

Town of Shelter Island

Town Board Meeting Agenda

November 29, 2023

Subject to change

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

Salute to flag

R – Set Public Hearings

- Moratorium Extension
- Dock Moratorium
- Shell Fish Local Law
- WQI Funds
- Senior Tax Exemption

R – Set Waterways Hearings

- 34 Shelter Island Associates, LLC, 3 Sylvester Road
- Shelter Waterfront Associates, LLC, 1C Sylvester Road
- Thomas Bliss, 32 Baldwin Road

R - Ratify submission of Grant Application

- New York State Law Enforcement Technology Program

R – Authorize Agreements

- Cullen & Danowski
- Edmunds

R – Appointments

- Ray Sanwald
- Giovanna Ketchum
- Frank Emmett

R – Budget Transfers

R – Budget Modification

R – Pay Bills

6:00 p.m. Public hearing on 58 Tuthill Drive, LLC, c/o Brian Carroll, 58 Tuthill Dive, Dock 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

Open meeting to public

Motion to adjourn.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, December 12, 2023, at 6:00 p.m. prevailing time, to hear any and all persons either for or against a local law entitled “A LOCAL LAW to extend the 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 of greater than 5,999 square feet by Six months” which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW entitled “A LOCAL LAW to extend the 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 of greater than 5,999 square feet by six-months” which provides as follows:

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

Section 1. Legislative Intent.

Due to the Comprehensive Plan being updated, and concerns over the number of large homes being built on the Island, by Local Law No. 5 of 2023, the Town Board of the Town of Shelter Island enacted a six (6) 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 of greater than 5,999 square feet. Said moratorium became effective on June 20, 2023, when Local Law No. 5 was filed with the Secretary of State. Since the enactment of the moratorium, the Comprehensive Plan Advisory Committee has made significant progress toward completing a draft Comprehensive Plan Update to present to the Town Board. However, a significant amount of public comment was provided on the draft and is currently being reviewed. Additionally, a Town subcommittee was formed and has been evaluating the subject special permit process and will be presenting options to the Town Board, to be concurrently reviewed with the Comprehensive Plan Update. Therefore, it is necessary for the moratorium to be extended to afford sufficient time for the adoption of the Comprehensive Plan Update and the adoption of any resultant Zoning Code amendments.

Section 2. Moratorium Extended Term.

- A. Local Law No. 5 of 2023 imposing a six (6) 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 of greater than 5,999 square feet is hereby extended for an additional six (6) month period of time through June 20, 2024.
- B. Except as otherwise amended herein, all of the provisions of Local Law No. 5 of 2023, shall be extended for an additional six (6) month period of time through June 20, 2024.

Section 6. Authority.

The proposed local law is enacted pursuant to the New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 7. Supersession.

To the extent that any provisions of this Local Law are construed as inconsistent with the provisions of New York State Town Law Sections 264, 265, 265-a, 267, 267-a, 267-b, 274-a, 274-b, and 276, this Local Law is intended pursuant to New York State Municipal Home Rule Law sections 10(1)(ii)(d)(3) and section 22 to supersede any said inconsistent authority.

Section 8. 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 9. 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 law is to extend the moratorium on the acceptance and processing of special permit applications for larger homes, with a square foot living area that exceeds 5,999 s.f., by six (6) months, so that the comprehensive plan may be updated and any resultant zoning codes adopted so as to ensure that homes are in keeping with the character of Shelter Island and do not create excessive environmental harm.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, December 12, 2023, at 6:02 p.m., prevailing time, to hear any and all persons either for or against a local law entitled “A LOCAL LAW to impose a six-month moratorium on the processing and approval of dock permits by the Town Board” which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW entitled “A LOCAL LAW to impose a six-month moratorium on the processing and approval of dock permits by the Town Board” which provides as follows:

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

Section 1. Legislative Intent.

The Town Board finds that recently there has been increased growth and a spread of development throughout the town, including the requests for docks along Shelter Island’s fragile shoreline. Further, there has been a strong response to some recent dock permit applications by both the members of the Waterways Management Advisory Council and the public, suggesting there is a growing disparity between the Town code, as written, and the needs of our community. This gap is underscored by the significant number of permit applications that have sought “variances” from dock design and construction standards. In order to provide the time to thoroughly review the adequacy of our current dock code and to balance the interest of upland

owner's access to navigation against the public's use of the water for boating, fishing, swimming, and other recreational activities, the Town Board has determined that an immediate suspension of the acceptance and review of all new and pending dock applications is required.

Section 2. Moratorium Imposed.

For the period of six(6) months immediately following the effective date of this local law, there is hereby imposed a moratorium on all applications for a dock permit, from the Town Board located within the Town of Shelter Island and that no approvals, permits, actions, or decisions shall be made or issued by any Board or official of the Town of Shelter Island with respect to any such applications. A dock is defined as, "[a]ny structure whether floating and/or fixed designed to accommodate a boat, such structure being attached at least one end to the upland and elsewhere to the underwater lands below the mean high-water mark, and including accessories to said structure, such as floats, dolphins, pilings, anchors and anchor lines, ramps, ladders, lifts and hoists...". This moratorium shall apply to all such applications, whether pending or received prior to the effective date of this law. No applications for dock permits shall be accepted by any Board, body, committee, official, or employee of the Town of Shelter Island while this law remains in effect. Any dock permit that was approved by the Town Board, prior to the effective date of this Law, shall not be affected by same.

Section 3. Effect of Moratorium.

Upon the effective date of this local law, no Board, body, committee, official, or employee of the Town of Shelter Island, shall accept for review, continue to review, hold a hearing upon, make any decisions upon, or issue any permit or approval upon any application or proposal for any construction of a dock located within the Town of Shelter Island. Any statutory or locally enacted time periods for processing and making decisions on all aspects of such applications are hereby suspended and stayed while this Local Law is in effect. No person, corporation, or other entity shall undertake any site preparation, including but not limited to clearing, grading, and filling, or construction activities, with respect to any construction of a dock which has not been approved by the Town Board, prior to the effective date of this Law.

Section 4. Variance.

Any person or entity suffering unnecessary hardship, by reason of the enactment of this moratorium may apply to the Town Board for a variance excepting the person's or entity's premises from the moratorium and allowing the issuance of a permit all in accordance with the provisions of Shelter Island Town Code applicable to such construction.

Section 5. Authority.

The proposed local law is enacted pursuant to the New York State Constitution Article IX and Municipal Home Rule Law §10.

Section 6. Supersession.

To the extent that any provisions of this Local Law are construed as inconsistent with the provisions of New York State Town Law this Local Law is intended pursuant to New York State Municipal Home Rule Law sections 10(1)(ii)(d)(3) and section 22 to supersede any said inconsistent authority.

Section 7. 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 8. 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 law is to temporarily suspend the acceptance and processing of dock applications so as to ensure that such docks are designed in a way that they do not create any environmental harm, are located in suitable and safe locations, and do not negatively impact the use and enjoyment of our waters by residents and their guests.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby directs that a public hearing shall be held on Tuesday, December 12, 2023, at 6:04 p.m., prevailing time, to hear any and all persons either for or against a local law entitled “A LOCAL LAW amending Chapter 108, entitled “Shellfish”, to create a commercial shellfish permit, remove the prohibition on returning starfish and whelks, create a Shellfish Permit Review Board and to increase penalties” of which provides as follows:

LOCAL LAW NO. _____ of 2023

A LOCAL LAW amending Chapter 108, entitled “Shellfish”, to create a commercial shellfish permit, remove the prohibition on returning starfish and whelks, create a Shellfish Permit Review Board and to increase penalties

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

Section 1. Legislative Intent.

The Town Board finds that resident commercial shell fishermen are a critical resource to the Island and their livelihood needs to be safeguarded, as they have a vested interest in the health of our bays and Island. Further, it has been determined that the number of shellfish living in our bays has decreased and by limiting who can take the shellfish to residents not only protects the welfare of our shell fisherman, but also residents generally, while at the same time supporting the revival of the shellfish.

Section 2. Amendment.

Section 108(2) of the Shelter Island Code Chapter 108 (Shellfish), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 108-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHURNING — The agitation and/or displacement of Town lands with a propeller for the purpose of taking soft clams and razor clams.

~~SHELLFISH DIGGER RESIDENT PERMIT DIGGER'S PERMIT~~— A permit issued by the NYSDEC to allow the commercial taking of shellfish.

NYSDEC — The New York State Department of Environmental Conservation.

PECK — One quarter of a bushel; two gallons.

DOMICILE-The place you intend to have as your permanent home, where your permanent home is located, and the place you intend to return to after being away (as on vacation, business assignments, educational leave, or military assignment).

~~RESIDENT — Any owner of real property within the Town of Shelter Island or any person who resides in the Town of Shelter Island pursuant to a thirty day or longer rental agreement. The immediate family (spouse or children) of residents, as defined above, shall also be deemed to be "residents."~~ A person who, during the period of not less than 12 months immediately preceding his or her application for a permit hereunder, has had a principal place of abode and domicile in and shall have actually and continuously resided within the Town of Shelter Island for said twelve-month period.

SHELLFISH — For purposes of this chapter, "shellfish" shall include blue crabs, crabs, scallops, hard clams, lobsters, mussels of all kinds, oysters, periwinkles, razor clams, shrimp, ~~whelks, conchs~~ and soft clams.

TAXPAYER -A person who owns real property as shown on the assessment rolls of the Town of Shelter Island but is not a resident as defined herein.

TOWN LANDS — All waters and lands under tidewater in any harbor, bay, lake or creek, title to which land is vested in the Town of Shelter Island, and the right of fishing which is vested in the Town of Shelter Island.

Section 3. Amendment.

Section 108(4) of the Shelter Island Code Chapter 108 (Shellfish), is hereby amended by deleting the stricken words and adding the underlined words as follows

§ 108-4. Permit required; ~~exception.~~ Persons allowed to take shellfish; permit required; fees.

A.

~~Except as specified in Subsection B, no person shall take any shellfish from any Town lands without first obtaining a permit from the Clerk of the Town of Shelter Island. A permit shall not be issued to any person who is not a resident of the Town of Shelter Island as defined in this chapter. Application for such permit shall be made by sworn statement, in writing, on a form to be prescribed by the Clerk of the Town of Shelter Island, showing the applicant's eligibility for such a permit. All permits issued shall expire on the first day of April next following the issuance thereof, unless sooner revoked for cause or by law. A permit issued to any person may be terminated, upon his conviction of a violation, for a period of up to six months from the date of such conviction. The fee for such permit shall be the sum of \$10.~~

B. ~~Guests may accompany the permit holder to assist in taking the allowable amount of shellfish under the permit without the requirement for an additional permit.~~

A. No person shall take shellfish unless such person:

(1) Is a resident or taxpayer 12 years or over;

(2) Has obtained a permit as prescribed in this Section; and

(3) Has obtained all necessary permits for such activities.

B. Notwithstanding the above, a child or guest of any permittee may take shellfish without a permit, provided that he or she is accompanied by the permittee for all purposes hereunder, and

the child or guest and permittee together shall be deemed one permittee for the purposes of this chapter.

C. Types of permits; fees.

(1) There shall be two types of annual permits:

(a) A recreational permit shall entitle the holder thereof to take shellfish for the sole use of the individual permit holder and their family.

(b) A commercial permit shall entitle the holder to take shellfish for use by others.

(2) Each of the two types created hereby shall be valid for the period commencing January 1 and ending December 31 of the following year, or as otherwise provided herein.

(3) The Town Board may, by resolution, set and from time to time adjust the fee to be paid for each type of permit.

(4) One permit. No person shall hold both a commercial and recreational permit at any one time.

D. Application; information required; Shellfish Review Board.

(1) An application for a recreational or commercial permit shall be submitted to the Town Clerk, in writing, and shall include but not be limited to:

(a) The applicant's name.

(b) The applicant's residence address with street and number,

(c) The applicant's age, sex, height and color of eyes and hair.

(d) For recreational permits, the applicant's domicile address outside of the Town of Shelter Island with street and number, if any. For commercial permits, the applicant's domicile shall be shown to be within the Town of Shelter Island.

(e) A description of applicant's real property owned in the Town of Shelter Island with street number, if any, and with Tax Map number.

(2) Each applicant for a recreational permit shall submit to the Town Clerk for inspection one of the following:

(a) A valid New York State driver's license or vehicle registration in the name of the applicant, setting forth an address located within the boundaries of the Town of Shelter Island;

(b) A validated tax receipt stub for the current year for any taxable property located within the boundaries of the Town of Shelter Island. If the subject property is owned by an LLC or the like, a duly authorized individual person of the entity must be identified as an applicant, subject to confirmation by the Town Attorney;

(c) A valid voter registration card indicating place of residence as being within the boundaries of the Town of Shelter Island; or

(d) A copy of a lease of property within the Town of Shelter Island, the term of which shall be a minimum of one year. Said recreational permit shall expire with the expiration of the lease or March 31, whichever is earlier.

(e) In the case of an applicant for a recreational permit who is unable to produce items (a), (b), (c), or (d) above, the applicant may appeal to the Shellfish Permit Review Board to provide evidence that they are indeed a resident or taxpayer, including being identified as such by a bona fide resident known to the Board. The name of the resident identifying the applicant shall be noted on the application.

(3) Each applicant for a commercial permit shall submit to the Town Clerk for inspection all of the following:

(a) A valid New York State driver's license, vehicle registration in the name of the applicant or a valid New York non-driver's identification card, setting forth an address located within the boundaries of the Town of Shelter Island;

(b) A validated tax receipt stub for the current year for any taxable property located within the boundaries of the Town of Shelter Island or a copy of a lease of property within Shelter Island Town, the term of which shall be a minimum of one year. Said commercial permit shall expire with the expiration of the lease or March 31, whichever is earlier. If the subject property is owned by an LLC or the like, a duly authorized individual person of the entity must be identified as an applicant, subject to confirmation by the Town Attorney;

(c) A valid voter registration card indicating applicant's place of residence as being within the boundaries of the Town of Shelter Island or an affidavit by applicant that he or she is a registered voter but does not possess a voter registration card, or is not a registered voter in any jurisdiction and that he or she is a resident of the Town of Shelter Island; and

(d) A valid Resident New York State Shellfish Digger's Resident Permit.

(e) In the case of an applicant for a commercial permit who is unable to produce items (a), (b), (c) and/or (d) above, the Town Clerk shall refer the applicant to the Shellfish Permit Review Board which shall provide the applicant and residents of the Town of Shelter Island with the opportunity to present evidence regarding applicant's residence and New York State permit status.

- E. Form of permit; nontransferability; evidence of permit.
- (1) Permits shall be on the form prescribed by the Town Clerk and contain the matters set forth in Subsection (D) above. The original application shall be filed in the Town Clerk's office and the permit shall be issued by the Shelter Island Town Clerk.
- (2) Permits shall be nontransferable.
- (3) Any person engaged in taking shellfish from Town lands under water shall locate his permit so that they shall be immediately available to any enforcing officer. Failure to do so shall be presumptive evidence that such person does not possess a shellfish permit.
- (4) Every commercial permittee shall by April 30th submit an annual harvest report to the Shellfish Permit Review Board.

F. Shellfish Permit Review Board. The Shellfish Permit Review Board shall consist of the Town Attorney, a Harbormaster, and a resident shell fisherman to be appointed by the Town Board. The Shellfish Permit Review Board shall determine qualifications pursuant to §108-4(D)(2) (e) and Section §108-4(D)(3); determine whether revocation is required pursuant to §108-4(H); and provide an annual update to the Town Board on the state of the Shelter Island Bays.

G. Expiration. All permits shall expire on the date indicated on the permit unless sooner revoked in accordance with subsection H.

H. Revocation. All permits issued pursuant to this Chapter shall become null and void if the holder thereof ceases to be a resident or taxpayer of the Town of Shelter Island or it is revoked by the Shellfish Permit Review Board, after notice and a public hearing, upon a conviction of a violation of this Chapter.

Section 4. Amendment.

Section 108(5) of the Shelter Island Code Chapter 108 (Shellfish), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 108-5. Regulations.

A. No person shall take shellfish from Town lands between sunset and sunrise other than whelks, conchs and crabs.

B. No person shall take any shellfish from any Town lands which may have been restricted for any purpose whatsoever by the Town Board, provided that such restricted Town lands shall have been properly designated by resolution duly passed by the Town Board, and shall have been properly marked and/or posted.

C. All persons are prohibited from taking shellfish from Town lands by the use of churning, or by the use of dredges propelled or operated in any manner other than by hand power, except that scallops may be taken from Town lands by the use of dredges not more than 36 inches in width, operated and hoisted by hand and towed by boats propelled in any manner. **[Amended 1-10-2003 by L.L. No. 1-2003]**

~~D. A person with a NYSDEC Digger's Permit may take shellfish in commercial quantities from the inland waters of the Town of Shelter Island, provided that he has also been a resident of the Town of Shelter Island for a period of at least six months immediately prior to such taking.~~

D. E. A person without a NYSDEC Digger's Permit with a recreational permit shall not may take any no more than a half bushel one peck of any type of shellfish from

Town lands in any one calendar day, except such person may take no more than 100 hard clams daily, nor more than 24 whelks or conchs daily. ~~except such person may take two pecks of scallops.~~

Section 5. Amendment.

Section 108(6) of the Shelter Island Code Chapter 108 (Shellfish), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 108-6. Regulations pertaining to specific shellfish.

- A. Hard clams.
1. It shall be unlawful for any person or persons to take from Town lands any hard clams less than one inch in thickness at any time except for propagation purposes in Town lands, and this may only be done after a permit has been granted by the Town Board.
 2. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five bushels of hard clams from Town lands in any one calendar day.
- B. Soft clams and razor clams.
1. It shall be unlawful for any person or persons to take from Town lands any soft clams (so-called) less than two inches long or any razor clams less than four inches long, nor shall it be lawful for such clams to be possessed at any time. Any such clams shall be immediately returned to the lands at the place where taken.
 2. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five bushels of soft clams and razor clams from Town lands in any one calendar day.
- C. Crabs.
1. It shall be unlawful to take from Town lands any hard-shell blue-claw crabs less than five inches point to point or soft-shell crabs less than three inches point to point, and it shall be unlawful to take sponge (egg-bearing) crabs from Town lands at any time.
 2. The use of lights when taking crabs is permitted.
- D. Oysters.
1. It shall be unlawful for any person or persons to take any seed oysters from Town lands without permission of the Town Board after written request. Seed oysters are oysters less than three inches in length.
 2. A person with a ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of one peck of oysters in the shell from Town lands in any one calendar day.
- E. Scallops.
1. Scallops may be taken from Town lands from the Monday a week after the DEC season opening date to the 31st day of March, inclusive, in each and every year. **[Amended 11-13-2015 by L.L. No. 11-2015]**
 2. It shall be unlawful for any person or persons to take from Town lands scallops which do not show the annual growth ring and have a 2 ¼ inch measurement from hinge to bill, nor shall it be lawful for such scallops to be possessed at any time. Any scallops not showing the annual growth ring taken from Town lands shall be immediately returned to the lands at the place where taken.
 3. A person with an ~~NYSDEC Digger's Permit~~ Commercial Shellfish Permit may take up to a total of five United States bushels of scallops in the shell from Town lands in any one calendar day. If there are two or more licensed persons with ~~Digger's Permits~~ Commercial Shellfish Permit in any one boat taking scallops, not more than 10 United States

bushels of scallops in the shell shall be taken by any one boat during any one calendar day, regardless of the number of persons therein. **[Amended 11-13-2015 by L.L. No. 11-2015]**
~~F. Starfish and whelks. It shall be unlawful for any person to return any starfish or whelks to Town lands.~~ F. Conch and whelks. It shall be unlawful for any person to take from Town lands conchs or whelks that are less than 5 ½ inch in shell length or 2 ¼ inch shell height . Any conch or whelk not meeting said dimensional requirements shall be returned alive from the place taken.

Section 6. Amendment.

Section 108(9) of the Shelter Island Code Chapter 108 (Shellfish), is hereby amended by deleting the stricken words and adding the underlined words as follows:

§ 108-9. Penalties for offenses.

An offense against the provisions of this chapter shall constitute a violation under the Penal Law of the State of New York and shall be punishable by a fine of not more than ~~\$250~~ \$1,500.00 or by imprisonment for not more than 15 days, or both.

Section 7. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and Town Law §130(18).

Section 8. 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 9. 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 address the inconsistency between the Town of Shelter Island and the rest of the east end towns which protect resident commercial shell fisherman by limiting the taking of shellfish to residents of that town. Further, the decrease in number of shellfish within our bays needs to be ameliorated by limiting the taking of shellfish to residents only, for both recreational and commercial purposes, along with a more robust permitting process and increased fines.

BE IT RESOLVED, that the Town Board hereby calls for a public hearing to be held at 6:06 p.m., prevailing time, on the 12th day of December, 2023 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 use of funds from the Water Quality Initiative to pay the 2024 annual dues to the Peconic Estuary Partnership in the amount of \$11,900.00.

WHEREAS, in connection with the New York State Senior Citizens Real Property Tax Exemption, pursuant to New York State Real Property Tax Law Section 467(3)(a)(iv)(1-3), after a public hearing, the Town Board may allow for the following to not be considered income:

1. any social security benefits that were not included in the applicant's federal adjusted gross income; and
2. distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income; and now therefore be it

RESOLVED, that the Town Board hereby calls for a public hearing to be held at 6:08 p.m., prevailing time, on the 12th day of December, 2023, 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 resolution to in connection with the New York State Senior Citizens Real Property Tax Exemption to allow for the following to not be considered income:

1. any social security benefits that were not included in the applicant's federal adjusted gross income; and
2. distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income.

WHEREAS, 34 Shelter Island Associates, c/o Kenneth Tropin, 3 Sylvester Road, has petitioned the Town of Shelter Island for permission to remove and dispose of 115' of existing north bulkhead, construct a new 115' north bulkhead in-kind, 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 6:10 p.m., prevailing time on the 12th day of December, 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, Shelter Waterfront Association, LLC, c/o Kenneth Tropin, 1C Sylvester Road, has petitioned the Town of Shelter Island for permission to remove existing 8,000 lb. boatlift, install new 8,000 lb. boatlift, in-kind, 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 6:12 p.m., prevailing time on the 12th day of December, 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, Thomas Bliss, 32 Baldwin Road, has petitioned the Town of Shelter Island for permission to install a mooring in Menantic Creek at a location designated as latitude 41.05657 and longitude -72.34161, 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 6:14 p.m., prevailing time, on the 12th day of December, 2023, 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.

BE IT RESOLVED, that the Town Board of the Town of Shelter Island hereby ratifies the submission of a grant application requesting \$35,862.00 from the New York State Division of Criminal Justice Services Law Enforcement Technology Program, which provides 100% state funds and does not require local matching funds, to support the purchase of license plate readers and surveillance cameras for use by the Shelter Island Police Department.

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, for the provision of financial accounting services for the Town for the period January 1, 2024 through December 31, 2024, for the sum of \$59,700.00.

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to execute the agreement between the Town of Shelter Island and Edmunds GovTech, for the Town Clerk Software Services.

WHEREAS, on October 29, 2023, the Superintendent of Highways appointed Ray Sanwald to serve as a part time Laborer, now, therefore

BE IT RESOLVED, that the Town Board authorizes a rate of \$20.00 per hour, not to exceed 20 hours per week, retroactive to October 29, 2023.

BE IT RESOLVED, that Ray Sanwald is hereby appointed to serve as part time Maintenance Mechanic for Residential Repair at a rate of \$24.89 per hour, not to exceed 5 hours per week, retroactive to November 6, 2023.

BE IT RESOLVED, that Giovanna Ketchum is hereby appointed to serve as on call as needed cook for the Nutrition Center at a rate of \$24.50, retroactive to November 11, 2023.

BE IT RESOLVED, that Frank Emmett is hereby appointed to serve as part time Driver for the Senior Center at a rate of \$24.49 per hour, retroactive to October 26, 2023.

BE IT RESOLVED, that the following budget transfers are hereby approved;
\$10,500.00 from A1410.101 to A1410.200 TC Equipment account, and
\$32,532.90 from A1990.400 Contingent to A3120.100OT Police Overtime.

BE IT RESOLVED, the following interfund transfers are approved in order to satisfy the repayment of the interfund loans before the close of the fiscal year end, as per the recommendation of the contract accountants, Cullen & Danowski;
\$1,411.32 from the Community Preservation Fund to the Highway DA Fund,
\$14,355.05 from the Highway DA Fund to the General Fund A,
\$20,250.07 from the Highway Equipment Capital Reserve to the Highway DA Fund.

BE IT RESOLVED, that the following budget modification is hereby approved;
Increase to A2770D Police Auction revenue code by \$8,600.00 and an increase to A3120.272 Police New Car expenditure code by \$8,600.00.

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$335.72 from the B3620.491 Building Department Contracts account, and \$335.71 from the B8012.491 Zoning Service Contract account to Carr Business Systems for the annual billing period of October 10, 2023 – October 13, 2024.

BE IT RESOLVED, that the Supervisor is hereby authorized and directed to expend the sum of \$10,500.00 from the A1410.200 Equipment account to Edmunds GovTech for the Town Clerk Software Services.

BE IT RESOLVED, That 2023 general claims numbered 1968 through 2162 in the amount of \$156,667.73; 2023 highway claims numbered 201 through 217 in the amount of \$25,628.53; and 2023 community preservation claims numbered 20 through 23 in the amount of \$11,104.35 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, 58 Tuthill Drive SI, LLC, c/o Brian Carroll, 58 Tuthill Drive, on October 23, 2023, petitioned the Town of Shelter Island for permission to remove existing off shore platform, elevate existing stone patio 16" with an 8" step on each side, construct a new 4' x 64' - 6" catwalk leading to a 3' x 12' aluminum ramp onto a 8' x 24' float secured with two anchor piling and install two 2-pile 10" mooring dolphins, and

WHEREAS, a public hearing was duly held on November 29, 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 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.
