

Town of Shelter Island

Town Board Meeting Agenda

September 19, 2023

FINAL

Supervisor call meeting to order at 6:00 P.M.

Salute to flag

Correspondence

R – Set Public Hearing For Proposed Local Law Amendment

- BOE

R – Set Waterways Hearings

- Todd Prager, 78 Peconic Avenue

- 58 Tuthill Drive SI, LLC, 58 Tuthill Drive

- 5 Burro Hall LLC, 5 Burro Hall Lane

R – Moratorium Exemption

- Joshua Greenwald, 1 Pandion

R – Appointments

- Kyle Burns

- Scott Campbell

- Christina Cobourn Herman

R – Authorize Municibid Auction

- 2016 Ford Expedition

R – Filming Permit

- One Thirty-Eight Productions

R – Credit

- NYS Vendor Collection Credit

R – Pay Bills

- All Traffic Solutions

- LOSAP

R – Budget Transfers

6:00 p.m. Public hearing on the approval of the Shelter Island Fire Department to incorporate as the Shelter Island Fire Department INC, a not-for-profit corporation.

Town Clerk reads public notice

Open hearing for all to be heard in favor of or in opposition

Close hearing

6:02 p.m. Public hearing on Daniel and Mara Hochman, 80 Peconic Avenue, bulkhead application

Town Clerk reads public notice

Report from the Waterways Management Advisory Council

Open hearing for all to be heard in favor of or in opposition

Close hearing

Reconvene hearing on Big Ram, LLC, 2 South Ram Island Drive, Dock Application
Report from the Waterways Management Advisory Council
**To be adjourned until October 11, 2023; pending WMAC vote*

Reconvene hearing on American Direct c/o Richard Hogan, 2 Shorewood Court, Dock Application
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

Reconvene hearing on William Birch, 15 Little Ram Island Drive, Dock Application
Report from the Waterways Management Advisory Council
Open hearing for all to be heard in favor of or in opposition
Close hearing

Open meeting to public
Motion to adjourn.

Resolved, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Wednesday October 11, 2023, at 6:00 p.m. to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 8, entitled “Ethics, Code of”, to broaden the scope of circumstances when private employment may conflict with official duties, of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 8, entitled “Ethics, Code of”, to broaden the scope of circumstances when private employment may conflict with official duties

BE IT ENACTED by the Town Board of the Town of Shelter Island as follows:

Section 1. Legislative Intent.

Upon the recommendation of the Board of Ethics, the Town Board finds that it is in the best interests of the Town to ensure that all types of private employment, in whatever form, do not substantially conflict with the carrying out of the official duties of Town Employees and Officers. Thus, the current list of circumstances, that are deemed conflicts, needs to be amended to clarify that it is not exhaustive thereby affording the Board of Ethics the necessary discretion to determine what may be.

Section 2. Amendment.

Section 8-9 of the Shelter Island Town Code Chapter 8(Board of Ethics), is hereby amended by adding the underlined words as follows:

Section 8-9. Private employment in conflict with official duties.

A. No officer or employee, during their tenure as an officer or employee, may engage in any private employment that may be in substantial conflict with the proper discharge of their duties, including but not limited to when:

- (1) it can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 8-6 of the Code, or
- (2) it can be expected to require disclosure or use of confidential information gained by reason of serving as an officer or employee, or
- (3) it requires representation of a person or organization other than the Town in connection with litigation, negotiations, or any other matter to which the Town is a party.

Section 4. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and General Municipal Law §806.

Section 5. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part, provisions so adjudged to be invalid or unconstitutional.

Section 6. Effective Date.

This local law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

AND BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish the following Notice of Public Hearing:

SUMMARY OF PROPOSED LAW

The purpose of this local law is to ensure that all private employment, not just the circumstances currently enumerated in the Code, does not substantially conflict with the carrying out of the official duties of Town Employees and Officers.

WHEREAS, Todd Prager, 78 Peconic Avenue, has petitioned the Town of Shelter Island for permission to construct a 4' x 100' fixed dock, construct access stairway from bulkhead to dock and crossover stairs to beach to the east and west side of dock, install bench facing north west, install (2) 2 -pile dolphins and install 2 ladders, 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 6:02 p.m., prevailing time on the 11th day of October, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

WHEREAS, 58 Tuthill Drive SI, LLC, 58 Tuthill Drive, has petitioned the Town of Shelter Island for permission to remove existing offshore platform, construct a new 4' x 70' catwalk leading to a 3' x 12' aluminum ramp onto a 8' x 24' float secured with two anchor piling, install new (2) 2-pile 10" mooring dolphins, construct 3' wide access stairs at landward end at beach, 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 6:04 p.m., prevailing time on the 11th day of October, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

WHEREAS, 5 Burro Hall, LLC, 5 Burro Hall Lane, has petitioned the Town of Shelter Island for permission to perform minor repairs to existing dock by re-decking 36' of the inshore end with open grate decking and the remaining 86' of the offshore end with 5/4" x 6" purple heart decking, remove and dispose of existing 5' x 20' and 6' x 10' floats, construct a new 5' x 20' float and a new 6' x 10' float, in-kind, in-place, replace 3 anchor pilings securing the floating docks, 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 6:06 p.m., prevailing time on the 11th day of October, 2023, in the Shelter Island Town Hall, for all interested persons to be heard in favor of or in opposition to the proposed construction.

WHEREAS, Joshua Greenwald ("Applicant"), of 1 Pandion requested a variance from the six-month moratorium on the processing and approval of special permits by the Town Board in connection with applications for one-family dwellings and accessory structures with a square foot living area ("SFLA") of greater than 5,999 square feet;

WHEREAS, on July 18, 2023, and continued on August 15, 2023, public hardship hearings were held where the Applicant was heard as to why, despite the moratorium, the Town Board should continue processing his special permit application for 6,983 SFLA for the inclusion of 1,200 s.f. of living space into an accessory "Barn" structure;

WHEREAS, the Applicant stated at said hearings that the primary hardship would be the financial costs associated with the remobilization of the trades, if he had to wait longer for a potential approval; and now therefore be it

RESOLVED, that after considering the Applicant's request, the Town Board has determined that the Applicant has not met his burden that the hardship being suffered is unnecessary, as that term is used and construed in New York State Town Law section 267-b(2) (b); and be it further

RESOLVED, that the subject variance is hereby denied.

BE IT RESOLVED, that Kyle Burns is hereby appointed to serve as Assistant Recreational Leader at a rate of \$20.00 per hour, retroactive to September 8th, 2023.

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, Scott Campbell was appointed to serve as a member of the Deer and Tick Committee, and

WHEREAS, Mr. Campbell has not yet signed and filed said constitutional oath of office, and

WHEREAS, the Town Board desires to have the aforementioned person serve the Town of Shelter Island in their designated capacity, now, Therefore

BE IT RESOLVED, That the Town Board hereby appoints Scott Campbell to the Deer and Tick Committee for a term to expire on June 24, 2026.

WHEREAS, a vacancy exists on the Green Options Committee, and

WHEREAS, the Town Liaison and Chairman of said committee have advertised for and interviewed applicants, now, Therefore

BE IT RESOLVED, That Christina Cobourn Herman is hereby appointed to serve as a member of the Green Options Committee for a term to expire on September 19, 2026.

WHEREAS, James Read, Chief of Police, has requested permission to auction off the following item through Municibid, starting October 2, 2023, at 0800 hours and ending October 13, 2023 at 1600 hours;

2016 Ford Expedition

VIN#1FMJU1GT8GEF50361

Mileage: 134,708

BE IT RESOLVED, that said request is hereby approved.

FILMING APPLICATION – NOT AVAILABLE; PENDING APPROVAL

WHEREAS, the New York 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, 2023, in the amount of \$68.49, now, Therefore

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to transfer the sum of \$68.49 from the trust and agency account to general account.

WHEREAS, the New York 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, 2023, in the amount of \$200.00, now, Therefore

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to transfer the sum of \$200.00 from the trust and agency account to general account.

WHEREAS, the New York 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, 2023, in the amount of \$145.49, now, Therefore

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to transfer the

sum of \$145.49 from the trust and agency account to general account.

BE IT RESOLVED, that the Supervisor is hereby directed and authorized to expend the sum of \$2,500.00 from the A3120.491 PD Contracts account to All Traffic Solutions.

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$48,111.00 from the A9025.800 LOSAP account to Glen Falls National Bank and Trust Company and sent to Penflex Actuarial Services, LLC for the 2022 contribution for the Length of Service Awards Program (LOSAP) for the volunteer ambulance workers.

BE IT RESOLVED, that the following budget transfers are hereby approved; \$375 from A1220.200 Supervisor Equipment and \$500 from A1220.491 Supervisor Service Contracts to A1220.484 Supervisor Office & Miscellaneous, \$1,805.90 from A1990.400 Contingent to A1355.484 Assessors Office & Miscellaneous, and \$10,000 from the B-Fund fund balance to B8020.497 Planning Board Professional services.

BE IT RESOLVED, That 2023 general claims numbered 1576 through 1707 in the amount of \$127,644.64; 2023 Highway claims numbered 151 through 167 in the amount of \$32,048.73; Community Preservation Fund claim numbers 14 through 16 in the amount of \$8,829.36 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.

RESOLUTIONS FOR AFTER PUBLIC HEARING

WHEREAS, the Shelter Island Fire Department (“Department”) seeks to incorporate as a not for profit corporation pursuant to the §404(f) of the New York State Not For Profit Corporation Law (“State Law”);

WHEREAS, the Plan of Incorporation of the Department describes that the Department has provided and will continue to provide fire protection and emergency services to the Town of Shelter Island;

WHEREAS, State Law requires that the Town of Shelter Island approve by resolution the Plan of the Department to incorporate as a not-for-profit corporation after a public hearing;

WHEREAS, the Department is seeking approval from the Town Board to incorporate as a not-for-profit corporation under State Law to be known as the Shelter Island Fire Department, Inc.,

WHEREAS, on September 19, 2023, a public hearing was conducted regarding same;

WHEREAS, the Town Board finds that the incorporation of the Department is in the best interests of the operation and affairs of the Department and will facilitate the continuation of fire protection and emergency services to the residents of the Town of Shelter Island; and now therefore be it

RESOLVED, that the Town Board approves the Plan of the Shelter Island Fire Department to incorporate as the Shelter Island Fire Department, Inc., a not -for- profit corporation, pursuant to State Law; and be it further

RESOLVED, that the Supervisor is hereby authorized to execute all documentation in connection with the subject incorporation, subject to approval of the Town Attorney.

WHEREAS, Daniel and Mara Hochman, 80 Peconic Avenue, have petitioned the Town of Shelter Island for permission to remove and replace, in-place (and up to 6" higher), approximately 114 linear feet of existing timber bulkhead and +/- 24' vinyl return in place of (and up to 6" higher than) existing 12' return and 12' wood retaining wall, and backfill with approximately 15 cubic yards of clean sandy fill to be trucked in from an approved source, remove and replace, in-kind/in-place existing 3' x 6' wood steps off bulkhead, and

WHEREAS, a public hearing was duly held on the 19th day of September, 2023, for all interested persons to be heard in favor of or in opposition, now, therefore be it

RESOLVED, that pursuant to pursuant to NYCRR 617.5 (c) (2) this application is deemed a Type II action.

Reasons supporting this determination: The proposed bulkhead:

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.

WHEREAS, William Birch, 15 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to remove bench area, remove (3) 2-pile dolphins and replace in-kind, in-place with (3) 2-pile dolphins, install new 2-pile dolphin, install (3) northern 2-pile dolphins and install two southern tie-off piling, as per plans submitted by Costello Marine Contracting Corp., dated February 21, 2023 and last revised August 28, 2023, and

WHEREAS, a public hearing was duly held on August 29th and September 19th, 2023 for all interested persons to be heard in favor of or in opposition, now, therefore be it

RESOLVED, that pursuant to pursuant to NYCRR 617.5 (c) (2) this application is deemed a Type II action.

Reasons supporting this determination: The proposed construction:

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, and

BE IT FURTHER RESOLVED, that the permit is subject to the following condition:

1. ***Approval of the mooring relocation application to move mooring inshore.***
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