,758.50 | |
| Comm Preserv | 3,992,548.48 | 182,236.39 | 2,198,537.50 | 1,976,247.37 | 7,682,051.41 |
| Waterways | 144,363.59 | 1,850.00 | 0 | 146,213.59 | |
| Reserve Fund | 848,614.44 | 0 | 738,335.72 | 110,278.72 | |

| | | | | | |
|---|---|---|---|---|---|
| Bridge St Escr | 0.00 | 0.00 | 0.00 | 0.00 | 360,527.65 |
| Environmental | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Reserv | 20,045.25 | 0 | 0 | 20,045.25 | |
| Ambul Reserv | 357,036.67 | 30.22 | 0 | 357,066.89 | |
| Ambul Train | 25,828.21 | 0.7 | 1,365 | 24,463.91 | |
| TOTALS | 10,081,964.40 | 588,078.36 | 3,805,206.26 | 6,864,836.50 | 8,956,876.17 |

RESOLUTION NO. 532

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $504.45 from the A1220.491 Supervisor's contracts account to Carr Business Systems, P. O. Box 28330, New York, New York 10087-8330 for the annual maintenance of the copy machine in the Supervisor's office for the period October 14, 2018 through October 13, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 533

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $650.42 from the A1355.491 Assessors' support contracts account and $325.21 from the A1330.484 Receiver of Taxes office and miscellaneous account to Carr Business Systems, P. O. Box 28330, New York, New York 10087-8330 for the one year copier maintenance agreement for the term November 12, 2018 through November 11, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 534

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $4,400.00 from the A1620.476 computer services account to East End Computers, 50 Hill Street #265, Southampton, New York 11968, for the EEC off-site backup data service for the Town Hall, Assessor's Office, Police Department, Highway Department and EMS servers for the period January 1, 2018 through December 31, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 535

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,600.00 from the A1620.476 Buildings computer services account to East End Computers LLC, 50 Hill Street #265, Southampton, New York 11968 for the renewal of the Sonicwall security services on the firewalls at the Police Department and Town Hall for a three year term of December 16, 2018 through December 15, 2021.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 536

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,570.00 from the 2018 A1330.476 Receiver of Taxes software account to Business Automation Services, Inc., 661 Plank Road, Clifton Park, NY 12065 for the annual software support, maintenance fee for the period December 1, 2018 through November 30, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 537

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and the County of Suffolk for the provision of funding to the Town for essential transportation activities for seniors for the period April 1, 2018 through March 31, 2019, with an option, to be exercised at the County's discretion to September 30, 2019; said funding for said contract shall not exceed $8,016.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 538

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the annual meeting of the Town Board of the Town of Shelter Island will be held at 1 p. m., prevailing time, on the 28th day of December, 2018, for necessary transactions of the Board, and

BE IT FURTHER RESOLVED, That the Organizational Meeting for the year 2019 will be held at 1:00 p. m. on the 2nd day of January, 2019, in the Shelter Island Town Hall, Shelter Island, New York.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 539

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Peter Kirchheimer has applied for a rebate from the Town of Shelter Island under Chapter 88 of the Shelter Island Town Code to install a Low-Nitrogen Sanitary System for property located at 14A South Midway Road, Shelter Island, New York; and

"Whereas", the Water Quality Improvement Advisory Board (WQIAB) has reviewed the project, determined its eligibility due to estimated annual nitrogen reduction of 3.06 kilograms per year and recommended a conditional rebate of up to $15,000.00 be awarded; now, Therefore

BE IT RESOLVED, That the Town Board hereby adopts the findings of the WQIAB report dated November 15, 2018, and certifies that the Low-Nitrogen Sanitary System project by Peter Kirchheimer at 14A South Midway Road is eligible for a conditional rebate of up to $15,000.00 in eligible costs for the project when completed in accordance with the terms of the conditional approval agreement, and

BE IT FURTHER RESOLVED, That any Low-Nitrogen Sanitary System installed pursuant to this rebate must be a unit generally approved for use pursuant to the Suffolk County Health Department, and

BE IT FURTHER RESOLVED, That this rebate shall be secondary to any Federal, State, County or other grant(s) or rebate(s) obtained by the applicant, and

BE IT FURTHER RESOLVED, That this rebate is non-transferable and is valid only as to the applicant to premises delineated in the application, and

BE IT FURTHER RESOLVED, That this rebate shall cover only those expenses associated with installation of the lowest capacity nitrogen-reducing septic system approved by the manufacturer for the current legally existing structure. The applicant may install a higher capacity system using applicant's own funds to make up the difference in cost between the lower and higher capacity system; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be given to the Water Quality Improvement Advisory Board and the Building Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 540

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", sealed bids on the purchase of propane for the year 2019 were received by the Town Clerk's Office until 3 p. m. on the 28th day of November, 2018, at which time they were publicly opened and read aloud, as follows:

J. W. Piccozzi, Inc.: for each gallon delivered for the calendar year 2019, the differential will be the sum of $.509 fifty and 9/10 cents) per gallon, now, Therefore

BE IT RESOLVED, That the contract for the purchase of propane for the calendar year 2019 is hereby awarded to J. W. Piccozzi, Inc., the sole bidder for the sum of the differential of $.509 per gallon.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 541

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", sealed bids on the purchase of fuel oil for the year 2019 were received by the Town Clerk's Office until 3 p. m. on the 28th day of November, 2018, at which time they were publicly opened and read aloud, as follows:

J. W. Piccozzi, Inc.: for each gallon delivered for the calendar year 2019, the differential will be the sum of $.519 cents (fifty-one and 9/10 cents per gallon), now, Therefore

BE IT RESOLVED, That the contract for the purchase of fuel oil for the calendar year 2019 is hereby awarded to J. W. Piccozzi, Inc., the sole bidder for the aforementioned price.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 542

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", the Town of Shelter Island established standard work days for elected and appointed officials and

"Whereas", said information was reported to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, and

"Whereas", activities have changed for certain employees, now, Therefore

BE IT RESOLVED, That the following is a list of amended days worked to be forwarded to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

2018 Standard Work Day Elected and Appointed Positions

| Title | Standard Work Days per month |
|---|---|
| <u>Elected Positions</u> | |
| Town Justice | 6.10 |
| Assessor (1) | 17.80 |
| Councilman | 13.65 |
| <u>Appointed Positions</u> | |
| Member, Zoning Board of Appeals | 2.2 |
| Member, Planning Board | 2.75. |

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 543

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a public hearing was duly held on the 19th day of October, 2018 on the proposed use of approximately $13,570.00 in federal community development block grant funds the Town of Shelter Island expects to receive in 2019, and

"Whereas", all interested Town residents expressed citizen views on local needs to be met with these funds, now, Therefore

BE IT RESOLVED, That the Town Board hereby determines that said funds shall be designated as follows:

$13,570.00 for handicapped accessible upgrades to the Town Hall entryway and/or parking lot lighting.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 544

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", the Commissioner of Public Works of the Town of Shelter Island is applying to the Department of Environmental Conservation for permits concerning the Volunteer Park bulkhead, the dock at Grace's Lane and the South Ferry Hills channel dredging, and

"Whereas", a fee is required for the filing of said applications for said projects, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sums of $200.00 from the 2018 Public Works A1490.422 dredging account to the Department of Environmental Conservation for each of the projects for the filing of said applications.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 545

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $216.00 from the A1015.400 media office and miscellaneous account to Chase Card Services for the renewal of the Squarespace website for a one year term commencing November 24, 2018.

Vote: 5 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 546

Councilman Shepherd offered the following resolution, which was seconded by Councilman Colligan, to wit:

A RESOLUTION AUTHORIZING THE PARTIAL REDEMPTION OF THE TOWN'S OUTSTANDING PUBLIC IMPROVEMENT (SERIAL) BONDS, 2005, MATURING OCTOBER 1 IN YEARS 2019 THROUGH 2020 WITH AVAILABLE FUNDS OF THE TOWN.

"Whereas", the Town heretofore issued, on December 1, 2005, an aggregate principal amount of $1,665,000 Public Improvement (Serial) Bonds, 2005, (the “2005 Bonds”), pursuant to various bond resolutions for various objects or purposes, and a bond certificate of the Supervisor, and of which there are presently $375,000 aggregate principal amount outstanding, maturing on December 1 in each of the following years and amounts:

and

"Whereas", it appears that it would be in the public interest to use available funds of the Town to redeem $330,000 of the outstanding principal amount of the 2005 Bonds maturing in each of the years 2019 through 2021; and

"Whereas", the Town Board now desires to authorize the redemption of such bonds, which is expected to result in debt service savings for the Town; now, Therefore

BE IT RESOLVED, by the Town Board of the Town of Shelter Island, Suffolk County, New York, as follows:

Section 1. The Town hereby elects to call in and partially redeem the 2005 Bonds maturing in each of the years 2019 through 2021, in the amount of $110,000 for each such maturity, or such other amounts as shall be determined by the Supervisor, with available funds of the Town on or about January 3, 2019, or such later date as shall be determined by the Supervisor. In accordance with the terms of the 2005 Bonds, the sum to be paid on such redemption date shall be the par value of the called bonds, plus interest, without premium.

Section 2. The Supervisor is hereby authorized and directed to cause the notice of partial redemption to be given in the name of the Town on in the manner and within the times provided

in or otherwise applicable to the 2005 Bonds, and perform all acts and do all things required or contemplated to be executed, performed or done by this resolution.

Section 3. Munistat Services, Inc., the Town's Municipal Advisor, and Norton Rose Fulbright US LLP, the Town's bond counsel, are authorized to assist the Town with the redemption of the 2005 Bonds.

Section 5. This resolution shall take effect immediately upon its adoption.

| | | |
|---|---|---|
| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Councilwoman Brach-Williams | aye |
| | Supervisor Gerth | aye |
| | | 5 in favor 0 opposed |

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 547

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Richard Homan has applied to the Shelter Island Town Board for a wetlands permit for installation of 202' of boulders and geotextile fabric for erosion control within the regulated area at 1 and 3 Montclair Avenue, Shelter Island, New York, which is Zone A-Residential/Near Shore and Peninsular Overlay District on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/22/02/53 and 54, and

"Whereas", the proposed construction includes the following work at least partially within the 75' vegetative buffer: the applicant proposes to place 202' of boulders and geotextile fabric for erosion control, so that the project is subject to Chapter 129 of the Code of the Town of Shelter Island; and

"Whereas," New York State Department of Environmental Conservation permit 1-4732-00941/00005 modified July 26, 2018 has been issued for this project; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on November 9, 2018; and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA; and

BE IT FURTHER RESOLVED, That this Board adopts a Negative Declaration, finding that this is an "unlisted" action which will not result in any significant adverse impacts on the environment based on the analysis of the proposed plan by the Planning Board, Conservation Advisory Council and Town Board and the negative declaration; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. This Board hereby adopts the findings of the Planning Board and Conservation Advisory Council; and
2. This project would permit intrusion into the vegetative buffer of 202 linear feet; and
3. The proposed project will not have a negative impact on the quantity and quality of groundwater; and
4. There are no practicable alternatives which allow the project to be constructed outside the regulated area; and
5. The proposed project has adequate mitigation measures proposed or required, including run-off controls, that contribute to the protection and enhancement of wetlands; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the premises is hereby granted, subject to the following conditions:

1. The above-described project shall be constructed as depicted on the site plan/survey dated April 4, 2018 prepared by Land Use Ecological Services, Inc.; and
2. The Town Board notes that there is a Town landing adjacent to the subject property which has grown as sand has filled it further out, disclaims any endorsement of the accuracy of any survey of the property and specifically disclaims any endorsement of any claim by the applicant to ownership of the accreted land based upon the granting of this permit; and

3. Prior to issuance of Certificate of Occupancy, applicant shall implement all mitigation measures required by prior permits; and
4. The presence of all mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter and must be complete prior to the Building Department performing the final walkthrough inspection and before a Certificate of Occupancy can be issued; and
5. Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
6. The permit shall be valid for a period of two years from date of issuance. The work covered by the permit must be substantially started within two years of issuance, or the permit is void; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 548

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", Okan Azmak ("Applicant") has applied to the Shelter Island Town Board for permission to undertake significant construction within the vegetative buffer and adjacent regulated area at 1 Simpson Avenue, Shelter Island, New York and zoned Zone A/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map No. 0700-22-02-51.1 (the "Premises"); and

"Whereas", the proposed construction includes the following work at least partially within the 75' vegetative buffer: replacement in place of 232 square feet of existing pavers set in sand with pavers set in concrete; and

"Whereas", the proposed construction includes the following additional work at least partially within the 100' Adjacent Regulated Area: replacement in place of 707 square feet of existing pavers set in sand with pavers set in concrete; and

"Whereas", all further work is proposed in conforming locations for which a wetlands permit is not necessary; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated June 26, 2018; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on November 9, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and finds that this is a Type II action which will not result in a significant adverse impact on the environment as there will be no expansion of the intrusion into the wetlands, and the applicant will be required to take all necessary precautions; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. This Board hereby adopts the findings of the Planning Board and Conservation Advisory Council; and
2. This project would permit a continued intrusion into the vegetative buffer of 243 square feet and into the regulated area of 707 square feet as the replacement of the patio would be in place; and
3. The proposed project will not have a negative impact on the quantity and quality of groundwater; and
4. There are no practicable alternatives which allow the project to be constructed outside the regulated area; and
5. The proposed project has adequate mitigation measures proposed or required, including run-off controls, that contribute to the protection and enhancement of wetlands; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the Premises is hereby granted, subject to the following conditions:

1. The above-described project shall be constructed as depicted on the site plan prepared by Matt Sherman of Sherman Engineering and Consulting dated September 11, 2018 and last revised September 19, 2018; and
2. Construction procedures and erosion controls including the anchored installation and maintenance of silt fences during all stages of construction shall be required, and be designed to prevent any runoff from disturbed ground into the wetlands areas; and
3. Soil disturbance should be minimized where possible; and
4. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week; and
5. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
6. Construction materials and equipment shall be staged outside the regulated area; and
7. Parking of all construction and delivery vehicles shall be on premises; and
8. No public street or public or private Right of Way may be obstructed or impaired during construction; and
9. Applicant must repair any damage to any adjacent road or street caused by construction vehicles, to the satisfaction of the Town Highway Superintendent; and
10. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project; and
11. Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
12. This permit shall only be valid for construction commencing within two years of the date of this approval; and
13. Applicant shall install an 8' non turf buffer on the landward side of the bulkhead; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 549

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", 13 Shelter Island Associates, LLC (Alix Shearer), 13 East Brander Parkway, has petitioned the Town of Shelter Island for a wetlands permit to demolish an existing two-story dwelling and construct approximately 16 feet farther landward a new two-story dwelling with attached porches, decks, garden area, garage, and outdoor shower; construct a 10' x 30' saltwater swimming pool with automatic cover and surround pool patio, install pool enclosure fencing, pool equipment, and pool drywell, install an 8,000 gallon cistern for pool fill, and install a drainage system of leaders, gutters, and drywells, significant construction within vegetative buffer and adjacent regulated area at 13 East Brander Parkway, Shelter Island, New York and zoned Zone A/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map #0700-22-1-149 (the "Premises"); and

"Whereas", the proposed project entails complete demolition of the existing 2 story dwelling, decks and garage and the construction of a new dwelling with attached garage and detached pool and pool patio; and

"Whereas", the proposed construction includes the following work at least partially within the 75' vegetative buffer: construction of portions of the new house including covered decks, screened porch and another deck approximately 68' from the existing bulkhead, a proposed pool patio 70' from the existing bulkhead, and a garden plus 2 dry wells; and

"Whereas", the proposed construction includes the following additional work at least partially within the 100' Adjacent Regulated Area: construction of the majority of the new dwelling including a deck, pool, pool patio, portion of the attached garage, outdoor shower, pool cistern, new HVAC system and a pool dry well; and

"Whereas", further work is proposed in conforming locations for which a wetlands permit is not necessary; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the New York State Department of Environmental Conservation issued a letter of non-jurisdiction dated May 17, 2017; and

"Whereas", the Suffolk County Department of Health Services issued permit number R07-17-0021 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on November 9, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and finds that this is a Type II action which will not result in a significant adverse impact on the environment as the development of the lot is being shifted approximately 16' landward of its current position; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. This Board hereby adopts the findings of the Planning Board and Conservation Advisory Council; and
2. This project would permit intrusion into the vegetative buffer and regulated area of 22,041 square feet, but shift the development on the lot 16' landward; and
3. The proposed project will not have a negative impact on the quantity and quality of groundwater; and
4. There are no practicable alternatives which allow the project to be constructed outside the regulated area due to the size of the lot and the percentage that falls within the regulated areas; and
5. The proposed project has adequate mitigation measures proposed or required, including run-off controls, that contribute to the protection and enhancement of wetlands; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the premises is hereby granted, subject to the following conditions:

1. The above-described project shall be constructed as depicted on the site plan prepared by Pospisil and Brown dated March 28, 2017 and a survey by FM Hemmer dated July 21, 2018; and
2. Dry wells shall be located outside of the vegetative buffer; and
3. The water side of the bulkhead shall be revegetated with 2 rows of Spartina Alterniflora; and
4. An 8' wide non-turf buffer shall be installed on the landward side of the bulkhead; and
5. Applicant has represented that there is no known underground oil tank on the premises. If one is discovered during construction, it must be removed and the adjacent area remediated; and
6. Construction procedures and erosion controls including the anchored installation and maintenance of silt fences during all stages of construction shall be required, and be designed to prevent any runoff from disturbed ground into the wetlands areas; and
7. Soil disturbance should be minimized where possible; and
8. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week; and
9. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter; and
10. Applicant advised that the depth of the foundation and the pool is to be no greater than 8' and the permitted excavation is so limited by this permit, furthermore, no project excavation, regardless of depth, may intrude into the water table so as to require dewatering; and
11. Construction materials and equipment shall be staged outside the regulated area; and
12. Parking of all construction and delivery vehicles shall be on premises; and
13. No public street or public or private Right of Way may be obstructed or impaired during construction; and
14. Applicant must repair any damage to any adjacent road or street caused by construction vehicles to the satisfaction of the Town Highway Superintendent; and
15. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project; and

16. The existing septic system shall be replaced by a nitrogen reducing IAOWTS septic system; and
17. Applicant shall install Dark Sky compliant lighting pursuant to the Town Code in all outdoor lighting on this project; and
18. An automatic pool cover is to be installed; and
19. Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
20. This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 550

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Bradley Tolkin, 6 Charlie's Lane, Shelter Island, New York, zoned C - Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-023-01-024.6, seeks permission to construct an addition of one bedroom and one bathroom resulting in an increase of 231 square feet in the basement, and

"Whereas", it has been determined that a special permit is required under §133-7(F)(1) of the Town Code to construct improvements with SFLA of 6,000 square feet or above, now, Therefore

BE IT RESOLVED, That the Town Board hereby calls a public hearing to be held at 1:15 p. m., prevailing time, on the 28th day of December, 2018, in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in favor of or in opposition to the proposed application.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 551

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:

$865.00 from the A1010.495 Town Board printing and advertising account to the A1010.493 Town Board law library account;

$5,000.00 from the A1015.200 Media equipment account to the A1015.404 Media McGayhey technician account;

$620.00 from the A1110.492 Justice Court school, travel and mileage account to the A1110.200 Justice Court equipment account;

$19.78 from the A1410.484 Town Clerk office and miscellaneous account to the A1410.104 Deputy Town Clerk longevity account;

$800.00 from the A1490.106 Public Works custodians personal services account to the A1490.124 Public Works interns personal services account;

$2,300.00 from the A1490.122 Public Works double time personal services account and dispersed as follows:

$600.00 to the A1490.121 Public Works overtime personal services account,

$1,200.00 to the A1490.416 Public Works mower repairs account, and

$500.00 to the A1490.422 Public Works dredging account;

$600.00 from the A1490.411 Public Works buoys and lifelines account to the A1490.422 Public Works dredging account;

$2,915.00 from the A1490.413 Public Works jetties and bulkheads account,

$1,000.00 from the A8160.435 Landfill hazardous waste facility maintenance account, and

$488.00 from the A8160.488 Landfill high visibility clothing account to the A8160.413 Landfill walls and bulkheads account;

$505.00 from the A1490.415 Public Works trees account and dispersed as follows:

$250.00 to the A8160.408 Landfill repairs and maintenance account, and

$255.00 to the A8160.438 Landfill processed concrete account;

$1,750.00 from the A1490.417 Public Works Town landings account and dispersed as follows:
$800.00 to the A1490.200 Public Works equipment account, and
$950.00 to the A8160.127 Landfill overtime personal services account;
$410.00 from the A1490.419 Public Works generator maintenance account to the A5010.400 Superintendent of Highways office and miscellaneous account;
$10,411.00 from the A1620.276 Buildings computer equipment account to the A1620.476 Buildings computer maintenance and services account;
$2,503.00 from the A3120.110 Police Department regular overtime personal services account to the A3120.118 Police Department training personal services account;
$5,700.00 from the A3120.114 Police Department holiday pay personal services account to the A3120.103 Police Department police officer personal services account;
$12,000.00 from the A3120.124 Police Department unused vacation and sick time to A3120.110 Police Department regular overtime personal services account;
$500.00 from the A3120.270 Police Department car equipment account, and
$436.00 from the A3989.200 NIMS equipment account to the A3120.484 Police Department office and miscellaneous account;
$4.00 from the A3120.476 Police Department FOIL expenses account to the A3120.277 Police Department office equipment account;
$2,141.48 from the A3510.491 Animal Control Officer four poster maintenance account to the A3510.422 Animal Control Officer corn account;
$7,475.00 from the A6776.139 Silver Circle personal services account and dispersed as follows:
$1,375.00 to the A6776.144 Silver Circle aide personal services account, and
$6,100.00 to the A6777.141 Senior Center personal services account;
$600.00 from the A6776.141 Silver Circle personal services account and dispersed as follows:
$300.00 to the A6776.239 Silver Circle equipment account, and
$300.00 to the A6777.200 Senior Center equipment account;
$19,536.00 from the A7020.102 Recreation aides personal services account and dispersed as follows:
$11,736.00 to the A7020.103 Recreation FIT personal services account, and
$7,800.00 to the A7020.105 Recreation FIT aides personal services account;
$900.00 from the A8160.106 Landfill hazmat personal services account and dispersed as follows:
$400.00 to the A8160.105 Landfill hazmat personal services account, and
$500.00 to the A8160.108 Landfill hazmat personal services account;
$300.00 from the A8160.107 Landfill hazmat personal services account to the A8160.117 Landfill personal services account;
$2,500.00 from the A8160.432 Landfill test wells account and dispersed as follows:
$1,300.00 to the A8160.127 Landfill overtime personal services account, and
$1,200.00 to the A8160.200 Landfill miscellaneous equipment account;
$5,000.00 from the A8160.433 Landfill solid waste carting fees account to the A8160.451 Landfill C&D hauling account;
$1,650.00 from the A8160.434 Landfill hazardous waste carting fees account to the A8160.438 Landfill processed concrete account;
$1,820.00 from the A8160.437 Landfill contingency account to the A8160.129 Landfill double time personal services account;
$600.00 from the A8389.100 WQIAB clerk personal services account to the A4540.100 EMS secretary personal services account;
$260.00 from the DA5130.447 Highway Machinery oil, fluids, and grease account to the DA5130.246 Highway Machinery miscellaneous equipment account;
$1,000.00 from the DA5140.168 Highway Brush & Weeds double time personal services account to the DA5140.167 Highway Brush & Weeds overtime personal services account;
$1,700.00 from the DA5142.447 Highway Snow Removal account to the DA5142.147 Highway Snow Removal personal services account;
$6,100.00 from the DB5110.149 Highway Repair & Improvements personal services account, and $3,600.00 from the DB5110.445 Highway Repair & Improvements contractual account to the DB5110.441 Highway Repair & Improvements fuel account;
$500.00 from the DB5110.160 Highway Repair & Improvements double time personal services account to the DB5110.159 Highway Repair & Improvements overtime personal services account;
$1,000.00 from the FX8320.444 West Neck Water testing account to the FX8320.408 West Neck Water repairs and maintenance account;

and

BE IT FURTHER RESOLVED, That the following 2018 budget modifications are hereby approved:
$200,703.00 from the Ambulance equipment capital reserve account to the A4540.200 Ambulance equipment account; and
$5,003.00 from the General Fund unassigned unexpended fund balance and dispersed as follows:
$2,000.00 to the A1490.499 Public Works Bridge Street restroom account,
$3,000.00 to the A6772.400 Nutrition Program food account, and
$3.00 to the A8140.400 Community Housing Board office and miscellaneous account; and
$9,420.00 from the DA unassigned fund balance and dispersed as follows:
$400.00 to the DA1980.400 Highway MTA tax account,
$7,020.00 to the DA9060.846 Highway health insurance account, and
$2,000.00 to the DA9030.847 Highway Social Security account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 552

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That general claims numbered 1978 through 2097 in the amount of $105,981.81, Community Preservation Fund claims numbered 10 through 11 in the amount of $6,046.92, highway claims numbered 218 through 237 in the amount of $25,645.91, and West Neck Water claims numbered 40 through 43 in the amount of $3,328.00 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 5:12 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Beach Glass Properties, LLC, Jack Morgani and Geri Schmitt, 21 Tarkettle Road, for a wetlands permit to demolish existing one story dwelling and associated decks and patio within 100 foot tidal wetlands boundary, construct new two story three bedroom, single family dwelling with attached porches (approximately 400 square feet) situated within regulated area, construct 325 square foot on-grade terrace with trellis above and 74 square foot hot tub, and install a buried 1,000 gallon liquid propane tank.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Deputy Supervisor called for reports of the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Shepherd presented the Planning Board report which was as follows:
17 November 2018
Re: Beach Glass Properties, LLC Wetlands application
21 Tarkettle Road
SCTM # 0700-23-01-10
Zone C Residential within Near Shore Peninsular Overlay District
We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by En-Consultant, dated 12 October 2018, to demolish an existing single-family dwelling and construct a new two-story house, stone patio, and garage with accessory sleeping.
**Amended NYSDEC Permit** # 1-4732-01069/00011 dated 24 May 2018 has been issued for the project based on a survey prepared by Saskas Surveying dated 24 April 2018.
**SCDHS Permit R07-17-0012** dated 14 May 2018 has been issued for a new water and sanitary facilities for a maximum of (4) bedrooms and permits a garage with accessory sleeping.
Planning Board members visited the site on 15 November 2018 and considered all submittals.
We submit the following observations:
The circa 1943 house, which predates Shelter Island Zoning and Wetland Ordinances, is set on a .46-acre lot within C Zoning. The lot is non-conforming in regards to meeting the one-acre minimum lot size. The existing house is non-conforming with the 30' front yard setback. The proposed house and garage will conform with all zoning setbacks.

The property is improved with a house, 10' wide rock revetment along most of the creek's edge, and a dock with floating dinghies. The house is dated needing roofing, siding, deck and interior finishes. It appeared to have limited heating; we saw a LPG fired space heater (LPG connections but no tank), a fireplace or appliance chimney, but no sign of an oil tank. The dock appears to be in good repair.
The existing 1,273 sf house is located approximately 42" from the wetlands boundary.
The proposed bluestone on concrete slab patio will be located greater than 75' from the toe of the rock revetment, as determined by En-Consultants on 3 December 2015. The new 2,532 sf house will be approximately 10' further inland but remains partly within the adjacent regulated area. The proposed buried LPG tank is also proposed within the adjacent regulated area. The 24 May 2018 survey shows a single stormwater drywell pool within the adjacent regulated area but the 13 September survey show that three outside the wetlands will be installed.
The proposed garage, mechanical equipment and generator will all be located outside the wetlands. A permeable driveway is being proposed.
In addition to moving improvements completely out of the vegetative buffer, and significantly landward of the existing creek setback, the applicant is providing stormwater drywells and will be installing temporary wirebacked silt fencing as mitigation measures. We recommend that the patio stormwater also be collected and pipe to the proposed drywells as has been required in previous applications.
The proposed house's massing will be in keeping with neighboring properties and the character of the neighborhood. The proposed wetlands setback will be an improvement over many of the Tarkettle properties.
With the above considerations, the Planning Board recommends approval of this wetlands application.
By: John Kerr, Planning Board Member
Ian McDonald, Architect, Planning Board Member

There was no Conservation Advisory Council report offered.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: so thank you, good evening, Rob Herrmann of En-Consultants on behalf of the applicant, as you can see from the site plan and I'm sure the Board is familiar with the project and the application, the property is located at the end of Tarkettle Road and fronts Menantic Creek, in a nutshell, the project consists of the redevelopment of the property in a way that will result in substantial improvements to the overall environmental condition of the lot and the wetlands area in particular including significant increase in wetland setbacks, significant decrease in impervious lot coverage within the regulated area including the complete removal of all impervious surfaces from within the seventy-five foot vegetative buffer, reduction of lawn area within seventy-five foot vegetative buffer, improve site drainage, improve septic waste treatment outside the regulated area, now currently the property is characterized by one thousand two hundred and seventy three square foot dwelling with an attached waterside deck which is located forty-two feet from wetlands as mentioned, there's currently one thousand seventy-five square feet of impervious surface located within the seventy-five foot buffer, the application calls for a dwelling with a habitable footprint of one thousand two hundred and eighteen square feet with a waterfront porch on the creekside of the house so actually the footprint of the house itself is fifty-five square feet smaller than the existing which is unusual for building, and at its closest point the attached porch is located eighty-one feet from the tidal wetland boundary so the new dwelling will be located thirty-nine feet farther landward from the tidal wetlands boundary which represents a new doubling of the existing wetlands setback for the primary dwelling structure, there's a proposed waterside terrace which will be located at least seventy-five feet from the wetlands boundary and that's outside the vegetative buffer and in fact as I mentioned, all one thousand seventy-five square feet of impervious surface area that is currently existing within the seventy-five foot buffer will be removed leaving zero square feet of impervious surface area within the vegetative buffer, there's also a proposed garage on the landward side of the house and it's located outside the wetlands regulated area and is not a subject of our wetlands application, what is proposed within the seventy-five foot buffer is a ten foot wide one thousand one hundred and twenty-three square foot buffer adjacent to the wetland boundary which I specially wanted to mention for the record here at the hearing because I realized I did not list the non turf buffer in the mitigation section of the written application so I wanted to make sure the Board's attention was drawn to that, so I was trying to anticipate Paul from the last, additional

site mitigation measures that I did mention in the application include one, the replacement of the existing sub-standard septic system with a new sanitary system that was approved by the Suffolk County Health Department this last May, that system technically is not the subject of our application because it was located outside the jurisdictional area but it does create obviously improvement to the overall environmental condition of the site, we had an installation of a proposed drainage system of leaders, gutters and drywells to capture roof runoff and of course there is a wire backed filtration fence because we want to control site runoff during construction, and I think, I don't know if maybe Paul mentioned in the Planning Board report, the project has been approved by the DEC tidal wetlands permit that was issued originally in January of 2017 and most recently modified in May of this year, so all considered, it's our position that this is actually an excellent project, we've been working on it with owners and the architect Debbie Kropf for several years, Debbie is here, Jack Morgani is one of the owners of the property, he is also here, the project implement design components and mitigation measures that recognize and support the objectives of the Town wetlands code, we thought the Board would agree and approve the application as it's been submitted, again Jack and Debbie are here along with me if the Board has any questions or wanted anything concerning the project but generally that's as far as the Town's wetlands application goes, this one is pretty straight forward; maybe you could add, I didn't see it on the drawing, what is the depth of the water; there is a test hole that is just over the surveyor stamp on the, or it should be over the surveyor's stamp on the lower left hand corner so you've got six and a half feet, the elevation of seven point one which is the elevation of the test hole at six and a half feet; how deep is the proposed basement; Debbie; it's six feet but where the house is located, the contour __ in that area so it's about two feet above where the water _ is; you won't need to dewater for the house; that's right; I assume that's why you were asking; yeah; I see you put your application in for a septic system prior to our implementation of the law; we did; did you consider an IA system; that has been discussed and I won't say there isn't some possibility that as the project continues, that it would be considered but it's not something that we can represent to the Board, this is something we looked into as the Town was considering the law change, this has been a long process, we had to go to the board of review due to the separation distances of wells and septics and finally got through the board of review, waited months for their determination and finally got the Health Department permit and the application at least the decision was also made before your law changed, I'm not sure it affects your process because again and maybe Bob can correct me if I'm wrong, I think legally the system is outside your jurisdiction so I'd like to say that it's something that the Morganis have been talking about but I can't represent honestly here that that is something that they can commit to at this point, we're trying to move ahead with the system that's been approved by the Health Department that I knew you were gonna ask that question; obviously it's an opportunity that we don't like to miss; you did the right thing; well what we consider to be the righter thing; one of the things that I had discussed and Matt is here, __ drag him into this but, I've talked to a couple of the engineers, I mean a couple of these IA systems are very similar in terms of the footprint and location and design so ultimately it's a matter of replacing the traditional septic tank with a pre ___ unit so again we would continue to explore it but I don't, Jack correct me if I'm wrong, it's not something you could commit to at this point, it adds substantial cost to the project; it __ doubles the cost I think __ septic, right; it's something like that, eight something to fifteen something; it depends on the system, the system you choose, the site conditions etc.; how many bedrooms are we talking about, four; I think it's five bedrooms; five; four; is it four; four; it is four, one of the issues it does raise, and this is something the State is having to work out at the moment because it seems kind of counter to common sense but because of the depth of the treatment units, it's virtually impossible in these situations to set the bottom of the treatment unit more than two feet above groundwater, that's not a requirement of the Health Department even for the old septic tanks but it is still a requirement of the DEC do if we change this to a treatment unit that has deeper depth and then went closer to groundwater than is proposed now, you would actually have to go back and modify the DEC permit and obtain a variance for the septic system so again knowing, understanding that the Board would be asking about this, this is something that we have discussed at some length and explored and it's not a simple thing, it's not as simple as everyone's, not you, but the general public is __ in terms of switching the systems if you're this far along in terms of your approvals on waterfront property with a traditional system; right, and in fairness, there's no point of a cutoff date if they're not gonna use it; yeah I mean I'm trying to consider the, you know the merits of the request as opposed to leveraging the way the code was written, again that is what the Town decided to do, is to exempt projects like this, if they've been this far along but we do understand that you know, the context of the requesting we respect it so; I think that that's the one thing that sits in my mind

is the fact that the number one factor, it's not the money, when you're going from sixteen thousand, seventeen thousand dollars down to eight thousand dollars, it's the time factor, it's you know, the possibility of a delay and construction which is a huge matter and has a ripple effect so you know, the money involved in a project this size, spend that extra and be able to eliminate you know and do it to the best of your ability and when you want to do the right thing, it's something that all we can ask you, obviously we can't demand it, is just keep looking into it and if it can be done, just try to do it, that's, because it would be a tremendous help, every single one of these that, these new systems is you know; I'm obviously immersed in the discussions every day, you know that we've already heard that maybe this system or that system isn't working quite the way it is supposed to, this particular system doesn't work as well at a seasonal house because __ not there all the time so as much as people want to do this, there is a little bit of a;__ in a seasonal situation cause it takes time to get up to speed; right, so, again as I say, and I don't, if they did switch the treatments, they wouldn't have to come back to you to modify anything, they would just be able to do it, they would have to change everything with the DEC and the Health Department; easy ones; yeah which is a different matter but again Jack is here, he is hearing all this, it's not certain yet who the builder is gonna be but a couple of builders that Jack is talking to have been very familiar with the concept and I think it's a conversation that will remain ongoing, thank you; you have what, six feet to water you said; six and a half but not; how deep is the lens there, out of curiosity; the test hole is on the site plan and it's showing water, I do need to go to my reading glasses, this is getting harder at this size; __ you find it; water __ six and a half to thirteen feet, is what's showing on the test hole __ so they were, they had at least six and a half feet of water where they; that's not a lot; but that's as far as, once Mark gets water, he's not gonna keep going; understood; so that's all I can represent based on the test hole; just so you are aware, heads up on the water tank; yeah well we have, you know we have an approved well from the Health Department so I mean I can if you really want, I can dig out; I'm not the well driller here; there's a tradition here now; yeah I get it; if you're that close to the water; I get it; you don't have a lot of it, the more water you can see, the less water you have to drink; well, in fact the well currently is beneath the house which as we just discussed is less than a hundred feet from wetlands, less than seventy-five feet; __ kind of thing; and well it's in the basement and the well now, we're going all the way up to the corner of the property on the landward side; and I should just mention that we did receive a letter from the southerly neighbor who is in full support of this application; okay; is he bidding the project; yes; that was all ___; __ disclosed __; and he's probably watching us right now; probably is; Howard; I just have a question, for the CAC, we would like to have a vegetation plan and also the final grading of the site, actually I see in the section for the septic, we're adding two foot of soil to this place, I guess one of the __ in but between that, as we get towards Tarkettle Road, we __ the leaching pool is above our street drainage there for the MS4 so I don't know how that's gonna work going to the street, you're raising it up to eight foot I think, and that point is the property line and at the street level which is six nine, the leaching pool is above; I don't think so, I think the existing grade where the septic system is seven, the finished grade over that leaching pool is eight, you look, I think the nine you're looking at is up by the house; correct; it's only about a foot difference but if you look at the drywell, that's at six nine; it doesn't seem to me that you have the leaching pool leaching into the drywell, especially this critical area; well I don't think the gravitational direction __ to Menantic Creek, that drywell is slightly upland of the sanitary and you know poop doesn't flow up hill so I don't think that's a concern, I thought your concern was about the grading; it is also because __; what's gonna happen at the property line; it's going from eight foot down to six nine, it's a one foot vertical difference of about twenty feet which I think is what the Health Department requires isn't it; ___ yeah so I don't think that's a concern; and also another thing, the silt fence is on Town property, shouldn't it be on the person's property, it goes out to Tarkettle Road which is Town property; I don't see where you see that; if you look at the site plan, you've got the silt fence going out and it crosses the property line out to Tarkettle, it should be horizontal so that the silt fence stops anything from running out to the roadway, horizontal to Tarkettle Road, parallel; parallel right; I just don't see that Howard, do you want to show me where it is, oh I see what you're talking about, yeah he's running that section of fence right to the road but there's gonna be you know materials moving in and out so I don't think he wanted to leave that gap, I mean that's, he ran it out to the edge of the pavement, isn't that what we would want; I would think it should end on the edge of the site so nothing leaves the site; yeah so what Howard is pointing to, if you look at the label that says proposed project limiting wire backed filtration fence which is on the waterside of the property, where that runs up to the north property line, the way _ has drawn this, is to run the fence right to the edge of the pavement so that there's a connection, in other words, even though the road meets the

property line, the paved part of the road is set farther off so I would think you would want that fence running out to the pavement so that you don't have materials running down towards the creek between the road and the property because the reality is immaterial and their equipment is gonna be coming in and out from the road, if the Board doesn't want it, we can change it; the question would be, what's the chances of washing out around the end of the silt fence; to me it's adding a measure of caution without absolutely no downside, is you want us, we can change it, I'm not gonna fight about it, it seems to me to be common sense but it there's a concern because of a property issue, not; not to me, it's not about property, it's about what the purpose of the silt fence is; right; and if there's an outwash possibility coming around, anything washing up over the road and down or anything like that, ___ slight return, fix that; yeah and we can talk, if Peter is the builder, we can talk to Peter about the possibility of turning the fence in and creating a narrower ingress and egress which is, I mean we can look at it, it's probably you know, I would want to talk to the builder about it; I mean we always want to keep in mind what it is we are trying to accomplish; right; with the silt fence; right, so that is what I'm thinking; I'm not gonna wrestle with you much on it; right, okay; but I want you to think about it; okay, let us look at it, it's a fair point, we're trying to do the right thing with it so maybe we have the wrong idea; that's not really being challenged; right, right; it's just whether or not you're there; you related to that, I'm just thinking about Winter snowplowing, whether or not it goes to pavement edge, it could; right; get taken out during plowing; okay; something to think about; we thought we thought of everything; you can't think of everything; okay, let us take a look at that; do you think we can get a __ before our meeting in two weeks before the CAC; oh sure; the contour; yeah; final elevation; yeah sure; there's no place on the plans that show it; well because if you're; __; on a two foot elevation contour we would never show proposed grading for a twelve inch change in grade; right; so they would have to change, there is no way to know, even the DEC doesn't require proposed topography if you're changing the elevation less than two feet and the Health Department measures what the vertical change in grade is, relative to the property line so as long as you meet what they are considering a flat grade, you're fine so I'm not sure how else, I don't know how else we could graph it, we could depict that other than the fact that it's a foot, twelve inch difference every __, there's nothing to show really; I'm assuming you'll make it work somehow; I will make it work; I'm just going by the experience I had by my house; yeah I mean Howard it's a fair question; I __ the road and we had mud all over the street and we still do; and we're trying to contain that kind of situation; yeah, that's what I'm thinking; I think that's something we can discuss with the builder and have some kind of written response back, if necessary, with a modified plan in two weeks, when do you meet; the tenth; the tenth of December; ___ resolution ____; that's fine; it's a great application, it's not like; not yet; kind of part of a misery of this whole thing.

The Deputy Supervisor declared the public hearing closed at 5:35 p. m. except for the report from the CAC, and called to order the public hearing to be held as advertised on the application of Little Ram Oaks, LLC, William Derrough, 34 Little Ram Island Drive, for a wetlands and special exception permit to remove existing single family residence and fenced garden area partially located within regulated area; property to be developed with new single family residence, swimming pool, accessory building, IAOWTS, supply well, and stormwater containment all outside of Town wetlands regulated area.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:

1. An e-mail from Judith Sutton stating she has no reason to oppose this project but recommending that an evergreen buffer near the property line abutting her house and cottage be installed to protect her privacy and keep the noise down.

2. An e-mail from John Slater in support of the proposals and belief that the lot will be developed in a sympathetic and tasteful way.

The Deputy Supervisor call for reports of the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Colligan presented the report of the Conservation Advisory Council as follows:

Date: Nov 12, 2018
Re: Little Ram Oaks LLC

Little Ram Oaks LLC (Wm Derrough) 34 Little Ram Island Drive

Sherman Engineering and Consulting, P.A., as representative of Little Ram Oaks LLC, has submitted a request to demolish the existing house and deck located within the vegetative buffer and regulated area. This will cause much land disturbance in the regulated areas.

*All the proposed new improvements are located outside of the town wetlands regulated areas.* The size of the home is a Town Board decision. There is a bulkhead on the property and a DEC permit has been granted.

The sanitary system is not located within the regulated area and is to be removed. A new sanitary system is proposed (I/A owts Fuji Sanitary system for 9 bedroom maximum and includes 2 new Fuji septic tanks plus a Geomat shallow leaching system. The existing well is being abandoned and a new well is proposed.

Of special note is the new home will consist of approximately 9619 sq ft of living area. The reason for a Town Board special house building permit is that it exceeds 6000 sq ft. The lot size is 2.9 acres and impermeable areas equal 11% of this acreage. Grading and drainage plans with details including erosion and sediment control plans have been prepared by Cameron Engineering and Associates, LLP Civil Engineers.

CAC discussed this application at the 11/12/18 meeting. The CAC suggested the possibility of excessive water usage in a 9 bedroom house.
The CAC passed unanimously (7-0) a motion to accept the application as presented.

Councilman Shepherd presented the reports of the Planning Board as follows:
27 November 2018
Re: Little Ram Oaks LLC Wetlands Application
34 Little Ram Island Drive
Shelter Island, NY 11964
SCTM # 700-9-3-31
Zone AA Reverting to A, Near Shore Peninsular Overlay District
The Planning Board is in receipt of a Wetlands Permit Application prepared by Sherman Engineering & Consulting, P.A. dated October 4, 2018 to allow for the demolition of an existing single-family dwelling, garage and shed with proposed new construction of a new single-family two-story house with a partially finished basement, decks, an attached garage with accessory sleeping above and a new pool. Based on the proposed size of the new house, a separate Special Permit Application report will be necessary.
There is a NYSDEC Permit #1-4732-00949/00004 dated September 6, 2018 based on a survey by F. Michael Hemmer, L.S., P.C. based on an April 17, 2018 revision.
There is a SCDHS Permit # R07-18-0028.
Planning Board members visited the site, reviewed the surveys while on site and considered all submissions made to the Planning Board.
We submit the following observations:
The existing three-bedroom house, circa 1947 is 1 1/2 stories and is approximately 3,068 sq. ft. It is pre-existing and non-conforming and is located 53.4' from the existing bulkhead. The existing detached garage and shed are conforming.
The mitigation factors will include a SWPP to ensure adequate stormwater control, silt fencing for erosion control, an automatic cover on the swimming pool; installation of an IA OWTS septic system and a pressurized drain field for septic effluent.
The existing lot is conforming, approximately 126,967 sq. ft. (2.915 acres).
The following improvements are proposed: demolish the house entirely and replace with a new single family 2 story house with attached garage/accessory sleeping structure, both in a conforming location.
Within the 75 foot vegetative buffer is a portion of the demolition of the existing house and deck. Within the additional 25 foot adjacent regulated wetlands area is the majority of the demolition of the existing house.
A portion of the existing driveway is to be removed and reconfigured. Shallow leaching galleys are proposed in three areas to catch rain runoff outside of the wetlands regulated areas.
The existing sanitary system is not located within the regulated wetlands area and is proposed to be removed. A new sanitary system is proposed outside of the wetlands regulated areas. The proposed new sanitary system is a new I/A OWTS Fuji sanitary system for 9 bedrooms maximum and includes 2 new Fuji septic tanks plus a Geomat shallow leaching system. The existing well is also being abandoned and a new well is proposed.
We submit the following recommendations:

The only portion of the project that requires wetlands approval is removal of the existing single-family house. All other work is beyond the wetlands jurisdiction.
As the applicant is making the project more environmentally sound than what currently exists the Planning Board recommends approval as submitted.
By: Emory Breiner, Planning Board Chairman
Marcus Kaasik, Planning Board Member

27 November 2018
Re: Little Ram Oaks LLC Special Permit Application
34 Little Ram Island Drive
Shelter Island, NY 11964
SCTM # 700-9-3-31
Zone AA Reverting to A, Near Shore Peninsular Overlay District
The Planning Board is in receipt of a Special Permit Application prepared by Sherman Engineering & Consulting, P.A. dated October 4, 2018 to allow for the demolition of an existing single-family residence, well and septic and the construction of a new single family residence and IA OWTS.
The total area of the site is 126,957 sq. ft. (2.9 acres). The existing building area coverage is 3,068 sq. ft. The proposed new building area coverage will be 9,619 sq. ft. which is the reason for this report.
Planning Board members visited the site, reviewed the surveys while on site and considered all submissions to the Planning Board.
We submit the following observations:
The existing property consists of 1 residence, 1 detached garage and several accessory buildings. The proposed plan will include 1 residence, 1 garage with living space above, a pool, patio and decks.
The site development is sufficient for the larger home as the lot is almost 3 times the required lot size for A Zone. No variances from setbacks are required. Also, no buffers or screenings are required. The existing and proposed vegetation will provide buffers for on-site privacy and for the adjacent properties. The property is deep and the proposed house is well forward on the property and won't be seen as massive from the street.
We submit the following recommendations:
While this home is larger than the nearest residences, there are a number of homes on Little Ram Island that are above the 6,000 sq. ft. threshold and required Special Permits which were approved by the Town Board. There are also some houses over the 9,619 sq. ft. of this Application.
The applicant will be utilizing all required environmental systems and will not impact stormwater runoff.
As the property will not look out of place on the large size lot, the Planning Board recommends approval as submitted.
By: Emory Breiner, Planning Board Chairman
Marcus Kaasik, Planning Board Member

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Matt Sherman of Sherman Engineering, I'm here for the applicant and Little Ram Oaks, LLC, William Derrough is the member, a member of the LLC and the owner of the property, the CAC and the Planning Board did a good job basically summarizing the overall project, the three acre piece of property at the beginning, right at the east side of Little Ram, at the end, excuse me, at the beginning, it's got a single family residence on it now, the single family residence is as close as seventy-one feet, fifty-three feet to the deck to the on site wetlands, looking to take that residence away, construct a whole new residence, swimming pool, detached garage with living space above it but all of the proposed construction would be over one hundred feet from the wetlands, you guys all have a full set of full size drawings to several people's dismay, I guess people didn't like lugging around all those drawings but they'll beat it, I've got the drawings I can put up on the screen, I don't know if anybody who's in the audience is here for this application, if you would like me to do that I can or we can just stick to what's on the paper, whatever you guys would like us to do; paper; paper is good; okay; the, a couple of notes that I had taken from the previous hearing, some of the questions that have come up that would probably come up with this one as well, it's a fairly low-lying piece of property, seven, eight feet or so, nine feet at grade, groundwater in this area is at about a foot, the test well had it at point nine feet, one foot would be a reasonable estimate or our maximum groundwater in this

area so the basement elevation is at six, so the basement is about five feet above groundwater, the swimming pool, the top deck of the swimming pool is proposed to be at I believe ten, let me double check to make sure I've got that correct so the swimming pool is also even at an eight foot swimming pool would be just above groundwater if as a precaution, if the Board wanted to put a condition on an approval for this, assuming we get an approval, that there's no dewatering would be required for construction of the swimming pool so that it's depth would be limited to __; that's already part of the Code I believe; yes I know but I didn't know if that was something that you guys you know; if you have to say it again you will; lack of __ saying it twice, this is why I was bringing it up to you; the basement thing, would any dewatering be involved with the basement; no, no because we're gonna have five feet of distance from the bottom of the foundation; okay; so if you go down a four foot basement slab and another twelve inches of footing below it, you've still got several feet of leeway before you have to worry about; what's the depth of water; the water depth is at one foot so depending on where you are on the site, obviously it's gonna change, the, let me get to the drawing of the test hole; test hole A was eight feet five; yeah that's all, the top elevation of the test hole was nine point four, groundwater elevation is at zero point nine, it was eight and a half feet to water; the foundation, the basement, the elevation looks to be seven feet ten inches on the drawing, that's kind of close; basement elevation on sections on drawing A two hundred is at six feet ASL so above sea level, the dimensions that the architect used at times are not, they'll be referencing like in this case, the main floor, finished floor elevation is zero so the basement elevation is nine feet below the finished floor of the house, that's not __, the finished floor elevation is gonna be, base grade is at five feet below finished floor so where you're measuring, your reference point can be misleading, that's why I just take it right from those numbers that they've got in parentheses at six feet ASL, grade at the middle of the section that we're looking at is ten feet, is the finished grade at that location, so you've got, you're down four feet to the basement finished floor elevation from grade and you've got another five feet to go until you get to groundwater, does that clear that up; how deep is the pool; eight feet; eight feet; gunite pool; excuse me; I believe, yeah; and the only thing I think of Matt, but I think of these pool __, it was nice to always have, everybody always has an eight foot pool when there was a diving board, nobody puts in diving boards anymore; yeah; why the hell they go down eight feet is beyond me because most people like to swim in it, a six foot depth is you know, it's at two extra feet, cause you are close to the water table there and it's less water to use, less water evaporating, less loss of water you know, I just don't get the urgency for an eight foot pool anymore, I know people put in eight, nine and we have that on Peconic and what did they do, they dewatered, I mean even when they go down the depth, when you go down to put the foundation in on these gunite pools, you're going down considerably more; yeah you've got piping, you've got __; __; __ down sitting on the water, I'd be a little bit you know, with the size of this project and everything, I just, I personally think that water is a major issue, you know sitting with a six foot pool is better than an eight foot pool when you're in the Near Shore area, I don't get it; I can certainly bring that up to them and see if, I don't know if they're married to the depth of the pool; right; if it's a lap pool, in which case it doesn't have to be terribly deep, if it's a floating in a rubber ducky, it doesn't have to be very deep either so I can talk to them and see what they're; these people that dive off the side of a pool into the water you know, an adult at six feet you know but even there you know very rarely if when you dive in off the side of the pool into, do you go anywhere near the bottom on a six foot pool; right; again, a diving board is different, you need a minimum of eight feet but nobody puts them in anymore; I can talk to them about that; I appreciate that; again I don't know if it's a, if that would; it's a savings on water as well, it's just an extra expense and; speaking of the water issue and the swimming pool, right now, I don't know if anybody had a chance to go out and look at the site now but there's a large half buried cistern off to the side of the property, that's for the plantings that are there that have been moved around that they're gonna be replanting; okay; that basically temporary, temporary irrigation, I talked to them about installing that permanently when the project is all over and have inground irrigation water coming from that cistern as well as water for topping off the pool and that's something they said they have no problem doing that as well, I confirmed that with the architects so again the CAC has a very good point of larger houses and larger properties are gonna be using more water than something smaller obviously and in a way to help mitigate some of that extra water usage, we can do with that system; so they have a grandfathered irrigation system; I don't know if they have one, I don't believe so, but I don't know; how many bedrooms Matt with the house and above the garage; it's total eight bedrooms, there's actually, we've got, in the basement there's a bedroom, there's three bedrooms on the first floor, three beds, a master bath and a bed over the garage on the second floor, so that's three, six, seven, eight, one of the three bedrooms on the second floor is labeled as

a study on the plan but for the purposes of sanitary design and the size of the system, we would treat that study as another bedroom; what about the, the bunk room; it's a bunk room, the one that's over the garage yeah we treat that as a bedroom as well; I don't know what a bunkroom is; yeah bunk beds I would imagine; right, it's a bedroom; the kids are young so they're are on the far side of the house so you can't get to them, that's what it is, it's for the grandkids I would imagine; not having slept in a bunk, I know it's pretty much the same thing __; yeah, the total lot coverage on the site, because it's such a large site, it's really kind of a non-issue but we're at five percent for buildings whereas the Town requires, has a twenty-five percent maximum so we're nowhere near it, total lot coverage, buildings, patios, swimming pool, basically everything that impermeable, we're at eleven point two percent, Town maximum is forty percent so we're not even scratching those, maximum height requirement, we've got a maximum limit for the pitched roof of thirty-five feet, we're just below that at thirty-four and change so we're below it and then for the flat section of the roof, it's a twenty-five foot maximum and we're below that as well so as far as the Zoning Code and all of those other requirements, we meet all of those, the architect, they took the local regulations of the Zoning Code and used that as a steel box in which to do their design so we didn't have to worry about popping out of any of those envelope barriers, the mention of the proposed sanitary system is a low nitrogen, it's actually like the poster child of the low nitrogen systems, not only do we have two of the Fuji-Clean IA treatment units but they're gonna be going into a shallow pressurized drain field so that the treated waste water gets pressurized and then dispersed in the very top layer of the soil so you've got the rest of the soil for it to drain down through and get additional cleaning and additional treatment, natural treatment before it gets down to groundwater, a typical system you would have drywells which are basically injected as close to groundwater as we could legally get in a situation like this, so the fact that we're using that shallow drain field, I think is a benefit, other than that, we've got landscaping, the landscape plan that we provided to you, there's concerns on neighbors on both sides, understandably so for privacy, both visual and sound privacy, so there's, on that landscape plan there's evergreens planted on both property lines, we can work with the neighbors to make sure that depending on which windows are more concerned or less concerned or what we need to do to make sure that we're protecting their privacy but also protecting the Derroughs privacy as well, that's not a problem working with them on that, that's the project in a nutshell and if you've got any questions and if anyone in the audience has any questions for me, I'd be more than happy to answer them; it's really a question for you, it's a question for them, I mean, Little Ram has water problems, Little Ram has its own, its own very little aquifer and this is just, I know there's big houses out there, and this is just the potential to just create problems, continue to create problems that exist out there now, do they need this big of a house; do you need question always comes up; right; you can't speak for them; I always answer that question with, not to try and be flippant about it but what's need, what do we need; that's a good find; you know I grew up in a __ house in the center of the Island with one bathroom so what do we need, it's a different, it is certainly much bigger than anything that most people would be looking for; well it's in a location on the Island that really now is very tenuous; yes it is; how long have they owned the property; I don't know; okay; I just wondered if they're aware of really the situation on Little Ram; I share Al's concern, I think all of us have a potential issue with that and I was wondering if they have pondered a water budget or how they, water management overall for the property; I talked to the architect about it when we were talking about the cistern, so having the cistern, if they were gonna be doing any irrigation, that's a big benefit, having the cistern to top off the swimming pool, that's a huge benefit; right; the fixtures that they're putting in are extremely low flow fixtures, they've got dual flow toilets, they've got one and a half gallons for one flush and you've got point eight for you know the second mode of flush so you've got a lot of different things that you can do to have little bite sized conservation pieces; right; I do, I completely sympathize with the idea that when you look at a nine bedroom house and you've got all these bedrooms, you've got all these bathrooms, if it's a house that's being, it really depends on how those bedrooms are gonna be used; at full occupancy; yeah; they could be looking at __ per house; they could and they could have full occupancy two weeks a year perhaps; that's all it would take; I don't know if I would necessarily; I don't know, I mean; it's happening now; right, that's true; in areas, it is happening; one of the things that they look at when you go to the Health Department and one of the benefits of having the Health Department approval before we come to the Board is that they look at depth to groundwater, they look at water quality and all of those other things have to be acceptable before the Health Department will put their stamp on something and that's not to say that they're infallible or just because the Health Department has approved the plan, that it's going to at some point in the future not create a problem and that's true for any application whether it's a large house or

whether you've got, we're talking about a large nine bedroom house on three acres, if we were talking about the same nine bedroom house on one acre, I would think we'd be having a different discussion; well, where the well is, how deep is the lens, how thick is the lens; I don't know the depth of the groundwater in that location, most of these areas on Little Ram you're in twenty-five to thirty foot maybe; okay; you know, ball park; yeah; that's probably enough; and you know these, I get conflicted with the whole idea of you know if somebody's got nine bedrooms and nine bathrooms or whatever it happens to be, they're gonna be using you know five times the amount of water; houses don't necessarily consume the water, I understand that, I made that argument myself; yeah; but we also wonder just how they plan to use __ and for us and for their neighbors, the situation is worsening out there yearly; it is; it's gonna be an issue; it's not just an issue, it's the number one thing you get stopped for in IGA how could you possibly approve another megahouse and I know we've had these little discussions back and forth but people are very concerned, the water is a premium; they need to know also though fairly, to point out that whatever happens to these folks probably isn't gonna affect the guy that stops you on the street you know, you could run Ram Island dry and it's not gonna hurt you in the middle; just living it up; it's the question, when you almost triple the size of the house, you know that, I can understand making the house bigger but there's a _ point here, there's, I think there's a reality check that's going with every one of those decisions; is one of the people here the principle; no; okay; neighbors; concerned neighbors; okay; so that's just something, I know it's a real, real issue and we should be trying to guide, you know, we should be guiding people in the opposite direction of you know what not just what's necessary for you but comfortable for everybody because that's a resource that's shared by everybody; yes and I remember when we were talking about years ago I think it was under Al's administration when we were talking about lot size and building coverages and building sizes and what the six thousand square living area when that all came to be; right; and it was, there was no perfect answer, not good enough to really try to figure out how do you make it equitable across the board and it really probably can't be equitable across the board but if we look at it from a site by site basis and again that's where the idea that this is a three acre piece of property, comes into play, it is three acres, it is Little Ram which is, it's not like in the center of the Island which has got more water quantity than out there but it's also not Montclair or Silver Beach that has less water, so each one of these areas are individual and have their own individual concerns and I completely sympathize with that, either the idea that this three acre parcel even, because they're tripling the size of the house and they're increasing the water use that's gonna be seen at this house is going to create a negative impact on either their own property or the neighbors, that can be argued all day and all night long, I don't have any quantifiable evidence to say to you you're wrong or say you're right, we all have gut reaction to say a nine bedroom house, oh my gosh look at how much they are gonna use potentially; potentially; how much are they actually gonna use you know and that's one of the things we looked at when we looked at public water supply and somebody who's got a five bedroom house opposed to a four or a seven, there wasn't a whole heck of a lot of water use and of how it was used, where the difference shows up is in swimming pools and in irrigation systems; sure; that's when you saw the water usage number sky rocket; right __ swimming pool, right; yeah that's what I had talked about with the architect; it just supports my argument about not having an eight foot swimming pool, you demonstrate, if you want a triple size, what else can you do, you're talking about less water with flushing, that's a positive but there's no need for, if you go eight feet, you can go out in the bay and go down twelve or twenty feet and go dive you know but I don't think you need a, so any measure that you can make or encourage your client to take is important because it helps in terms of us, the five of us up here having to address and answer, actually answer people who stop you on the street on how could you possibly approve so, end of lecture; do you think they would object if we put that in as a condition; which; the putting the cistern in to support; I don't think that would be __, I cleared it with their project rep and their architect so I think that's as good as; I would strongly recommend that; as good as a dedicated response; cause I feel that it is fairly evident, you stand there and you look at the existing house and then I envision what the new one is going to look like and it's evident in the difference in the way they're going to live, one can guess and that's when I can envision some __ landscaping additions and things like that and all the stuff that's gonna you know __ above and beyond what somebody would think would be necessary; yes; it's just __; yeah they've got as much of a vested interest in this property as everybody else in the area, so you know; most people won't know until they punch themselves in the nose, you just don't want this stupid thing; ___ down there, they do that, it's true, I mean we ___; _; you hate to get in an argument about public water because assuming they are too much of a knucklehead to monitor their own; some people need to be protected from themselves; that's true; but that's not a

concern really, I'm concerned really about really the neighborhood; yeah, they are uphill, everybody else is downstream, it is three acres I know; are there any other comments; yes; Emory; let me just ask you, what's the height of the swimming pool above grade; it's two feet above the grade; so actually the pool would only be six feet into the; yeah I think the coping is at about ten feet and the grade below it is at eight and change, but I'll check with them to see if, again if that's not a problem then we won't make it be a problem; and it's a fairly large pool isn't it; yes; ___ feet deep; what are the dimensions of the pool, what are the dimensions; I will let you know; I mean they make long lap pools that are not very deep either, not everybody dives; this one is approximately; like a trampoline in the yard; I assume they have young children there with a tree house; it is about seventy-five by twenty-two, twenty-one, just a __ size; wow; twenty-five by seventy-five; __; __ at the deep end of that pool; yeah right; what is that, fifty thousand gallons of water; I don't even know; that's a lot of water; but it gets filled with off Island water so, __ cistern water; but that __ pool cover; yeah there's a pool cover; oh yeah, yes there it is; it's just more trucks getting on the ferry, __ this is something, especially on Ram Island trying to get down through that area, that's a big pool, seventy-five feet, I've never seen one at seventy-five feet, usually twenty by forty, sometimes thirty-two by sixteen, sometimes, that's standard sized pool, like sixteen feet by thirty-two feet long, it's a pretty good sized pool; __ in the summertime ___; you get the cover so that's ___; that's why we like the cover; that's exactly right, it's one for kids, dogs and rain and __ evaporation; __; yeah and I feel you're grappling with the size of things like the pool, this isn't; set in stone so __; no, not that it's set in stone, this isn't, it's not a small, little suburban house, it's a large house and a large piece of property on Little Ram so __ twenty by seventy-five pool, of course it's large, there's no debating that but to compare it to a you know sixteen by thirty-two typical residential pool is, it is a bit of apples and oranges when you're looking at it you know __; relative to the size of the lot, yes but the water, the volume of water, that doesn't change; but that gets mitigated, it gets mitigated by the fact that you're topping it off with cistern water and you're filling it with off Island water and the depth of the pool, if you've got a four foot deep pool or a fourteen foot deep pool, it's still evaporating from the top so the depth of the pool doesn't affect how much water you lose from evaporation so you know the; it's the size of the __; the overall horizontal area is what the issue is and things are being put in place to minimize the negative impact of whether it's a small pool or a large pool, the impact is still being minimized by virtue of the cover, the filling and the topping off; I'll close by, it's a huge pool; yeah; that's a huge pool, this room may be twenty, twenty-two feet long, double the length of this room, that's a big pool; duly noted; people that do laps, buy seventy-five foot pools; yeah; come on Emory; Emory wants to be __; go to the gym; do you really want to do laps, you've got a body of water, just swim around the Island, enough, it borders line of absurdity after a while, I honestly think that people have got to get the message and we're the educators and we have to start educating them and everybody's got to get on board including builders, including engineers and everybody else, we have all got to selling the same message, I don't care whether you live on ten acres or three acres, it's a water issue, again I'm not real big at lugging, getting on ferry lines and seeing tons of trucks coming with off Island water bringing it on, putting the pressure on the streets and backing down streets, a little bit of modesty you know, tripling the size of the house, we don't need this, again you're just short of a community pool, it's absurd, I'm sorry; we'll talk about it Tuesday.

The Deputy Supervisor declared the public hearing closed at 6:13 p. m. called to order the public hearing to be held as advertised on the proposed Local Law entitled Minimum Wage correction.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: the only thing that I will note is something last year I noticed was in our Code, it says part time secretarial workers are to be paid nine dollars and ninety cents per hour and I remember the first time I read it, I thought that's less than minimum wage so Bob is correcting that; and I support that correction; yes.

The Deputy Supervisor declared the public hearing closed at 6:15 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled "Operations on Town Owned Property".

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this was essentially to take care of that issue of the Town wells which we previously passed, it's basically authorization for that to go forward; good idea though; good; has to be.

The Deputy Supervisor declared the public hearing closed at 6:17 p. m. and called to order the public hearing to be held as advertised on the proposed Local Law entitled Amendments to Zoning Code, Section 133-12, Re: Rainfall Calculations.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

The Deputy Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this is just a correction of an engineering standard which John Cronin found; and it makes sense.

The Deputy Supervisor declared the public hearing closed at 6:18 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 553

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

"Whereas", a public hearing was duly held on the 30th day of November, 2018, on a proposed Local Law entitled Minimum Wage correction, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 12 - 2018 entitled Minimum Wage correction, is hereby adopted, as follows:

Section 1. Amend Section 18-1 as follows:

Amend the second sentence of Section 18-1 - Salaries and Wages of Chapter 18 of the Personnel Policy of the Shelter Island Town Code to read as follows: Unless otherwise specified, part-time secretarial workers are to be paid as per the current New York State Minimum wage applicable to Long Island.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 554

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", a public hearing was duly held on the 30th day of November, 2018, on a proposed Local Law entitled "Operations on Town Owned Property", and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 13 - 2018 entitled "Operations on Town Owned Property", is hereby adopted, to wit:

Section 1. Amend Section 133-30 of the Town Zoning Code by adding the following sentence, to wit:

This section shall not prevent the conduct of business, placement of a private well or other private use of Town property pursuant to a license issued by the Town Board.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

| | | |
|---|---|---|
| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Councilwoman Brach-Williams | aye |
| | Supervisor Gerth | aye |
| | | 5 in favor 0 opposed |

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 555

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", a public hearing was duly held on the 30th day of November, 2018, on a proposed Local Law entitled AMENDMENTS TO ZONING CODE, SECTION 133-12, RE: RAINFALL CALCULATIONS, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 14 - 2018 entitled AMENDMENTS TO ZONING CODE, SECTION 133-12, RE: RAINFALL CALCULATIONS, is hereby adopted, as follows:

Section 1. Amend the last sentence of Section 133-12 F(6)(b) to read as follows:
Professional architects or engineers are not needed for this impermeable driveway installation since a four-foot-by-eight-foot drywell can accommodate the runoff of a two-inch per hour rain event when properly installed by the contractor.

Section 2. This Local Law shall become effective immediately upon filing with the Secretary of State.

| | | |
|---|---|---|
| Roll Call Vote: | Councilman Dickson | aye |
| | Councilman Shepherd | aye |
| | Councilman Colligan | aye |
| | Councilwoman Brach-Williams | aye |
| | Supervisor Gerth | aye |
| | | 5 in favor 0 opposed |

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Colligan, the meeting was adjourned at 6:20 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

December 4, 2018

A special meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York on the 4th day of December, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar and ten persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 1:13 p. m.

RESOLUTION NO. 556

Councilman Colligan offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", a public hearing was duly held, pursuant to Section 48-3 of the Shelter Island Town Code, on the 15th day of June, 2018, on the application of the Shelter Island Fire District, Elite Towers, LP and New York SMSA Limited Partnership d/b/a Verizon Wireless to construct a communications tower at the Shelter Island Fire District property located at 61 Cobbett's Lane; and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the application of the Shelter Island Fire District to construct a communications tower at the Shelter Island Fire District property located at 61 Cobbett's Lane is hereby approved pursuant to the following conditions:

1. This approval is conditioned on the applicants' compliance with the following sound levels:

| Receptor Level | Mitigated Generator Sound Level | Mitigated Cabinet Sound Level | Mitigated Total Verizon Wireless Equipment Sound Levels |
|---|---|---|---|
| R1-55 Cobbetts Ln West Pl | 37.7 | 35.4 | 39.7 |
| R2-55 Cobbetts Ln North Pl | 40.3 | 38.8 | 42.6 |
| R3-63 Cobbetts Ln East Pl | 47 | 40.7 | 47.9 |
| R4-54 Cobbetts Ln | 38.3 | 33.1 | 39.4 |
| R5-5 Sheep Pasture Ln | 31.5 | 22.4 | 32 |
| R6-69 Cobbetts Ln | 33.9 | 26.8 | 34.7 |
| R7-56 Cobbetts Ln | 36.6 | 31.2 | 37.7 |
| R8-2 Primrose Pl | 17.8 | 18.1 | 21 |

*See August 23, 2018 letter prepared by VHB Engineering, Surveying and Landscape Architecture, P.C.*

2. The applicants will install the proposed pole and related equipment in accord with the Drawings, prepared by Dewberry Engineers, Inc., Rev. 5, dated July 7, 2018.

3. Testing of the Verizon Wireless generator will be limited to regular business days (not Saturdays, Sundays or holidays) between 11:00 AM and 3:00 PM. Said testing will occur no more frequently than twice per month.

4. All maintenance, repairs and other activity conducted at the Premises with regard to the tower and related equipment, other than emergency repairs, shall occur only between 9:00 AM to 5:00 PM on regular business days.

5. Within thirty (30) days of the issuance of a Certificate of Occupancy/Completion for the tower and related equipment, Verizon Wireless will measure and test sound levels at the above-noted receptor locations to confirm compliance with the noise levels set forth in this approval. Verizon Wireless will provide a summary of the measured sound levels to the Town Board. Verizon Wireless can seek an extension of this time-frame for good cause shown.

6. In the event Verizon Wireless seeks to modify its ground-based equipment which produces noise and/or generator, it will need to demonstrate that any such changes will comply with the noise levels set forth in this approval.

7. Within thirty (30) days of the issuance of a Certificate of Occupancy/Completion for any such modification, Verizon Wireless will measure and test sound levels at the above-noted receptor locations to confirm compliance with the noise levels set forth in this approval. Verizon Wireless will provide a summary of the measured sound levels to the Town Board. Verizon Wireless can seek an extension of this time-frame for good cause shown.

8. Any future applicant (collocator) proposing additional equipment at the premises must demonstrate compliance with the noise levels set forth in these conditions, including by demonstrating that the total decibel level of all Cabinet Equipment, and of all Cabinet Equipment plus emergency generators, from both then-existing equipment and proposed new equipment, taken together on an aggregate basis, will not exceed the noise levels set forth in Condition 1 above, and obtain permit approval from the Town. "Cabinet Equipment" means all noise-producing equipment used at the site other than emergency generators.

9. In the event that any measurement shows that any of the above-noted sound levels have been exceeded at any of the receptor locations, the non-compliant user(s), as identified by the testing, shall, within 45 days of the measurement and testing result, prepare and submit a plan of their choosing, to the Town Board, that reduces the decibel levels to the approved sound levels. If there is a dispute as to which user is non-compliant, all users shall cooperate to remediate the problem first and the relative responsibilities shall be determined afterward. Such user(s) shall implement the plan promptly upon receipt of all necessary approvals and permits from the Town. The site shall then be re-tested.

10. All noise limits shall apply, and all testing shall be done, on an aggregate basis covering the equipment of all users (including the applicants) taken together. All testing of noise-producing equipment and generators shall be conducted with all the equipment on the site operating at full capacity.

11. In addition, the applicants will measure and test aggregate sound levels at the above-noted receptor locations and confirm compliance with the noise levels set forth in this approval at least once per year from the date of the last measurement/testing. No such annual test need be made within less than a year after any prior test showing compliance with all limits.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Brach-Williams abstained)

The resolution was thereupon declared duly adopted.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the special meeting was adjourned at 1:35 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

December 14, 2018

The regular meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 14th day of December, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, and Albert Dickson, and Councilwoman Amber Brach-Williams. Councilman James T. Colligan was absent. Town Attorney Robert J. DeStefano, Jr., Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and eight persons were also present.

The Supervisor called the meeting to order at 4:30 p. m.

Salute to flag.

RESOLUTION NO. 557

Councilman Shepherd offered the following resolution which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", Mr. Boris Djurasic and his sons most graciously volunteered to contribute their efforts and generosity to restore the exterior trim on the Shelter Island Police Department Headquarters building, and

"Whereas", such a donation to our Town, which included sanding and painting the exterior trim, window and door trim, soffit, fascia, freezeboard, door, columns and railing, is valued at $17,910.00, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby thank Mr. Djurasic and his outstanding "Crew" for performing such a fantastic transformation to the Police Department Headquarters for their most generous donation to the Town to beautify said building.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

Chief of Police James J. Read, Jr. presented a plaque to the Djurasic family in appreciation for their gracious community minded painting performed at Police Headquarters.

Correspondence included the following:

1. A summary of Shelter Island Town Nature Preserves submitted by Edward Bausman, Chairman of the Conservation Advisory Council.
2. A letter from Kia Andrea Pedersen expressing her interest in the new position overseeing development of affordable housing on Shelter Island.
3. A letter from Scott G. Sivco stating he is interested in serving on the Green Options Advisory Committee.
4. A letter from Scott G. Sivco stating he is interested in serving on the Water Advisory Committee.

The Deputy Supervisor presented the following Supervisor's report for the Month of November, 2018:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
NOVEMBER 2018

| ACCOUNT | FORWARD | RECEIPTS | DISBURSEM | BALANCE | CLASS |
|---|---|---|---|---|---|
| Gen Checking | 2,430,491.78 | 427,660.23 | 1,009,800.58 | 1,848,351.43 | 787,639.64 |
| HwyChecking | 639,442.23 | 2,478.36 | 134,844.12 | 507,076.47 | |
| T&A Cking | 629,499.38 | 40,342.85 | 399,242.72 | 270,599.51 | 15,750.88 |
| T&A Savings | 12,230.04 | 0.3 | 0 | 12,230.34 | |
| Hwy Cap Res | 401,411.63 | 9.9 | 0 | 401,421.53 | |
| WNW Supply | 57,937.21 | 2,510.43 | 4,677.81 | 55,769.81 | 112,481.22 |
| Taylor'sIsland | 43,758.50 | 20.14 | 0 | 43,778.64 | |
| Comm Preser | 1,976,247.37 | 8,750.03 | 6,070.03 | 1,978,926.48 | 7,695,281.64 |
| Waterways | 146,213.59 | 1,600.00 | 0 | 147,813.59 | |
| Reserve Fund | 110,278.72 | 0 | 68,308.13 | 41,970.59 | |
| Bridge St Esc | 0 | 0 | 0 | 0 | 361,148.56 |
| Environment | 15,750.00 | 0 | 0 | 15,750.00 | |
| FIT Ctr Res | 20,045.25 | 0 | 0 | 20,045.25 | |
| Ambul Reserv | 357,066.89 | 29.24 | 0 | 357,096.13 | |
| Ambul Train | 24,463.91 | 0.6 | 0 | 24,464.51 | |
| TOTALS | 6,864,836.50 | 483,402.08 | 1,622,944.28 | 5,725,294.30 | 8,972,301.94 |

RESOLUTION NO. 558

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from PERMA in the amounts of $25,204.32 and $16,917.01 to the A9055.800 disability account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 559

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Cornell Cooperative Extension of Suffolk County which will provide that Cornell Cooperative Extension will provide for a shellfish seed program to the Town of Shelter Island for restocking Town waters for the sum of $7,500.00; all shellfish will be delivered by November 30, 2018.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 560

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the New York State Department of Taxation and Finance has issued a notice of vendor collection credit to the Town of Shelter Island for the period ending November 30, 2018 in the amount of $105.45, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $105.45 from the trust and agency account to general account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 561

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

"Whereas", Little Ram Oaks, LLC, William Derrough ("Applicant") has applied to the Shelter Island Town Board for permission to undertake significant demolition within vegetative buffer and adjacent regulated area at 34 Little Ram Island Drive, Shelter Island, New York and zoned Zone AA Revert to A, Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-9-3-31 (the "Premises"); and

"Whereas", the Applicant seeks to demolish an existing 3,068 square foot house and deck located 53.4 feet from the bulkhead on this 2.915 acre lot and construct a new two story house with a finished basement, attached accessory sleeping area totaling 9,619 square feet as well as a new 75' by 20' swimming pool all outside the regulated area; and

"Whereas", the proposed construction includes the following work at least partially within the 75' Vegetative Buffer: demolition of a portion of the existing house and deck; and

"Whereas", the proposed construction includes the following additional work at least partially within the 100' Adjacent Regulated Area: demolition of the majority of the existing house; and

"Whereas", all further work including all new construction is proposed in conforming locations for which a wetlands permit is not necessary; and

"Whereas", the proposed renovation accounts for a 100% renovation; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued a permit numbered 1-4732-00949/00004 dated September 6, 2018; and

"Whereas", the Suffolk County Department of Health Services issued a permit numbered R07-18-0028; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on November 30, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application and Special Permit, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and finds that this is a Type II action which will not result in a significant adverse impact on the environment as the entirety of the construction is being moved to a conforming location and significant mitigation measures are to be required; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the wetlands application:

1. This Board hereby adopts the findings of the Planning Board and Conservation Advisory Council.
2. This project would remove all intrusion into the vegetative buffer and regulated area.
3. The proposed project will not have a negative impact on the quantity and quality of groundwater.
4. There are no practicable alternatives which allow the project to be constructed outside the regulated area.
5. The proposed project has adequate mitigation measures proposed or required, including run-off controls, that contribute to the protection and enhancement of wetlands.

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the special permit application:

1. This project is suitable for location in this part of Town because the area is similarly residential.
2. This project will not be detrimental to surrounding property values because this will result in an upgrade of the existing structure.
3. This project is harmonious with the character of the existing and probable development of uses in this vicinity because it is residential in nature and no significantly larger than other houses in the vicinity.
4. Strict conditions will be placed upon construction to ensure utmost reduction of inconvenience to neighbors and the general public.

BE IT FURTHER RESOLVED, That a wetlands permit and special permit for the above described work to be conducted at the Premises are hereby granted to the extent that all work is conducted as depicted on the following plans:

1. Survey of property by F. Michael Hemmer, LS, P.C. dated 10/30/17 last revised 7/09/18.
2. Proposed improvements site plan by Sherman Engineering & Consulting, PA dated 10/04/18.

3. Architectural plans and details by Ryall Sheridan Architects dated 9/12/18.
4. Landscape design plan by Ryall Sheridan Architects dated 9/12/18.
5. Contractor parking plan by Sherman Engineering & Consulting, PA dated 10/04/18.
6. Grading & Drainage plan by Cameron Engineering & Associates, LLP dated 3/09/18.
7. Basement Grading and Drainage, & Details plan by Cameron Engineering & Associates, LLP dated 3/09/18.
8. Erosion & Sediment Control plan by Cameron Engineering & Associates, LLP dated 3/09/18.
9. NYSDEC approval 1-4732-00949/00004 dated 9/06/18.
10. SCDHS approval R07-18-0018 dated 08/08/18.
11. Proposed Pool/Spa Plan and Base Sections by Blue Square Consulting dated 12/05/18.

As amended, as follows:

1. Applicant will eliminate the basement bedroom and attached bathroom.
2. Applicant shall install a 25.92kW PV system.
3. Applicant shall install wall insulation at R 43.2.
4. Applicant shall install Ceiling/Roof insulation at R 56.6.
5. Applicant shall install Triple pane windows at R 8.9.
6. 10,000 gallon cistern filled with off island water for landscape irrigation and swimming pool water.
7. Applicant shall install a metered intake and outlet on cistern.
8. Applicant shall install a 5 gallon per minute well pump (minimum allowed by SCDHS) and 500 gallon intermediate water storage tank.

Subject to the following standard conditions:

1. Construction procedures and erosion controls including the anchored installation and maintenance of silt fences during all stages of construction shall be required and be designed to prevent any runoff from disturbed ground into the wetlands areas.
2. Soil disturbance should be minimized where possible.
3. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week.
4. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter.
5. No project excavation, regardless of depth, may intrude into the water table or require dewatering.
6. Construction materials and equipment shall be staged outside the regulated area.
7. Parking of all construction and delivery vehicles shall be on premises.
8. No public street or public or private right of way may be obstructed or impaired during construction.
9. Applicant must repair any damage to any adjacent road or street caused by construction vehicles to the satisfaction of the Town Highway Superintendent.
10. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project.
11. The existing septic system shall be replaced by a nitrogen reducing IAOWTS septic system.
12. Applicant shall install Dark Sky compliant lighting pursuant to the Town Code in all outdoor lighting on this project.
13. Applicant shall install an automatic pool cover.
14. Prior to issuance of a wetlands permit, the applicant must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000; and
15. This permit shall only be valid for construction commencing within two years of the date of this approval; and

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 3 in favor 1 opposed (Councilman Dickson voted nay)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 562

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Beach Glass Properties, LLC, Jack Morgani and Geri Schmitt ("Applicants") have applied to the Shelter Island Town Board for permission to undertake significant construction within vegetative buffer and adjacent regulated area at 21 Tarkettle Road, Shelter Island, New York, Zone C, Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-023-01-010 (the "Premises"); and

"Whereas", the Applicants seek to demolish an existing non-conforming 1,273 square foot house located 42.3 feet from the bulkhead on this .46 acre lot and construct a new 2,532 square foot two story house with an unfinished basement, detached garage and accessory sleeping area, both 75.4 feet from the tidal wetlands boundary and conforming to zoning regulations as well as a new conventional septic system; and

"Whereas", the proposed construction includes the following work at least partially within the 75' Vegetative Buffer: the majority of the demolition of the house, deck and patio; and

"Whereas", the proposed construction includes the following additional work at least partially within the 100' Adjacent Regulated Area: some of the demolition of the existing house and the construction of a portion of the proposed new house including terrace, porch, spa, trellis and drywell; and

"Whereas", all further work is proposed in conforming locations for which a wetlands permit is not necessary; and

"Whereas", the proposed renovation accounts for a 100% reconstruction; and

"Whereas", the application was referred to the Planning Board and Conservation Advisory Council for recommendations, and recommendations have been submitted and considered; and

"Whereas", the NYSDEC issued a permit dated January 12, 2017 as modified May 18, 2018; and

"Whereas", the SCDHS approved this construction on May 14, 2018 after Board of Review and issued a permit numbered R07-17-0012; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on November 30, 2018, and

"Whereas", this Board now wishes to render a decision on this wetlands application, now, Therefore

BE IT RESOLVED, That this Board hereby establishes itself as Lead Agency pursuant to SEQRA and finds that this is a Type II action which will not result in a significant adverse impact on the environment as the constructed area on the lot is being moved out of the regulated area and further from the wetlands and all reasonable restrictions are being placed upon the project to prevent runoff; and

BE IT FURTHER RESOLVED, That the Town Board makes the following findings as to the application:

1. This Board hereby adopts the findings of the Planning Board and Conservation Advisory Council; and
2. This project would permit intrusion into the vegetative buffer only for the purposes of demolition and will decrease the amount of intrusion into the regulated area; and
3. The proposed project will not have a negative impact on the quantity and quality of groundwater; and
4. There are no practicable alternatives which allow the project to be constructed outside the regulated area; and
5. The proposed project has adequate mitigation measures proposed or required, including run-off controls, that contribute to the protection and enhancement of wetlands; and

BE IT FURTHER RESOLVED, That a wetlands permit for the above described work to be conducted at the Premises is hereby granted to the extent that it is conducted as depicted on the survey prepared by Saskas Surveying Company P.C., last updated September 13, 2018, and floor plans and building elevations prepared by DSK Architect last updated April 12, 2018, subject to the following conditions:

1. There is to be no dewatering at the site. The Building Inspector must review the site to ascertain there is no water covering the footings.
2. There is to be a 10 foot vegetative buffer of approved marine plantings starting at the top of the bank going toward the house.
3. Removal of all invasive vegetation from the property including Russian Olive and Oriental Bittersweet.
4. Construction procedures and erosion controls including the anchored installation and maintenance of silt fences including one parallel to the road during all stages of construction

shall be required and be designed to prevent any runoff from disturbed ground into the wetlands areas.

5. Soil disturbance should be minimized where possible.

6. The construction site must be cleaned of all trash and debris on an ongoing basis with a minimum once per week.

7. The location of mitigation measures shall be examined by the Building Department prior to the start of work and periodically thereafter.

8. No project excavation, regardless of depth, may intrude into the water table or require dewatering.

9. Construction materials and equipment shall be staged outside the regulated area.

10. Parking and staging of equipment must be managed so as not to obstruct any Town Landing, public street, public or private right of way or driveway during all stages of construction.

11. Applicants must repair any damage to any adjacent road or street caused by construction vehicles to the satisfaction of the Town Highway Superintendent.

12. The project manager shall post a sign on the site with his cell phone number and shall address in a timely fashion neighbor concerns regarding litter control, parking, noise, road conditions and other impacts caused by the project.

13. Noise controls shall be pursuant to the Town Code.

14. Applicants shall install Dark Sky compliant lighting pursuant to the Town Code in all outdoor lighting on this project.

15. Prior to issuance of a wetlands permit, the applicants must file a certificate of insurance with the Town Clerk showing the Town of Shelter Island as an additional insured under a comprehensive general liability policy with minimum limits of $500,000.

16. This permit shall only be valid for construction commencing within two years of the date of this approval.

BE IT FURTHER RESOLVED, That copies of this approval shall be filed with the Building Inspector.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 563

Councilman Dickson offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

"Whereas", the Town of Shelter Island has received a grant from New York State in the amount of $25,000.00 for corn for the four poster program, and

"Whereas", the Town has also received a donation from the Shelter Island Ambulance Foundation in the amount of $5,500.00 to be used for an EMS volunteer incentive program, and

"Whereas", receipt of these funds was unknown at budget time, now, Therefore

BE IT RESOLVED, That the following 2018 budget revisions are hereby approved:

$25,000.00 increase to the 2018 A3089 State Aid revenue account, to be funded by the sum received from the State of New York, and

$5,500.00 increase to the 2018 A2705H miscellaneous donations revenue account, to be funded by the generous donation from the Shelter Island Ambulance Foundation, and

$25,000.00 increase to the 2018 A3510.422 Animal Control Officer corn expense account, and

$5,500.00 increase to the 2018 A4540.484 Ambulance office and miscellaneous expense account, and

BE IT FURTHER RESOLVED, That the funds received in the amount of $2,193,791.67 from the sale of the cell tower is hereby credited as follows:

$411,180.00 to the Capital Reserve Funds, and

$1,782,612.00 to the General Fund.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 564

Councilwoman Brach-Williams offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:
$389.00 from the A1110.484 Justice Court office and miscellaneous account and dispersed as follows:

$300.00 to the A1110.104 Justice Court Clerk overtime personal services account, and
$89.00 to the A1110.200 Justice Court equipment account;
$59.00 from the A1330.484 Receiver of Taxes office and miscellaneous account to the A1330.414 Receiver of Taxes postage account;
$9,300.00 from the A1355.102 Assessor personal services account and dispersed as follows:
$6,300.00 to the A1355.101 Assessor personal services account, and
$3,000.00 to the A1355.106 Assessor clerk stipend personal services account;
$2,000.00 from the A1355.491 Assessors contracts account to the A1620.276 Buildings computer equipment account;
$366.00 from the A1355.492 Assessors school, travel, and mileage account to the A1355.101 Assessor personal services account;
$13,837.00 from the A1490.106 Landfill custodians personal services account and dispersed as follows:
$2,537.00 to the A8160.115 Landfill personal services account,
$4,300.00 to the A8160.117 Landfill personal services account, and
$7,000.00 to the A8160.119 Landfill part time personal services account;
$685.00 from the A1490.122 Public Works double time personal services account, and
$1,115.00 from the A1490.497 Public Works professional services account to the A1490.121 Public Works overtime personal services account;
$505.00 from the A1490.411 Public Works buoys and lifelines account to the A1490.200 Public Works equipment account;
$1,500.00 from the A1490.411 Public Works buoys and lifelines account, and
$908.00 from the A8160.200 Landfill equipment account to the A8160.423 Landfill electricity account;
$2,085.00 from the A1490.417 Public Works Town Landings account and dispersed as follows:
$800.00 to the A1490.409 Public Works parks and beaches account,
$760.00 to the A1490.420 Public Works signs and signals account, and
$525.00 to the A1490.424 Public Works fuel depot account;
$200.00 from the A1620.424 Buildings fuel account to the A1620.476 Buildings computer services account;
$300.00 from the A3120.479 Police Department boat maintenance account to the A3120.277 Police Department office equipment account;
$1,200.00 from the A3120.481 Police Department radio maintenance account to the A3120.484 Police Department office and miscellaneous account;
$122.00 from the A3150.200 Jail equipment account to the A3150.100 Jail personal services account;
$3,000.00 from the A3510.422 Animal Control Officer corn account and dispersed as follows:
$500.00 to the A3510.484 Animal Control Officer office and miscellaneous account, and
$2,500.00 to the A3510.498 Animal Control Officer deer reduction management account;
$4,000.00 from the A4540.485 Ambulance vehicle maintenance account and dispersed as follows:
$1,500.00 to the A4540.445 Ambulance utilities account, and
$2,500.00 to the A4540.478 Ambulance medical supplies account;
$980.00 from the A5010.103 Superintendent of Highways part time secretary personal services account and dispersed as follows:
$110.00 to the A1490.102 Public Works part time secretary personal services account, and
$870.00 to the A3120.133 Police Department part time clerk personal services account;
$1,200.00 from the A6772.143 Nutrition Program cook personal services account and dispersed as follows:
$600.00 to the A6772.141 Nutrition Program cook personal services account, and
$600.00 to the A6772.142 Nutrition Program dishwasher personal services account;
$883.00 from the A6776.141 Silver Circle van driver personal services account to the A6776.146 Silver Circle aide personal services account;
$500.00 from the A6776.422 Silver Circle meals and snacks account and dispersed as follows:
$250.00 to the A6776.445 Silver Circle utilities account, and
$250.00 to the A6776.484 Silver Circle office and miscellaneous account;
$40.00 from the A6777.408 Senior Center maintenance account to the A6775.439 Residential Repair supplies account;
$1,500.00 from the A7320.408 Youth Center repairs and maintenance account to the A7320.423 Youth Center electricity account;

$1,200.00 from the A8160.101 Landfill part time secretary personal services account to the A3120.133 Police Department part time clerk personal services account;
$2,272.24 from the A8160.107 Landfill hazmat personal services account,
$146.75 from the A8160.128 Landfill hazmat overtime personal services account, and
$500.00 from the A8160.130 Landfill hazmat double time personal services account to the A8160.117 Landfill personal services account;
$1,601.00 from the A8160.200 Landfill miscellaneous equipment account and dispersed as follows:
$1,301.00 to the A8160.408 Landfill repairs and maintenance account, and
$300.00 to the A8160.444 Landfill environmental testing account;
$2,949.00 from the A8160.434 Landfill hazardous waste carting fees account to the A8160.451 Landfill C&D hauling account;
$37.37 from the A8160.488 Landfill high visibility clothing account, and
$113.00 from the A8160.490 Landfill hazmat training account to the A8160.484 Landfill office and miscellaneous account;
$15.00 from A8510.408 Taylor's Island cabin repairs account to the A8510.484 Taylor's Island office and miscellaneous account;
$200.00 from the B3620.485 Building Inspector car maintenance account to the B3620.484 Building Inspector office and miscellaneous account;
$10,000.00 from the CP8710.458 Community Preservation Fund legal/purchase account to the CP8710.481 Community Preservation Fund closing/appraisals account;
$4,200.00 from the DA5130.154 Highway Machinery mechanics double time personal services account and dispersed as follows:
$3,000.00 to the DA5140.145 Highway Brush & Weeds personal services account, and
$1,200.00 to the DA5140.154 Highway Brush & Weeds personal services account;
$600.00 from the DA5142.447 Highway Snow Removal account to the DA5142.147 Highway Snow Removal personal services account;
$12,085.00 from the DA9060.847 Highway Snow Removal health insurance account and dispersed as follows:
$7,000.00 to the DA9030.847 Highway Brush, Weeds & Snow Social Security account, and
$5,085.00 to the DA9060.846 Highway Machinery health insurance account;
$948.00 from the DB5110.160 Highway Repair & Improvements double time personal services account and dispersed as follows:
$600.00 to the DB5110.441 Highway Repair & Improvements fuel account,
$160.00 to the DB5110.482 Highway Repair & Improvements MS4 account, and
$188.00 to the DB5110.159 Highway Repair & Improvements overtime personal services account; and

BE IT FURTHER RESOLVED, That the following 2018 budget modifications are hereby approved:
$35,571.00 from the General Fund unassigned unexpended balance and dispersed as follows:
$2,385.00 to the A1010.484 Town Board office and miscellaneous account,
$5,000.00 to the A1010.497 Town Board professional services account,
$6,756.00 to the A1220.101 Supervisor account clerk typist personal services account,
$2,000.00 to the A1220.104 Supervisor administrative aide personal services account,
$3,000.00 to the A1220.109 Supervisor confidential secretary personal services account,
$700.00 to the A1220.484 Supervisor office and miscellaneous account,
$230.00 to the A3120.133 Police Department part time clerk personal services account, and
$15,500.00 to the A9060.801 Employee Benefits health insurance stipends account;
$5,883.00 from the Part Town unassigned unexpended fund balance and dispersed as follows:
$2,000.00 to the B3622.100 Fire Marshal personal services account,
$1,000.00 to the B8012.102 Zoning Board of Appeals clerk personal services account, and
$2,883.00 to the B8012.497 Zoning Board of Appeals professional services account;
$68,421.00 from the A8660.400 Acquisition of Real Property account to the Capital Reserve improvements and equipment account; and
$97,963.20 from the Highway equipment capital reserve account to the DA9730.658 Highway equipment loans account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 565

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

BE IT RESOLVED, That general claims numbered 2098 through 2209 in the amount of $88,380.62, Community Preservation Fund claim number 12 in the amount of $1,829.59, highway claims numbered 238 through 252 in the amount of $12,829.23, and West Neck Water claims numbered 44 through 46 in the amount of $1,216.82 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Brach-Williams, the meeting was adjourned at 4:55 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

December 28, 2018

The annual meeting of the Town Board of the Town of Shelter Island was held in the Shelter Island Town Hall, Shelter Island, New York, on the 28th day of December, 2018. Town Board members present were Supervisor Gary J. Gerth, Councilmen Paul D. Shepherd, James T. Colligan, and Albert Dickson, and Councilwoman Amber Brach-Williams. Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs, and four persons were also present.

The Supervisor called the meeting to order at 1:00 p. m.

Salute to flag.

RESOLUTION NO. 566

Councilwoman Amber Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from the County of Suffolk in the amount of $67,701.00 to General Fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 567

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the County of Suffolk Real Property Tax Service Agency and the Town of Shelter Island providing that the Suffolk County Real Property Tax Maps and/or certain digital data sets from the Real Property Tax Service Agency's computer data base, known as the "Suffolk County AREIS (Advanced Real Estate Information System) and Tax Map" be licensed to the Town of Shelter Island by the County of Suffolk, at no cost to the Town; the term of said agreement shall commence upon execution and continue through December 31, 2023.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 568

Councilman Shepherd offered the following resolution, which was seconded by Councilman Dickson, to wit:

"Whereas", Mary Ellen McGayhey, Jonathan Christopher Tehan, and Nancy Kotula were entitled to contribution free family health insurance for the remainder of their lives at the time of their hiring and maintained such coverage during their membership in CSEA; and

"Whereas", all members of that union have resigned, effectively dissolving the union on Shelter Island; now, Therefore

BE IT RESOLVED, That notwithstanding the dissolution of the union, Mary Ellen McGayhey, Jonathan Christopher Tehan, and Nancy Kotula shall continue to be entitled to contribution free family health insurance for the remainder of their lives.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 569

Councilman Dickson offered the following resolution, which was seconded by Councilman Shepherd, to wit:

BE IT RESOLVED, That the Town Board hereby authorizes the payment of 2018 claims received in 2019 to be paid with 2018 funds through March 1, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 570

Councilwoman Amber Brach-Williams offered the following resolution, which was seconded by Councilman Colligan, to wit:

BE IT RESOLVED, That the following transfers of 2018 funds are hereby approved:

$100.00 from the A1490.415 Public Works trees account to the A1490.420 Public Works signs and signals account;

$1,362.00 from the A1490.421 Public Works Congdon's Creek Dock account and dispersed as follows:

$164.00 to the A1490.114 Public Works personal services account,

$406.00 to the A1490.121 Public Works over time personal services account,

$112.00 to the A1490.200 Public Works equipment account, and

$680.00 to the A1490.424 Public Works fuel depot account;

$2,400.00 from the A3120.274 Police Department radio equipment account, and

$2,731.00 from the A3120.486 Police Department car gas and oil account to the A3120.270 Police Department car equipment account;

$300.00 from the A3120.457 Police Department towing account to the A3120.484 Police Department office and miscellaneous account;

$203.00 from the A3150.400 Jail food and miscellaneous account to the A3150.200 Jail equipment account;

$37.00 from the A3510.422 Animal Control Officer corn account to the A3510.484 Animal Control Officer office and miscellaneous account;

$300.00 from the A5010.492 Superintendent of Highways travel account to the A5010.400 Superintendent of Highways office and miscellaneous account;

$700.00 from the A7320.408 Youth Center maintenance account to the A7320.424 Youth Center fuel oil and heat account;

$200.00 from the B3620.485 Building Inspector car maintenance account to the B3620.484 Building Inspector office and miscellaneous account;

$200.00 from the B8010.440 Zoning Officer education and training account to the B8010.484 Zoning Officer office and miscellaneous account;

$500.00 from the DA5140.161 Highway Brush & Weeds personal services account, and

$270.00 from the DA5130.154 Highway Machinery mechanics over time personal services account to the DA5140.153 Highway Brush & Weeds personal services account;

$400.00 from the DA5140.168 Highway Brush & Weeds double time personal services account to the DA5140.167 Highway Brush & Weeds over time personal services account;

$2,933.00 from the DA5140.447 Highway Brush & Weeds outside contractors account and dispersed as follows:

$1,200.00 to the A1490.484 Public Works office and miscellaneous account,

$1,003.00 to the A8160.127 Landfill over time personal services account, and

$730.00 to the A8160.484 Landfill office and miscellaneous account;

$2,500.00 from the DA5142.447 Highway Snow Removal sand and salt account to the DA5142.147 Highway Snow Removal personal services account;

$60.00 from the DB5110.180 Highway Repair & Improvements MS4 personal services account to the DB5110.482 Highway Repair & Improvements MS4 contractual account; and

$40.00 from the DB5110.445 Highway Repair & Improvements to the DB5110.159 Highway Repair over time personal services account; and

BE IT FURTHER RESOLVED, That the following 2018 budget modification is hereby approved:
$5,533.00 from the General Fund unassigned, unexpended balance to the A1410.102 Deputy Town Clerk over time personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 571

Councilman Colligan offered the following resolution, which was seconded by Councilwoman Brach-Williams, to wit:

BE IT RESOLVED, That general claims numbered 2210 through 2286 in the amount of $38,692.97, Community Preservation Fund claims numbered 13 through 14 in the amount of $3,528.00, and highway claims numbered 253 through 270 in the amount of $14,206.04 are hereby approved for payment as audited, and the Supervisor and/or any Town Board member is hereby authorized and directed to sign the approval for payment of same.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 1:15 p. m., the Deputy Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Bradley Tolkin, 6 Charlie's Lane, for permission to construct an addition of one bedroom and one bathroom, resulting in an increase of 231 square feet in the basement.

The Clerk read the public notice as advertised in the Shelter Island Reporter.

Correspondence included the following:
1. A letter from Francesca Bang and Gerald Gleich urging the Town Board to uphold the current zoning for the house at 6 Charlie's Lane and deny the special permit requested.
2. An e-mail from the Planning Board recommending approval of the project.
3. An e-mail from Paul Bang stating approval of this application should be denied or rescheduled to another time when more members of the community would be able to react.

Councilman Shepherd read the Planning Board e-mail, which was as follows:
MEMORANDUM TO THE TOWN BOARD
December 22, 2018
Tolkin Special Permit Application
6 Charlie's Lane
Shelter Island, NY 11964
SCTM # 700-23.01-24.6
Zone C Residential and Near Shore Overlay District
The Planning Board is in receipt of a Special Permit Application dated October 29, 2018 to allow for one additional bedroom and one full bathroom in the basement which increases the SFLA by 231 square feet.
By way of a Town Board Resolution dated October 6, 2014, Mr. Tolkin was permitted to build a new two story dwelling for a total of 7,840 square feet.
Mr. Tolkin makes the new application in order to recapture the one bedroom and one bathroom which was denied in the earlier Application. His housekeeper is sleeping on the sofa because she has no bedroom.
Planning Board members visited the site, reviewed the surveys while on site and considered all submissions to the to Planning Board.
<u>We submit the following observations:</u>
Although the homeowner's proposal adds 231 square feet, the increase to the footprint of the house is zero because all the expansion is contained in the existing basement. So there will be no visual expansion of the house from any vector.
Currently, this is a five (5) bedroom house and this expansion will bring it to six (6) bedrooms. Suffolk County has the property approved for ten (10) bedrooms with the existing septic system in place so it meets all Board of Health requirements.

The location of the bedroom is configured next to an outside wall that has two egress windows, one more than is legally required. There is also an existing egress window for the bathroom.
When Planning Board members were on site, it was clear that this homeowner went to great measures to achieve maximum water conservation. There are several tanks, hundreds of gallons each that store domestic water that are fed by a low horsepower well pump which slows the draw on the aquifer. There are several cisterns in the ground for landscaping and pool purposes that are fed by roof collection systems and off Island trucked in water. There is also a system that collects condensation from air conditioning and feeds it back to storage after filtration which conserves an estimated 2,000 gallons of water per year.
The property is large enough so that all construction vehicles will park inside the property line.
Also, no impermeable area is being created.
We submit the following recommendations:
This house is similar in square footage to others on Charlie's Lane. Further, the fact that this minor expansion will not be seen from outside the house from the roadway, the water or by airplane leads the Planning Board to recommend approval of this project.
By: Emory Breiner, Planning Board Chairman
Marcus Kaasik, Planning Board Member
For the Planning Board

The Deputy Supervisor opened the hearing for all interested persons to be heard in favor of or in opposition. Some views expressed were as follows: Peter Reich of Reich Eklund, I'm just here as the builder, my builder's hat on just in case anybody has any questions, I know Brad Tolkin, I know it was originally scheduled for the fourteenth and he was gonna be here but he is not here today but I've been e-mailing him back and forth, he is available by phone now should we have any questions; okay, anybody; I just, this was turned, this was turned down in 2014, or scaled back in 2014, so what's the history on that because I wasn't around for that or don't recall; that was just some sculpting done on the initial application in order to get it through; I did research on that so; just part of the negotiations; I'm sure there was some significant resistance in the immediate area, we had quite a few people come, the neighbors came in and had their say, there was concern about it, the nature of the use, whether it would be a party house or was it gonna be an actual family home and whether it would be highly consumptive so that was really the basis for a lot of the restrictions and things that they had done on it, as far as the pump, the extra storage for water, a lot of things got put in there to help manage the water consumption but nothing, good points were made on both sides as far as they go, the Bangs point out that nothing has really changed so why would we want this in there now; I just look at it that we didn't get what we wanted four years ago, let's try again now with a new Board member; yeah absolutely; so I'm just out of precedence to get people, you know, cut back and then come back and ask for more; I know it's been contested cause I know it's not the first time it's been done; yeah exactly; but yet another time __; I'm just; yeah, Al, when we, I'll just put it out, would we consider allowing this bedroom and bathroom if the Tolkins would agree to upgrade their system to a new IA waste system, is that something that would be considered, I don't know if you can speak to that; that would be a very tough area to get to now, we actually, the expansion pool, with the Health Department you get approval, there's always the initial system and they you have to leave room for expansion, future expansion pools, those were actually put in when the system was actually put in because it would be almost impossible to get to them later, it's all landscaped and paver and stuff, it's pretty monumental; if I remember the schematic, it's fairly busy underground there; it's very, very busy under there; so I don't know if it could be engineered or not, you might have to pull the standard out and maybe just do a plug in place __; yeah; you know the other half of it as the Planning Board points out is the really, if the person is there, now this is for the maid I understand; the housekeeper; the housekeeper; the housekeeper; I'm sorry, I misspoke; that's what they call it, the housekeeper; sure; she's __ for herself right now, you're not speaking for; thank you Emory, I've been corrected, the housekeeper, if they're there anyway, that means they're still taking showers and using the toilet except from launching from the couch instead of the basement below, well you know, that's the reality of it, it's an unoccupied __, if the bedrooms are being used by people, nobody wants to share their bedroom when they're not there __ the housekeeper so that's one thing to consider, that it's not necessarily gonna be an increase in usage, it's just gonna be a function of that person's, the housekeeper's quality of life; you know, on a scale of one to ten, Vella and I've used Vella as the prime example of asking for that third floor observation room and wanting it and then we denying that and they got everything that they wanted basically except the third floor observation room and then I leaned over to Mr. Dougherty and

said, within six months they'll be back here and sure enough they were and they came back, they made some modifications in the construction and lowered the distance between floors and pushed the building down a little lower so that they were able to negotiate the observation room back in, but that was something that was external, highly visible and you know, this one is the smallest scale, however I go back to what Amber said, new Board, this was part of the negotiations in 2014 where people looked at the pros and cons and said listen, if you do away with that bedroom, bathroom in the basement, we can go along with the rest of this stuff that was good and what the neighbor is now saying, what's changed dramatically in the last four years and then I just go back to, I excuse myself I go out to LA once or twice a year to see my grandkids and I wasn't here last time but I'd be negligent to say that the house on Little Ram Island that was controversial, you could have gone either way with that vote and I wasn't here to vote so I'm not speaking for or against that but it was something that, you know, Albert took a stand on that because he believed in something and I was amazed that; while the rest of us don't; no, you all did, you all did and I said, and Paul I purposely said I didn't know how I would vote on that but the thing that I was amazed at was the quick response from the public, there were thirteen comments within an hour and a half after that hit the paper about when are you gonna do, again we're so programmed to accommodate; where were those comments made; they were made on line right there, all of them, all year round people; __ on line; yeah, within an hour, within an hour and a half of, and I'm saying that they were providing the Town Board, he had it right there, I'm looking; so you can actually read some of those comments, when will the Town Board learn to say no, and when I bumped into Albert when I got home the day I came home, I actually bumped into him at the Post Office and I said you know it's amazing how fast those comments came in; how many; thirteen, thirteen within an hour and a half and they came in one right after another so I think we do, we are public servants, we do our work for the community, we maybe have to take notice of what kinds of feedback we're getting, I then saw Chris Lewis in the IGA of all places and she commented on the stance that Mr. Dickson took on that and there was an older woman that walked by and said and I hope you heard what Mr. Dickson said and directed it to me saying you know you guys have got to learn to and she made a little pitch right there cause she overheard that little bit of conversation so I'm not saying that that's earth shattering but it's a message, you know we should not have our heads in the sand and think that, again I think this is a very minor thing, not visible, not a big deal but somewhere along the line we're gonna have to learn to listen to the public and say you know what, maybe the public is trying to convince us that with these bigger deals like the Ram Island thing or maybe the Vella thing, that we have got to learn and the bigger than the six thousand square foot kind on thing, maybe we have to start to look at some of that stuff; I knew that and I can find you thirteen people who want you to stop killing deer; right; are you gonna; __; __; okay, alright; the Board has changed, in response to Amber, as far as __, the Board had several times, it was like my first lump on the Board was a resolution for the Island Boatyard expanding their docks which I think, originally the plan was for when the Boatyard was done, it was limited to so many slips and then they expanded I think four slips, that was written in the resolution, it said it could never be expanded, never to be expanded and then so it was __; ___; and that was a very visible thing; right; and it affected both traffic and a whole bunch of issues; and you know in fairness to our discussions concerning the application on Ram Island, you said we looked for opposition from the community, there was not one voice, not one voice from Little Ram, Ram Island Association against this particular application, and as you divided up the nine thousand into three houses of three thousand each on three acres, that might have gone right through but we do listen to people and this is the time to say please if you have any thoughts on any of these applications, come in, talk to us and make your voice heard; you know I'm not necessarily opposed to reviewing that limitation thing, just so you know that, I don't understand why they have to have these mansions either but you know at the end of the day I try to find a why for something rather than somebody complaining that you can do that any given day at the store; the resolution, the initial resolution for the project said that results and a revised project with six bedrooms, six full and two half baths that exist currently __; six bedrooms and two and a half bathrooms; yeah; just that mean, a couple of little things on that Planning Board thing were very slight, that was one and it is not roof runoff going into the cistern, it's runoff from the tennis court; okay; well that's alright; same different and it's ten percent, that's a lot; it helps; right; and it's something you can praise the people, there are some initiatives in their same thing with Little Ram too, they had some initiatives in their proposal that would be favorable to supporting it but again; were all the neighbors advised of this, I mean the Bangs chimed in, where's the rest of them, did they all get a notice or anything; __; I think Jackie had sent them out, I know I got my notice; so they all kind of communicated to us in the same way the Bangs did, right; they were all

notified; that's what I thought, just clarifying that but __ didn't know if the Bangs chimed in and the others were silent, so I didn't know, are they gonna be more noisy if they're here, the Bangs weren't here and they found a way to communicate their thought, I didn't know; e-mail or whatever; one thing I would clarify, as regards to upholding the zoning, this is not a zoning issue as it were, we are upholding the zoning by having this hearing, Mr. Breiner; yes, in talking with the owner on this application, he did inform me that he uses the house for forty days a year; right; a year has three hundred sixty five days so he's just a little bit more than ten percent of the time that he is in the house so he can't really be __ the energy on this or that; Emory I'd like to speak to that actually, I mean I know that's the current owner that uses that house in that fashion, can you tell me how the subsequent owners are gonna use that building; well anyone putting out enough money to buy the house would probably; we don't know, probably the answer is ten percent; well how do you prove it; there's no example; you used to go by it's highest possible use, I agree with Albert, if the house is built, it could be used three hundred days a week, you have to go by highest possible use; it could but that's not ___ house that you live in, if you spend that much for that house, you have another house in Palm Beach or __, that's bigger than that; true but you still needed to consider the impact of high __; but there's no example of so doing that in Shelter Island, there's no one with a house that size ___ three hundred and sixty five days a year; if it isn't now, it doesn't mean it can't be; right; so to answer your questions was the first question I had was why was all this controversy, why was it denied in the first place and the reason why it was very controversial, there's a lot of rumors about it, a lot of __, they were saying oh it's gonna turn into a __, there was one rumor that it was gonna be a house for migrant workers; ___; and so of course the community came at me, __ came out against it but that was when it was a work in process before the shovel even broke into the ground but now it's been there for four years and I understand the guy is only here for forty days a year __ and that's you know, I don't see any problem with it that way, when I was there I felt a little bit embarrassed being there like __ house this silly little thing here, especially after seeing all the mechanical work and everything that was done to go over, to conserve water and the aquifer, it was pretty impressive; the only other thought I would throw out there, we can talk about it at our next work session, I don't know when that's going to be but this is one of those projects that could easily be done already, we would never know about it but being done all over the Island from time to time cause it's just easier and I know necessarily that I would want to _ people for going through process; right; that's just something to consider, it could have been done and we wouldn't have known for the next ten or twenty years if it had ever been done; good point; I mean it's just the kind of thing you know I try to envision in the negative being what we are some times; the original application in 2014 said it was for two more bedrooms; I remember, yeah; I mentioned in my letter you know that they've been neighbors and have been very good stewards of the land, they've been regularly checking water for chlorides and it's been good all the time, which is always a concern; you think this is a small project, you've already gotten most of the meat off of that bone Peter so I don't suppose it's a lot of self interest involved there, it's just being a good neighbor __; __; it's just you know I would feel better if more neighbors had come in and said it; yeah; but I guess they're not around; well ___; and the Bangs are the only ones who are not around but decided to chime in, they come from Massachusetts; yes; one Massachusetts, one West Neck Road, so Peter you're saying there's no way to modify the current septic; it would be, I mean to get the __ back of the house, the __ IA tank which means pulling up, I mean there's four foot by four foot pavers that had to be set with machines, they are four inches thick, stuff like that, it is all landscaped and would have to come up to get a line into the house, would be pretty tricky; cumbersome but it's physically possible; anything is possible, I mean probably the IA system would cost twice as much as the bedroom would cost so it's kind of a, it would be pretty expensive; one of the things you pointed out as well on the IA concept in those situations, we have very low usage; __ using it only forty days a year; it takes twenty days to get up to speed; yeah; _ technology; yeah, without __; and it would probably have to have a slab put in, poured, not just putting a tank in __ the slope ___ cause they are heavy enough that they can't float __ plastic like the __ in areas like my house, like my proposal from Peder Larsen, it has a slab, the slab would have to be bolted down, I would imagine that you would also need that, it would be pretty hard to try to get cement there; we're not gonna try to decide it tonight so; I have one more comment and you sort of have an aversion to large houses but before you do, you should go over to the Assessors, see what the taxes were before and see what the taxes are now; it has nothing to do with it, there's nothing to do with it, not in my eyes, that is, I know you; it's Town revenue; I hear you Emory, I've heard that for three years, that reminded me of that but when it comes to decision making based on what's good for the Island, sacrificing a few thousand dollars of revenues for taxes, with that mentality, we'd have no

limit, we'd start building twelve, fifteen thousand square foot homes and just not give a damn about the aquifer and just collect revenue, I don't buy that argument at all, I think that's silly; it doesn't increase the Town revenues, it just redistributes who's paid so the cost to running the Town stays the same, that's what we decide during the budget season, it's just who's gonna pay what portion of it; it gives you an additional broad set of shoulders to bear a part of that burden; yeah, so that house pays more and everybody else pays the same but less; that house pays as much as the thirteen people that complain; does anyone know how much taxes the house pays; well it's assessed at four million or something like that; is that all; four eight; I don't have my eyes today but ___; I don't know what ___; I think when you look at what Pandion did with all that new acreage and limited it to five homes, that I can agree with, that's a nice source of revenue and it was just in the paper, the amount of taxes that those homes are gonna declare as opposed to just having it as open space, I mean I would have loved it as open space but we did not do that and it's a shame but it is what it is but if he could have put twenty homes in there and he didn't, you know there are gonna be wealthy people that live in there and they've limited it to five homes so the damage has been somewhat minimized as a result of his, Richard Hogan's vision of what that property would look like; when it was the Passionists, it didn't give you a dollar; I realize that and by the way we never should have let them go with their fifteen and a half million dollars and stuck us with how we were gonna figure out how to move the chapel to some desirable place after giving them you know, a tax free situation for four or five decades, the least they could have been asked for was something that they really wanted the chapel at some place else for a legitimate reason, that could have been negotiated in, I would think; well that's history; that's history; going to this particular issue, I think we've heard all we're gonna hear, right; correct; okay; then we'll yak about it at the next work session, thumbs up or thumbs down.

The Deputy Supervisor declared the public hearing closed at 1:40 p. m. and reconvened the regular meeting.

On motion of Councilman Colligan and seconded by Councilman Shepherd, the meeting was adjourned at 1:40 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk