January 6, 2015

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 6th day of January, 2015. Town Board members present were Supervisor James Dougherty, Councilmen Edward R. Brown, Peter S. Reich, and Paul D. Shepherd. Councilwoman N. Christine Lewis was absent. 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 1:00 p. m.

Salute to flag.

The Supervisor read a PROCLAMATION honoring the volunteer ladies at the Shelter Island Library. (A copy of the proclamation is attached to these minutes.)

Town Justice Helen J. Rosenblum administered the oath of office to the following newly elected Town Officials: Town Justice Mary Faith Westervelt, and
Receiver of Taxes Annmarie Seddio.

At 1:05 p. m., the Supervisor declared a recess to allow for a reception in honor of the re-installed Town Officials.

The Supervisor reconvened the Organizational Meeting at 1:22 p. m.

RESOLUTION NO. 1

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 23, February 13, March 6 and 27, April 17, May 8 and 29, June 19, July 10 and 31, August 21, September 11, October 2 and 23, November 13, and December 4, 2015, and

BE IT FURTHER RESOLVED, That work sessions of the Town Board of the Town of Shelter Island will be held in the Shelter Island Town Hall, Shelter Island, New York, at 1 p. m. on the following dates: January 13, 20 and 27, February 3, 10, 17 and 24, March 3, 17, 24, and 31, April 7, 14, 21 and 28, May 5, 12, 19 and 26, June 2, 9, 16, 23 and 30, July 7, 14, 21, and 28, August 4, 11, 18 and 25, September 1, 8, 15, 22, and 29, October 6, 13, 20 and 27, November 4 (Wednesday), 10 and 17, December 1, 8, and 15, 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 2

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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, Capital One, and Bridgehampton National Bank shall be the official depositories for general, highway and federal funds, and

BE IT FURTHER RESOLVED, That Supervisor James Dougherty, Councilwoman Lewis, and Councilmen Brown, Reich and Shepherd 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 3

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

"Whereas", the designation of a newspaper as the official paper 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, now, Therefore

BE IT RESOLVED, That the Shelter Island Reporter is hereby designated as the official newspaper of the Town of Shelter Island for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 4

Councilman Shepherd offered the following resolution, which was seconded by Supervisor Dougherty, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 5

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Town officials and employees will be reimbursed, subject to audit, at the rate of $.57 per mile for their mileage on Town business for the year 2015, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 6

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Supervisor James Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd and Councilwoman N. Christine Lewis are hereby appointed to serve as Police Commissioners for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 7

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

BE IT RESOLVED, That Ashleigh Sanwald is hereby appointed to serve as part time Court Clerk for the year 2015, to be paid at the rate of $17.69 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 8

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

BE IT RESOLVED, That Councilwoman N. Christine Lewis is hereby appointed to serve as Deputy Supervisor for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 9

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Judy Meringer is hereby appointed to serve as Confidential Secretary to the Supervisor for the year 2015, for 30 hours per week, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 10

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Albert F. Hammond is hereby appointed to serve as Tax Administrator and Chairman of the Board of Assessors for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 11

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

BE IT RESOLVED, That Jay L. Card, Jr. is hereby appointed to serve as Commissioner of Public Works for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 12

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

BE IT RESOLVED, That John Cronin is hereby appointed to serve as part time Town Engineer for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 13

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 2015 for 38 hours per week, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 14

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Delphine Kelly Michalak is hereby appointed to serve as Town Custodian for the year 2015 for 30 hours per week to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 15

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

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as part time Town Custodian at the rate of $19.47 per hour for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 16

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

BE IT RESOLVED, That James Richardson is hereby appointed to serve as Detention Attendant for the year 2015 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 17

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Carlos M. Payano is hereby appointed to serve as Detention Attendant for the year 2015 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 18

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Jose Manuel Payano Cruz is hereby appointed to serve as Detention Attendant for the year 2015 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 19

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

BE IT RESOLVED, That Jennifer Beresky is hereby appointed to serve as Detention Attendant for the year 2015 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 $30.41 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 20

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

BE IT RESOLVED, That Delphine Kelly Michalak is hereby appointed to serve as Detention Attendant for the year 2015 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 21

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Catherine Rasmussen is hereby appointed to serve as Detention Attendant for the year 2015 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 22

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Albert L. Labrozzi, Jr. is hereby appointed to serve as Bay Constable for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 23

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

BE IT RESOLVED, That Peter Vielbig is hereby appointed to serve as Bay Constable for the year 2015 to be paid at the rate of $20.67 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 24

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

BE IT RESOLVED, That Kevin Springer is hereby appointed to serve as part time Police Officer for the year 2015 at the rate of $27.00 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 25

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That George E. Butts is hereby appointed to serve as Animal Control Officer for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 26

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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 2015, to be paid as per the amended 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 27

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

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby authorizes Laury Dowd to act as the MS4 Coordinator for the Town of Shelter Island for the year 2015 at the current hourly rate for an additional two hours per week.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 28

Councilman Shepherd offered the following resolution, which was seconded by Councilman Brown, 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 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 29

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 2015 for the operation of snowplows during weather emergencies.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 30

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That part time and seasonal laborers of the Shelter Island Highway Department/Public Works Department shall be paid at the rate of $20.00 per hour, not to exceed 20 hours per week, for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 31

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

BE IT RESOLVED, That William Clark is hereby appointed to serve as Town Historian for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 32

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

BE IT RESOLVED, That Henrietta Roberts is hereby appointed to serve as Senior Citizens Aide II for the year 2015, to be paid at the rate of $19.62 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 33

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Veronica Siller is hereby appointed to serve as Clerk for the Senior Citizens Affairs Council for the year 2015, to be paid at the rate of $16.91 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 34

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Lois Charls is hereby appointed to serve as part time Assistant Senior Citizens Center Manager for the year 2015 at the rate of $23.36 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 35

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

BE IT RESOLVED, That Dale Holm is hereby appointed to serve as Therapeutic Activities Worker for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 36

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

BE IT RESOLVED, That Diane Anderson is hereby appointed to serve as Therapeutic Activities Worker for the year 2015.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 37

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Donna King is hereby appointed to serve as Therapeutic Activities Worker for the year 2015.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted

RESOLUTION NO. 38

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the rate of pay for Therapeutic Activities Workers for the year 2015 is hereby set at $19.47 per hour.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 39

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

BE IT RESOLVED, That Ron Lucas is hereby appointed to serve as part time Laborer for the Residential Repair Program at the rate of $17.22 per hour for the year 2015.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 40

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

BE IT RESOLVED, That Garth Griffin is hereby appointed to serve as Minibus Driver for the year 2015.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 41

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Ron Lucas is hereby appointed to serve as Minibus Driver for the year 2015.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 42

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Karin Bennett is hereby appointed to serve as Minibus Driver for the year 2015.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 43

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

BE IT RESOLVED, That Donna King is hereby appointed to serve as Mini Bus Driver for the year 2015 at the hourly rate of drivers, for an amount not to exceed the 2015 budgeted amount.

Vote: 4 in favor 0 opposed
The resolution was thereupon declared duly adopted.

RESOLUTION NO. 44

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

BE IT RESOLVED, That the rate of pay for minibus drivers is hereby set at $19.47 for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 45

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Angela Corbett is hereby appointed to serve as Cook for the Nutrition Program for the year 2015, to be paid at the rate of $19.43 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 46

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Giovanna Ketcham is hereby appointed to serve as Cook for the year 2015 at the rate of $19.43 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 47

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

BE IT RESOLVED, That Diane Anderson is hereby appointed to serve as Cook for the Nutrition Program for the year 2015, to be paid at the rate of $19.43 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 48

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

BE IT RESOLVED, That Robert Andrew is hereby appointed to serve as Food Service Worker for the year 2015 at the rate of $14.31 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 49

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Alison Binder is hereby appointed to serve as temporary Food Service Worker for the year 2015 at the rate of $14.31 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 50

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Harald Olson is hereby appointed to serve as Food Service Worker for the year 2015 at the rate of $14.31 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 51

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

BE IT RESOLVED, That Leith Surerus is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 52

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

BE IT RESOLVED, That Cori Cass is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 53

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Katherine Doroski is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 54

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Janine Mahoney is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 55

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Carla Cadzin is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 56

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

BE IT RESOLVED, That Philip Mancine is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 57

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the rate of pay for Recreation/FIT Aides for the year 2015 is hereby set at $16.01 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 58

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Ian Kanarvogel is hereby appointed to serve as Recreation Aide to supervise the Youth Center for the year 2015, to be paid as per the 2015 budget.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 59

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

BE IT RESOLVED, That Callie Atkins is hereby appointed to serve as Zumba Instructor for the year 2015 at the rate of $30.00 per session.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 60

Councilman Shepherd offered the following resolution, which was seconded by Councilman Reich, 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, tennis courts and ballfields membership fees for use of the fitness equipment and facilities for the year 2015 as follows:

Single fitness room membership	$220.00 per year,
Family fitness room membership	$340.00 per year,
Single tennis court membership	$200.00 per year,
Family tennis court membership	$310.00 per year,
Single fitness room and tennis court membership	$300.00 per year,
Family fitness room and tennis court membership	$430.00 per year,
Full time College Student membership	$100.00 per year, and
Emergency Services membership	$170.00 per year.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 61

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Kenneth E. Capon is hereby appointed to serve as Fire Inspector for the year 2015, to be paid at the rate of $18.53 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 62

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Frederick C. Ogar is hereby appointed to serve as Fire Inspector for the year 2015, to be paid at the rate of $18.53 per hour.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 63

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

BE IT RESOLVED, That pursuant to Section 29, subdivision 12 of the Town Law, the Fire Chiefs be and hereby are appointed to the office of Fire Warden for a term of office to run concurrently with their terms as Fire Chief.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 64

Councilman Shepherd offered the following resolution, which was seconded by Councilman Reich, 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 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 65

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 James D. Dougherty, Barbara Jean Ianfolla, Judith Meringer, Barbara A. Bloom, Jonathan Tehan, Edward Brown, Patricia Castoldi, Ian Kanarvogel, Mary Faith Westervelt, Jennifer Beresky, and Annmarie Seddio, 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 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 66

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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: (A copy of the chart is attached to these minutes.)

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 67

Supervisor Dougherty 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 $598.00 from the 2015 A5010.440 Superintendent of Highways training account to Skillpath Seminars, P. O. Box 804441, Kansas City, MO 64180-4441 for Brian Sherman and Brett Page to attend 'The Two-Day Excelling at Managing People Workshop' at the Islandia Marriott Long Island, Hauppauge, New York on January 29 and 30, 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 68

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $150.00 from the 2015 A5010.440 Superintendent of Highways training account to Miller Environmental Group Calverton Training Institute, 538 Edwards Avenue, Calverton, NY 11933 for a four hour class for Jeffrey Starzee to attend a bloodborne pathogens training course on March 13, 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 69

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from the Communities That Care of Shelter Island, Inc. in the amount of $2,000.00 to the A4210.400 Communities That Care account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 70

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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 $30,500.00 from the A1620.476 computer services account to East End Computers, 78 White Street, Southampton, New York 11968 for the EEC annual managed service contract for the period January 1, 2015 through December 31, 2015 for the computers services contract.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

The Supervisor appointed the following Town Board Committees to serve for the year 2015:

Highway & Public Works	Supervisor Dougherty and Councilman Reich
Waterways	Councilman Brown and Councilman Reich
Buildings & Grounds	Councilman Reich and Councilman Brown
Recycling	Councilman Brown and Councilman Shepherd
Financial Advisory Comm.	Supervisor Dougherty, Councilman Brown and Jen Ditta
EMS	Councilwoman Lewis and Councilman Brown.

The Supervisor appointed the following Town Officials to serve as Liaison for the specified standing Committees and Boards for the year 2015:

Senior Citizens Liaison	Councilwoman Lewis
CAC Liaison	Councilman Shepherd
WMAC Liaison	Councilman Reich and Councilman Brown
WAC Liaison	Supervisor Dougherty
Planning Board Liaison	Councilman Shepherd
Z. B. A. Liaison	Councilwoman Lewis
Comm. Pres. Fund Adv. Bd.	Supervisor Dougherty
Transportation	Supervisor Dougherty
Recreation	Councilwoman Lewis and Supervisor Dougherty
CTC Liaison	Councilwoman Lewis
Community Center/Youth	Councilwoman Lewis and Supervisor Dougherty
Community Housing Board	Councilwoman Lewis
MS4	Councilmen Reich and Shepherd
Taylor's Island	Councilman Brown
Deer & Tick Liaison	Supervisor Dougherty and Councilman Brown
Green Options	Supervisor Dougherty.

On motion of Councilman Reich and seconded by Councilman Shepherd, the meeting was adjourned at 1:45 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

January 23, 2015

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 January, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and seventeen 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's office stating that the permissive referendum time for the proposed purchase of the Highway Department dump truck is over, and no petition has been filed to call for a referendum on same.
2. A letter from George E. Butts resigning from the position of Animal Control Officer effective January 23, 2015.

The Supervisor presented the following financial report for the month of December, 2014 to wit:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
DECEMBER 2014

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen Checking	1,308,003.73	364,814,73	1,725,219.55	-52,401.09	767,023.87
Hwy Checking	69,144.80	301,742.97	305,644.11	65,243.66	
T&AChecking	86,787.54	18,211.40	22,615.24	82,383.70	15,337.96
T&A Savings	12,215.71	0.33	0.00	12,216.04	
Hwy Cap Res	216,854.38	17,506.18	0.00	234,360.56	
WNW Supply	54,575.52	3,230.83	2,999.07	54,807.28	40,614.39
Taylor's Island	39,529.87	0.33	0.00	39,530.20	
Com Preserv	2,38,340.38	150,663.27	6,961.99	2,524,041.66	589,872.41
Waterways	227,825.11	875.00	21,937.08	206,763.03	
Reserve fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0 00	0.00	0.00	351,695.83
Environ fund	13,750.00	0.00	0.00	13,750.00	
Ambulance Re	244,013.46	60,010.37	0.00	304,023.83	
TOTALS	5,067,659.05	917,055.41	2,085,377.04	3,899,337.42	1,764,544.46

RESOLUTION NO. 71

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Andrea Gannon Brereton, 17 Point Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound at a location designated as latitude 41.106721° north and longitude 72.331020° 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 4:45 p. m., prevailing time, on the 13th day of February, 2015, 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. 72

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Sean F. and Julie M. O'Shea have petitioned the Town of Shelter Island for permission to construct an "L" shaped fixed timber pier, consisting of a 5' by 8' landward ramp, 5' by 150' pier (equipped with a splashboard/wave curtain elevated at least 2' above the bottom along the south side of the most seaward +/-32' section of pier), a terminal 5' x 40' fixed "L" section (equipped with splalshboard/wave curtain elevated at least 2' above the bottom, and a 3' by 12' hinged ramp and 6' by 24' floating dock secured by two (2) 10" diameter pilings on the inside of the "L" section; and install a 2-pile dolphin +/- 30' landward of the inside of the "L" section, 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 13th day of February, 2015, 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. 73

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

"Whereas", Free Breeze, LLC, 70 Peconic Avenue, has petitioned the Town of Shelter Island for permission to construct an "L" shaped fixed timber pier consisting of 4' by 75' and 4' x 24' sections of pier and two (2) sets of +/- 4' by 5' beach access stairs at landward end, and modify existing beach stairway to land atop proposed pier, 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 4:47 p. m., prevailing time, on the 13th day of February, 2015, 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. 74

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

"Whereas", Ralph Whipple, 20 Thompson Road, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050700° north and 72.317183° west; said location was formerly occupied by the Foerth O-2864 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 4:48 p. m., prevailing time, on the 13th day of February, 2015, 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. 75

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

"Whereas", Philip Dunne, 85 North Cartwright Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at the northeast corner of the first causeway at a location designated as latitude 41.08612° north and longitude 72.31211° 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 4:49 p. m., prevailing time, on the 13th day of February, 2015, 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. 76

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Beau E. Payne is hereby appointed to serve as Animal Control Officer for the year 2015, effective January 23, 2015, to be paid at the annual rate of $13,000.00 per year.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 77

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from PERMA in the amount of $2,322.00 to the 2014 fund balance.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 78

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

"Whereas", the Association of Towns meetings are to be held in New York City on February 15, 16, 17 and 18, 2015, and

"Whereas", it is required by the Association of Towns to pre-register persons who anticipate attending the Association of Towns' meeting in New York City in February 2015, and

"Whereas", seven 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 Justices, the Building Permits Coordinator, the Justice Court Clerk, and one Councilman attending these meetings shall be a Town charge, and

BE IT FURTHER RESOLVED, That Councilman Peter S. Reich 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 $75.00 per day per official, and

BE IT FURTHER RESOLVED, That the transportation allowance for Town officials is hereby set at $22.00 for one way and $40.00 for round trip per official for bus fare and $4.00 additional per official for ferry fare, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $700.00 for seven registration fees of $100.00 each plus a $310.00 continuing legal educational additional fee, from the 2015 A1010.496 Association of Towns account for said pre-registration.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 79

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $239.40 from the 2015 A1015.400 media office and miscellaneous account to Chase Card Services for the Police Department website for the period January 16, 2015 through January 15, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 80

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Brown, to wit:

"Whereas", sealed bids were received by the Town Clerk's office until 3 p. m. on the 2nd day of January, 2015, at which time they were publicly opened and read aloud on the proposed purchase of one new 2015-16, 3500 series plow/dump truck, and

"Whereas", the following bid was received:

Buzz Chew Chevrolet	truck equipped	$41,046.00
optional equipment added	tool box	$287.00
	transfer case selector	$200.00
grand total		$41,533.00, and

"Whereas", the Superintendent of Highways has reviewed said bid and recommended approval, now, Therefore

BE IT RESOLVED, That the Town Board does hereby award said bid to Buzz Chew Chevrolet for the sum of $41,533.00; said fee to be paid upon delivery from the Highway Capital Reserve fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 81

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $235.00 from the 2015 A1355.491 Assessors' service contracts account to Apex

Software, P. O. Box 100145, San Antonio, Texas 78201-14455, for the annual sketching software service for the period 2-1-2015 through 2-1-2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 82

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Resolution number 524 - 2014 is hereby amended to state that the Town Board hereby authorizes the payment of 2014 claims received in 2015 to be paid with 2014 funds through March 6, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 83

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

BE IT RESOLVED, That the EMS Director is hereby authorized and directed to advertise for sealed bids for the purchase of one new 2015 type 3 ambulance.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 84

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

BE IT RESOLVED, That Resolution No. 527 - 2014 dated December 30, 2014, adopting a Local Law entitled EXTENSION OF MORATORIUM ON IRRIGATION, is hereby amended to state that said Local Law entitled EXTENSION OF MORATORIUM ON IRRIGATION is hereby adopted as Local Law No. 1 - 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 85

Councilwoman Lewis 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 $190.00 from the A5010.440 Superintendent of Highways training account to pre-register two Highway Department employees to attend a tree symposium on Tuesday, February 3, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 86

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $900.00 from the 2015 A5010.440 Superintendent of Highways training account to Miller Environmental Group Calverton Training Institute, 538 Edwards Avenue, Calverton, NY 11933 for six Highway Department employees to attend an eight hour hazwoper refresher training course on March 18, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 87

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an agreement between the Town of Shelter Island and Jennifer Olsen for her employment with the Town as Social Worker for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 88

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

"Whereas", pursuant to Section 3 of the lease agreement between the Presbyterian Church and the Town concerning the operation of the Senior Nutrition Program, the Town was notified that the rent was to be increased, now, Therefore

BE IT RESOLVED, That effective February 2015, the rent to be paid to the Presbyterian Church is hereby increased from $1,350.00 per month to $1,390.00 per month.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 89

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the contract agreements between the New York State Division of Homeland Security and Emergency Services (NYS DHSES) and the Town of Shelter Island for the provision of funding to the Town for emergency generators.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 90

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

"Whereas", the Superintendent of Highways has requested permission to purchase three new emergency standby generators, and

"Whereas", the Superintendent of Highways wishes to expend funds from the Town Board Capital Reserve Fund for said equipment in the amount not to exceed $29,000, and

"Whereas", the equipment exceeds the period of probable usefulness as defined in the Local Finance Law Section 11.00, making the withdrawal from the Capital Reserve Fund subject to a permissive referendum pursuant to GML 6-c, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the aforementioned expenditure for the sum not to exceed $29,000.00, and

BE IT FURTHER RESOLVED, That within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law §90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum, upon such approval. This resolution is adopted subject to a permissive referendum pursuant to General Municipal Law 6-C, and shall not take effect until 30 days from the date of adoption.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 91

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Shelter Island Yacht Club, 12 Chequit Avenue, has petitioned the Town of Shelter Island for a wetlands permit for permission to reconstruct and expand the south side of the Junior dining deck 10" higher and approximately 535 square feet larger including steps which will remain 25' from the bulkhead, expand existing seasonal awning over deck by approximately 564 square feet, installation of a new 5' by 10' roofed and open storage area; this will be approximately 44' 9" from the bulkhead; replace existing deteriorated 6' by 12' shed with a new 7' by 12' shed; the new shed will be approximately 56' from the bulkhead, 2' further away than the existing shed; combine and recast 2 existing concrete slabs under the trash container, no change in square footage, and install a 2' 9" by 14' 3" storage shed which will be approximately 78' 3" from the bulkhead, within the 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 4:49 p. m., prevailing time, on the 13th day of February, 2015, 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. 92

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", David Lapham, 4D Peconic Avenue, has petitioned the Town of Shelter Island for a wetlands permit for permission to demolish the existing single family residence covering roughly 1,516 square feet located 117.6 feet from the wetlands boundary, and replace it with a two story single family dwelling with a footprint of 2,190 square feet, and attached deck covering roughly 1,050 square feet located roughly 82 feet from the wetlands boundary which includes a 5' by 5' soaking tub, within the 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 5:00 p. m., prevailing time, on the 13th day of February, 2015, 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. 93

Supervisor Dougherty 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 5:05 p. m., prevailing time, on the 13th day of February, 2015 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 CHAPTER 113, POOLS, to wit:

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

Section 1. Amend Chapter 113, Swimming Pools of the Shelter Island Town Code, as follows:

A. Section 113-5, subsection (B)(6) shall be amended by adding the following sentence to (6) (a) as follows: Because of their special needs, commercial pools may use a sand filter.

Section 2. Effective Date.

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. 94

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

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 5:10 p. m., prevailing time, on the 13th day of February, 2015 in the Shelter Island Town Hall, Shelter Island, New York, for all interested persons to be heard in a of or in opposition to a proposed Local Law entitled AMENDMENTS TO CHAPTER 53, DOCKS, to wit:

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

Section 1. Amend Section 53-5. Definitions. DOCK. by adding the following sentence: A permit for a dock shall run with ownership of the land.

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. 95

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

"Whereas", Kathleen Tropin, 52 Gardiner's Bay Drive, has petitioned the Town of Shelter Island for a wetlands permit for permission to modify an approved wetlands permit; the existing permit allows for construction of a permeable stone patio to be 75 feet from the seaward face of the on site bulkhead; the patio was constructed 74.1 feet from the seaward face of the bulkhead, therefore, 18 square feet is within the vegetative buffer, 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 5:15 p. m., prevailing time, on the 13th day of February, 2015, 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. 96

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Gary Baddeley, 133 South Ferry Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to modify an approved wetlands permit; the existing permit allows for two waterside sand based stone terraces, construction included one larger sand based stone terrace of larger size and including two areas with covered roof; the new roof extensions are located 72.1 feet varying to 72.8 feet from the edge of the wetlands boundary and the vegetative buffer, 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 5:20 p. m., prevailing time, on the 13th day of February, 2015, 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. 97

Councilman Reich 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 5:25 p. m. prevailing time, on the 13th day of February, 2015, 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 AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY, to wit:

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

Section 1. Amend Chapter 16-3 of the Shelter Island Town Code, titled "Officers and Employees" by adding subsection G concerning residency of employees, as follows:

§ 16-3 G. Exemptions.

G. Clerical positions employees must be residents when hired, but may seek permission from the Town Board to relocate off-island after three years of satisfactory performance in cases of need.

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. 98

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

"Whereas", Congdon's Point, LLC, 34 A North Cartwright Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to amend existing wetlands permit by the addition of 590 square feet of covered porch and patio; work will include the reconfiguration of one retaining wall, within the 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 5:28 p. m., prevailing time, on the 13th day of February, 2015, 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. 99

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

BE IT RESOLVED, That the following 2014 budget transfers are hereby approved:

$230.00 from the A1015.200 Media equipment and dispersed as follows:
$155.00 to the A1015.400 Media office and miscellaneous account, and
$75.00 to the A1015.404 Media McGayhey technician account;
$1.00 from the A1355.441 Assessors revaluation update account, and
$222.34 from the A1355.492 Assessors seminars and travel account to the A1355.484 Assessors office and miscellaneous account;
$920.00 from the A1410.105 Deputy Town Clerk personal services account and dispersed as follows:
$296.00 to the A1410.102 Deputy Town Clerk overtime personal services account,
$594.00 to the A1410.107 Deputy Town Clerk overtime personal services account, and
$30.00 to the A1410.484 Town Clerk office and miscellaneous account;
$90.00 from the A1490.409 Public Works beaches and parks account to the A1490.419 Public Works generator maintenance account;
$400.00 from the A1490.410 Public Works grounds maintenance account to the A1490.484 Public Works office and miscellaneous account;
$300.00 from the A1490.415 Public Works trees account to the A1490.420 Public Works signs and signals account;
$7,401.00 from the A1620.424 Buildings fuel account and dispersed as follows:
$37.00 to the A1220.107 Supervisor's discretionary overtime personal services account,
$290.00 to the A1220.484 Supervisor office and miscellaneous account,
$7.00 to the A1355.484 Assessors office and miscellaneous account,
$5,000.00 to the A1620.423 Buildings electricity account,
$64.00 to the A1980.400 MTA payroll tax account,
$703.00 to the A6772.143 Nutrition Program cook personal services account, and
$1,300.00 to the A6776.144 Silver Circle therapeutic activities worker personal services account;
$4,388.00 from the A1620.476 Buildings computer services account to the A1620.276 Buildings computer equipment account;
$3,456.00 from the A1620.483 Buildings telephones account and dispersed as follows:
$2,895.00 to the A1010.497 Town Board professional services account,
$475.00 to the A5182.400 Street Lighting account, and
$86.00 to the A6776.144 Silver Circle therapeutic activities worker personal services account;
$785.32 from the A3120.111 Police Department part time police personal services account to the A3120.110 Police Department regular overtime account;
$2,003.05 from the A3120.483 Police Department telephones account to the A3120.487-9 Police Department part time uniforms account;
$1,117.39 from the A3120.485 Police Department car maintenance account to the A3120.486 Police Department car gas and oil account;
$110.00 from the A4560.424 Medical Center fuel account to the A4560.408 Medical Center maintenance account;
$20.00 from the A6775.484 Residential Repair office and miscellaneous account to the A6775.439 Residential Repair supplies account;
$40.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.445 Silver Circle utilities account;
$250.00 from the A7320.200 Youth Center equipment account to the A7320.408 Youth Center maintenance account;
$30.00 from the A7620.400 Recreation adult programs account to the A6778.485 Recreation senior programs account;
$60.00 from the A8160.104 Landfill hazmat personal services account to the A8160.105 Landfill hazmat personal services account;
$1,180.00 from the B3620.485 Building Inspector car maintenance account and dispersed as follows:
$1.00 to the B3620.101 Building Inspector personal services account,
$379.00 to the B3620.103 Building Inspector clerk personal services account,
$1.00 to the B8010.101 Zoning Officer personal services account,
$379.00 to the B8010.103 Zoning clerk personal services account, and
$420.00 to the B8030.800 Part Town Social Security account;
$356.00 from the B8012.484 Zoning Board of Appeals office and miscellaneous account to the B8012.102 ZBA Clerk personal services account;
$4,660.00 from the DR5110.480 Highway Repair & Improvements MS4 account to the DR5110.441 Highway Repair & Improvements fuel account;

$600.00 from the DS5140.481 Highway Brush & Weeds safety gear account to the DS5140.447 Highway Brush & Weeds outside contractors account; and
$5.00 from the DS5142.147 Highway Snow Removal personal services account to the DS5142.447 Highway Snow removal contractual account; and

BE IT FURTHER RESOLVED, That the following 2015 transferal of funds is hereby approved:
$4,590.00 from the A1990.400 Contingent account to the A4540.102 EMS Director personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 100

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

BE IT RESOLVED, That 2014 general claims numbered 2111 through 2204 in the amount of $54,175.55, 2014 highway claims numbered 254 through 265 in the amount of $14,045.82, 2014 West Neck Water claims numbered 52 through 54 in the amount of $1,571.93, 2015 general claims numbered 1 through 47 in the amount of $148,773.32, and 2015 highway claims numbered 1 through 6 in the amount of $1,952.60 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 Margaret J. Dooley, 21 Rocky Point Terrace, for permission to remove 210' of existing bulkhead and construct 210' of new bulkhead in-place, construct new 12' return at north end, fill void areas landward of the new bulkhead with approximately 75 cubic yards of clean trucked-in fill, regrade areas and revegetate with native plantings to match existing.

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: WMAC met and discussed this on December 1st and they were unanimously in favor 7 - 0, the repair needs to be done.

The 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 4:56 p. m. and called to order the public hearing to be held as advertised on the application of Congdon Point, LLC, 34 A North Cartwright Road, for permission to remove existing 32" by 14' seasonal aluminum ramp and 6' by 20' seasonal floating dock with two 2-pile anchor dolphins, construct a 4' by 32' fixed dock extension to the offshore end of the existing fixed dock, reinstall existing 32" by 14' seasonal aluminum ramp and 6' by 20' seasonal floating dock with two 2-pile anchor dolphins at offshore end, repair existing floating dock as necessary, install two new 8" diameter mooring piling, and install two 8,000 pound elevator style boat lifts on opposite sides of the new fixed dock extension in Coecles Harbor.

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 WMAC met and discussed this application on the 8th, it was 0 in favor 5 against and then I heard from the remaining two members that were not at the meeting, one called and one e-mailed, they were both against it, the reasons from the members that were present, we have not allowed any lifts in inside waters and only outside waters up to 8,000 pounds, we never had an application or issued more than one lift and again only in outside waters, one of the members pointed out that and I hadn't caught it, that the dock is actually a pre-existing nonconforming dock because of the setback at the inshore end of it, no matter how, whether you measure from the extension of the property line or the property line going perpendicular from the shoreline, it's still only about one foot from the start of it so it is technically you know, a pre-

existing non-conforming dock, the length the applicant is asking for exceeds Town Code and they were concerned about precedence and they were other applications that they've denied and we turned down, we voted against four similar things, there's one, I can't think of the name of it but it will come to me, there was one and they were talking about that, I don't know who it was, sorry; how much did the length exceed; I think it was 135 feet or something like that Jack; 132, 132.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jack Costello on behalf of the applicant, this piece of property is like unique in nature and considering it is so far away from the house and it doesn't really interfere with navigation, that's why we went with the expansion, there's no other neighbors around this piece of property, St. Gabriel's is next to it but it is pretty far set back from the __ that they're, there are other boatlifts in protected waters like Menantic, they're probably pre-existing, they were pre-built, they've been there for a while, certainly this piece of property is not considered open waters but have you been in there, I know the problems that, like John Needham has had with the marina there and several people down that easterly coastline although it is not considered outside waters, it should be treated as outside waters, and like I said considering the distance of any neighboring properties, this particular proposal doesn't really affect anybody, it's not an eyesore, it's not really in anybody's way and considering the distance to the next piece of land, you know it can generate a large wave of activities __ approve it in locations and like I said, there are other boatlifts inside protected waters of Shelter Island, specifically in Menantic which is completely, completely protected, like I said pre-existing __, as far as any setback, I mean this is the best spot on the property to have the dock, certainly it would be wrong to move the whole structure to accommodate whatever concerns there were with the setback, if you would like to consider it being moved, there is an existing structure which is there, it would be the most economical and you know, a very simple thing to do, considering there are no neighborly issues with it, there's been plenty of boat damage there at that dock and you know, as you all know it's a big piece of property on the waterfront and it doesn't seem to really affect anybody and I think it has just as much abuse there as any outside; Jack, looking at it, if they are willing to move the dock, I guess there is really no other place that is easier; you know this is our first course of action, we haven't really, when I had the whole property hydrographed, I do have that knowledge but we didn't know if that was something the Town Board wanted to talk about and I don't know if using the smaller lifts would be something you guys would consider in this application, I kind of wanted to get a feel for what the council thought; so I don't think it mentions, what size boats do they have, what are the weights of the two boats that they have for the; well that was gonna be up in the air really, the lifts that we requested are 8,000 pound lifts because that's basically the overall of what Shelter Island, the maximum and that's what we're gonna go for, the difference in load in a 4,000 pound lift and an 8,000 pound lift really isn't much of a difference, just the only difference is the size of the boat being lifted, the client has a 26 foot regulator that he wanted to get out of the water but as a fact, he has two small skiffs that have been damaged you know several times in other storms that he would be willing as a backoff stands, to you know to put the small lifts in and we can certainly move his conversation forward and discuss moving the location of the dock if there were setback concerns but basically like I said, you know, I just want to present myself and get; location and distance, right; what's that; just location or; well the location and to discuss other; well the length was more as recommended by the DEC; right, it jammed up; because even with the boatlifts, they still require two and a half feet of water; well is there any other place on the property they could; like I said I haven't talked to; okay; I __ researched that but I did take the liberty of having the whole piece of property with the hydrographic survey; well you can just look at that and just see, try to sketch if there is somewhere another option; the overall is I wanted to find out, considering how far away the next piece of land is, I understand you won't consider Coecles Harbor, it's a long way and it takes just as much abuse in there during northeast storms as outside land so I think it is a __ situation considering the boatlifts, we're not an eyesore for anybody to see considering that basically _ and this is something the council should consider in this particular application and like I'm saying, there's certainly wiggle room there as far as the tonnage goes; yeah, the one next to it, the one that is next to it that's owned by the State of New York; yeah New York State owns; yeah and past that is St. Gabriel's, it's a long way, it's a big piece of land there and like I say, around the other side, there's no neighbors that can see it because __ owns the point so basically the ones that can see this dock structure at all are the residents; and the elevator style lifts, they're very low profile and you don't really, you can't see the lifts really, just at low tide the boat's gonna be out of the water, it's more of a safety issue for the

boats you know and peace of mind to the client that when they're not on site, they won't have to worry about boats, it's kind of a unique situation because of the massive amount of distance there is between neighborhood properties; yeah it is a unique property; yeah it's beautiful and it's unique and it give peace of mind living on a site where the boats are gonna be safe, there's been plenty of problems there that can be documented, so we have, go ahead Chris; I was just thinking that, I'm not terribly familiar with the property but I don't believe I've ever seen a WMAC opinion on an application that had nobody in favor of it which makes me think that maybe the applicant or the agent should be having a conversation, maybe all of them should go, look at this and talk about water depth and necessities and all of these other things and bring it back to us for, it doesn't make sense for, at least for me, I can't speak with any; __ I'll recommend to meet with them __ and I'll recommend that they watch the tape of Jack's presentation so they can kind of hear; I had a lot of information ____ it needs to go back to them; I was gonna ask, you obviously weren't at that meeting; no I was not; do you ever attend them; ___ I __ do, I usually find out the day after, but I'd certainly be willing to do that, then I could find out the Council's opinion on the whole thing and whether they would consider this application a little bid different considering it's not protected in some waters, you an close it ___ and like I said, it's unique in a way, there are no neighbors; it is unique __; right; __ the top of the Board; if you have that, it's just interesting to see, I don't know if it gets any deeper going to the south; there was no noticeable __ spot that would have been less and out of everybody's way but certainly ___ with the State and you were concerned about I mean like I said this is the sort of conversation I want to see how you guys felt about, it's closed waters but it's not protected in any way; well I think in the past, I think the majority of the committee, correct me if I'm wrong, we haven't had that discussion in general but the majority of the committee is more against boatlifts than I am and you know that's just one of __ the application that, that's an issue with them; well boatlifts are part of it but I'm thinking of you know, we have a lot of things here, we have not one but two boatlifts, we have dock extension that's beyond what we usually have; right; and Jack may be right, the wave action may make that as dangerous as outside waters but by technical definition I believe it is inside waters and so we have to look at a whole lot of things here, some of which I just really feel I would be more comfortable if I brought a lot of the Jack with them, we still need a real recommendation from the WMAC that we could follow or something like that, it might not happen but at least; well Laury, how do we proceed while we're in the negotiations process or go back to the table process, how do we proceed with this, it's set up to vote for this tonight, obviously we're not, it doesn't appear that we're gonna do that, so how do we go because there is such a difference; did you want to refer it back to the WMAC to consider the comments made and see if that changes their recommendation and get a revised recommendation or the same recommendation and then go from there; hold open the hearing; I think you should in case they come up with some proposed changes; I'm very familiar with that part of; will you identify yourself please; Craig Wood; yeah, come on up; I'm very familiar with the water, with the parcel and the water because it's a very good shellfishing ground, there's lots of clamming on the inside in the cove and there's great scalloping right up to the dock, if the dock is extended three times longer than it currently is, it will give into where we were scalloping this year with great success so that's from a standpoint of location, that's the most optimal thing, the best location it's in; yeah unfortunately Jack we were concerned about the 132 feet, not only in it's absolute sense but there's the precedent and no matter how many times we claim this is unique, the next applicant will come in with the unique situation; I acknowledge that this is unique; right, right, right; but some people will assert that; and also if St. Gabe's were sold and split you'd be seeing several dock applications right along there, then you'd have that same argument kind of thing; I was wondering about that; it's a precedence; __, the whole precedence thing ___; we certainly will; as long as you have it __ the hydro; yeah I can actually leave you a copy right now; that's okay; and I think it was suggested by Chris and Laury to have the WMAC reconsider and also keep in mind the condition of invitation of Jack to come on down too to a meeting, that makes sense; yeah I'll come to the next meeting; thank you Jack; have a good day.

The Supervisor declared the public hearing recessed at 5:12 p. m. called to order the public hearing to be held as advertised on the proposed LOCAL LAW ENTITLED TOWN OF SHELTER ISLAND IRRIGATION REGULATIONS.

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

Correspondence included the following:

1. An e-mail from Doug Knight urging the Town Board to rethink the entire intent and structure of the proposed changes and make changes that ensure it will remain defensible.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: my name is Joe Hine, I live in the Heights and I'm the owner of a permeable tennis court, permeable means the water from the skies and from the sprinkling system we have goes through into the ground and what I'm here to talk about is I'd like to request that you guys consider giving people who have permeable tennis courts the same exemption that you gave greens and tees and presently irrigated fairways and golf courses, I think the argument is that the course uses less water, there are far fewer courts than there are greens and fairways and tees on this Island, I don't know how many, it would be a guess, if you guys play tennis, you play tennis, you play tennis and you play tennis, I would guess maybe a dozen or; well there's probably a few more but yeah; well maybe a few more but not a huge number of courts, most are hard surface courts I'm sure and the rational is, you need to water almost as much, just the same the golf thing does, it does to make them playable but they really need the water in the really hot weather like in July and August, we water our court in little if, we don't need water in May, we don't water in June but we do water in July and August when it's hot and by September and October we back off to maybe a few in September and then not in October, it's not a lot of water used but it's needed to make the courts playable, if you don't have water, the courts are just unusable all summer long and I think that's a hardship and an unnecessary one and the, I think also that the, it's sort of discriminatory, you can't say golf is a better sport than tennis, I mean, like all sports and half of the people are winners and separable and the other half are depressed __, it's not, there's no difference between the two sports except somehow there are probably a lot more golfers on the Island than there are tennis players so they have more political clout than I do; Joe, how much do you water, how often do you have to water is July and August, is it a daily thing or a half an hour or; oh it's nothing like than that, any day you want to play on it, it needs to be watered in July and August and, but only about ten minutes; okay, if you weren't going to play that day, you wouldn't do it at all; just the way that I do; we have a timer we can set but generally I just do it by, click it on when I'm playing and not click it on when I'm not playing and it's a hardship to go out and do it with the hand held hose and it takes forever and ever; there's been a discussion about courts cracking and things like that, it's been a period about being used or not used and so there was a need for watering whether you were playing or not; is that something you heard; yes; I've never experienced cracking; I think they were talking about clay courts in general; sometimes its clay courts, what they call har-tru or fast dry, the gray ones are har-tru fast dry and the reddish ones are clay; are they generally clay; it's a blend, a composite of like slate, ground slate and it has some gypsum or something, it's not real clay; so if it were to go for a certain period without watering, it wouldn't __; unless you wanted to play; right, the ten minutes, what I'm fishing for is the ten minutes of water you're asking for would be twenty or thirty minutes if it had been like two weeks since you played or any of that stuff; well it might if it really were like you say two weeks in July or August, you might have to water more than ten minutes the first time you water it but not much more; but it's a recoverable issue, it's not like ruining the surface if it's not watering; it wouldn't permanently __; you never heard of any cracking or anything like that; the surface cracking but it's not; well that's what I'm fishing for, the surface cracking like a river bed; __; okay; so I just think it's kind of unfair that the tennis players don't enjoy the same privileges that the golfers do and so, cause I think the meaning of this is great, you can't play, you can't use the court if you can't water it, so that's my recommendation, how the golf exception got there, I'm surprised at you Jim; as you said, more voters; yes that's right; and let me say, we did have regulations in there for tennis courts and we decided to completely exempt tennis courts from the irrigation regulations so that irrigating a tennis court is not even restricted by this Code; well that's my impression too, that's what I was wondering; I was thinking that; existing ones, not a new; there's nothing about tennis courts anymore at all, they're not covered by the irrigation; we scratched them; irrigation should be about sod or what, it keeps talking about watering grass and that's the language that I remember reading in the legislation; it's for application of water to land, soil or turf; turf; do you consider your tennis court to be turf; no; yeah so then it doesn't cover it, what you are doing on your tennis court is not even considered here; okay; yeah we scratched that; we don't want to discriminate against; let's have a game at 5:45; thank you very much; thanks Joe; hello, thank you for having this hearing, my name is Martin Hurwitz, I live in the Shorewood area, right near Ward's Point, for the record, I've had an irrigation system since about 1986 or 87, I don't remember the exact date, it's a system that was professionally installed by a licensed contractor and I conform to all the existing regulations that is to say, I have a rain gauge

which was required by this Town a few years after I had the system installed, I installed that and I maintain the system in the proper manner, I'm here to say that I am pleased that the Board is going to be taking the matter seriously, obviously they are taking it seriously but they're not cutting off irrigation all together, it was my fear a while ago about a year ago that I would have to shut down the system and no one would be able to irrigate, this document as far as I read it and I've read it in detail appears to address all of the major concerns, my concern in addition to water conservation is water protection by which I mean that I don't use fertilizers, I don't use weed killers on my lawn, I think it's as important to conserve water as it is to protect it from poisoning, from bad chemicals being introduced into the soil, that issue of the fertilization is not addressed in here, it may very well as far as I'm concerned it probably should be but that's up to the Board to determine, at any rate, I just wanted to express my feeling that it's a good thing that we're able to, we hopefully will be able to keep our lawns from burning up in July and August and I would pledge to follow the rules whatever they may be and; you saw the rules we put in there, they don't seem onerous to you; no they do not, they do not seem onerous, there are a few terms that I'm not aware of, I don't know whether I'm near the near shore or not so near shore, what I call that, and I'm not sure about my own permits to use this system, I don't believe I was required in the years that I first had it installed by an outfit called S & L Irrigation, I never asked for a permit, I didn't know one was required at the time but of course I'm willing to get a permit to continue to use it; you're not alone in that; I'm not; no; is it true that it was not required; do you have any idea when it was put in; 86 or 87; well in 96 it started, I believe it was 96 when a permit was required to put them in; not only that but the Code said that any, back in 96 or actually 95, the Code required any existing systems to come in and get a permit to get it to remain in place so anything that was pre 96 was supposed to have gotten the permit; well I'm sorry, I really was not aware of that, the issue was not brought up but we still; we didn't broadcast it very well, that's right; okay, well that's my comment; thank you Marty very much, we all worked, some more than others, worked very hard on this draft but we're not wed to it so we very much welcome to a public hearing like this and hearing from all of you so don't feel that all reluctant to come on up and tell us, please come on up and tell us how we can improve our game; hello, I'm Peter Levinson, 23 Winthrop, I appreciate all the work and I know lots of hours have gone into this, so in regard to the law which I have read carefully, I understand certainly that the purpose of this is water conservation and the law that seems a little unclear to me is the very specific reference to turf irrigation systems, many of the irrigation systems including the one that I have which was applied, permitted and re-permitted in 96, I guess it was installed in 86 and permitted again in 96 when the new regulations came out, was in the irrigation system, it wasn't specifically a turf irrigation system therefore it watered more than just lawn and I would appreciate and I think the Board appreciates and is written in the spirit of the law that the, there are other things that one waters and we have a vegetable garden, we have shrubs and those things are most efficiently watered by drip and not by spray and there's nothing in the law as it's written that talks to that, it really seems quite onerous so for instance if someone had a large lawn and they chose to switch it to shrubs and they wanted to take out their spray heads and put in drip irrigation to water shrubs, they would be penalized or either ambiguous or you'd be penalized because he's therefore have to go to a cistern and you couldn't use your grandfathering system so I would just ask you to look at that portion of the law as it's written and see if it doesn't discourage people from, or at least these grandfathered systems from reducing the amount of the lawn that they have, increasing the amount of the shrubs they and in effect using less water with the drip irrigation so I appreciate if you would look at that; thank you very much, I keep a vegetable garden and we have an exemption, 82 - 10, land use and agricultural production is exempt and I assume that means us folks who have vegetable gardens or is it more; I don't think it is intended to; is it commercial; it doesn't say commercial; no; it just says agricultural; we do allow pretty extensive drip irrigation systems; not in Near Shore, it's actually very limited, if you read it specifically; yeah Near Shore we do; and so indeed if I were to keep my spray and not have drip, I would be using much more water and it would be as of right and so I think that a more effective regulation would be to at least look at that; you're saying you spray, basically right now you have it set up as both bed and lawn; I mean the fact was in an effort to be more efficient, forgiving some spray heads and change them to drip and I've reduced some of the lawn and indeed in your Code it does say that turf irrigation systems can be modified to the extent that they are modified to make them more efficient, I would think that that would fall into that category but then it goes on to specifically define turf irrigation as grasses less then three or six inches so it doesn't talk to things that are turf; six; six so it doesn't talk to things that aren't turf and less turf is probably more in keeping with what you guys, you know, with that the Town is looking for so that's my point; I appreciate that; thanks Peter, good input, yes sir, come

on up; hello, how are you doing, Dan Fokine, Midway Road, I'd just like to discuss the exemptions section, section 82 - 10; right; I definitely appreciate your maintaining the exemption for agricultural use and I do think it's important on Shelter Island to be specific that some agricultural use will not fall under a commercial agricultural exemption or tax status, having agricultural land with tax status and it is not always easy to acquire, it usually takes about four years with a production to fall under that category so I ask that you guys maintain a certain __ for people who are trying to have a vegetable garden, trying to have a farmer's market garden or even a small agricultural production facility on private land, not that is not officially agricultural; yeah I'm sympathetic to that as I mentioned earlier; yes and I'm glad that you guys kept that, __ ambiguous, thank you; yeah it's a little like an exemption; exactly; we'll take a second look; it's probably a fifth look; yeah; it's probably a seventeenth look; yeah some of our irrigation committee and subcommittee have worked very hard on this and I think they produced a pretty solid draft, John, please; John Hallman, I'm Chairman of the Water Advisory Committee, I would like to commend the Town Board in the new regulations, it's much more precise and it's much better, there's still some things in there which I think need to be looked after, one thing I would like to say about Mr. Hurwitz's area, it's a very fragile area and not long ago I had to do a well across the street from his house and the chlorides came up over 2500 and they wanted to use it and I said you're not gonna be able to use it because the Health Department is not gonna let you, well what do we do, there's not much you're gonna but put another well some place as long as you have the setbacks and everything, so I know that area is very fragile, anything on the south side, Silver Beach, Hidden Path, very fragile; ___; pardon; what was the cause of the individual that you were referring to, their problem with the salt, do you recall; either the well is too deep or they're using it for irrigation; do they have an irrigation system; they did not that I know of, they might have done it by hand watering; if we could go over some of this stuff, I talked about the backflow prevention device and you left it in; give us the section of which one you are in; it's, oh yeah here it is, it's on the top of page two, backflow prevention device; unless whoever is gonna be inspecting these things, know what it is, you know, forget about it, it goes by the degree of hazard, is the Building Inspector gonna say here you've got to do this or you've got to do that, he doesn't know one from the other; possibly; you put a lot of new stuff in there which is really good, however on page 3, 82-5 irrigation permit, down in number 3 you've got soaker hose, you gotta get those soaker hoses out of there, let me give you a little story, I operate West Neck Water and I read the water meters for West Neck Water, one of our customers had hedge put in all around his property, the property is not big at all, it was done by a local contractor, landscaper, what do you think he used, soaker hose, they used 324,000 gallons of water in three months, I'm telling you, get away with it, do away with it, it's crazy; don't we have a footage __; yeah I think we allowed like a very small area like the size between these tables; __ soaker hose, you've got drip or a soaker hose; we only allowed 50 feet of soaker hose; it didn't say that; __ John; ___ 10 G; oh good; I know we talked about that; are you happy with that John; sure; you are right, soaker hose is highly discouraged, it says up to 50 feet; we've tried, why not take it out; we cut the baby in half; we understand your point; if we don't, we've got a big debate on that; on page 5 or 6, 5 I guess, under drip irrigation requirements, 82-8, we discussed this at our last meeting, drip irrigation systems should only be used for non-turf irrigation for areas not exceeding 3,000 square feet, is that of lawn or what, 3,000 feet is not a lot; right, it was like, from what we understood that there were sometimes people wanted to do a small area of grass like around a pool enclosure and there was reason for that, Walter was the one that brought that up, he may be able to explain that a little more, I thought it was just in a limited area like around a pool, right Paul; yes, exactly; okay; __ there was no __; another thing on the next page, number 1, it shall not emit more than one gallon per hour per emitter, linear foot with a maximum 1500 emitters, you know you're talking about that much, pushing out that much water, it comes to about 25 gallons a minute but most wells or pumps, residential only put out 20 gallons, that's at the pump, with pipe friction and stuff, I don't know what you're gonna get, you're not gonna get, you know you're not gonna do it with that, down on 82-9 you've changed the hours of operation, it used to be 10 p. m. til 6 a. m., you've widened it out so that now 5 o'clock in the afternoon in the summer, you know you still got a lot of sun; yeah; and the same thing, 9 o'clock in the morning, anything that you put in on the whatever is gonna be burned off by the sun, why don't you put it back to what it was; just to make it reasonable for people to actually do it, you know, you're getting up at dawn or you're staying up til dark; it's automatic; it's automatic; automatic stuff, oh I thought we were referring to hand watering, I'm sorry; I have to say John, maybe at one point it was but even now in the current Code it's between 5 p. m. and 9 a. m.; __ we didn't change that; so it's all irrigation

systems, that's the way the Code reads now; it's for underground irrigation systems; yes, I mean it may have been at some previous time but that's not the way it is; if you go at 5, once you water something, if it doesn't get a chance to dry out, you know, you're promoting fungus; well the reason to do it at night is because you're not losing it and it does get a chance to get into the soil, into the roots, so you know; our point ultimately is that we didn't change that; well I thought it was always 10 or 9 to 5 or 9 to 5, 10 at night til 5 o'clock; and you say consider tightening; I would, yeah; what is your suggestion; 10 til 5, 10 at night til 5 in the morning and it appears to be oh what are you gonna do about you know diseases, well it doesn't seem to happen you know with water staying on the grass, funguses and things like that, on number 2 you've got 45 minutes per zone twice a week, now the regulation was always an inch a week was more than enough, if you're doing 45 minutes per zone, you're talking about 900 gallons per zone; __ again, I'm sorry; page 6, 82.9, that's 900 gallons per zone, what if they've got 10 zones, you know it used to be twenty minutes, what's wrong, if it's done properly you've got to have somebody doing an audit and see, put a can out and see when you get an inch of water and only once a week; an inch a week is usually enough; right so what are you doing here, 45 minutes, how much is that, it should be part of the audit; right; to say well how much do you really need, do you need; the shallow water isn't so good as deeper water so the short period of time, you may get the same mass but it would be shallow rooting and then ultimately; have you seen you know if they're going by Code now, how many irrigated lawns are not green; by Code now, I mean I couldn't attest to that; I think it's twenty minutes per zone; I can't swear to that; you know you've straightened a lot of stuff out which is good however you know how I feel, you're not gonna let me; oh here we go; it's the most consumptive use of our drinking water, let's get to basics, you're taking care of the money people while you're exceeding your authority for those people who don't have good water to drink, look at people on the south side of the Island, you're telling everyone that you'll take care of the money people and let the rest of us drink saltwater, do what the Water Advisory Committee and the previous Town Board had agreed to thirteen years ago, kill this regulation, I said it many times, I'm getting tired, I'm getting tired of this; no, hang in there; _ hear that; I just, you know, it's gonna come to the point where our drinking water is all that we're gonna have, why can't we keep it; __ address that you know, anything that we've heard suggests that irrigation as it is now is the cause of most of the intrusion issues of any of them that we've had so how does actually condemn the poor man to drinking salt is what I'm trying to get to, I'm not really buying into that; why not, what are you doing for those people that are, don't have drinking water, what is the Town Board doing, they should be, you have the authority to so something, you're giving the authority to other people to use it for whatever they want; what suggestions do you have; pardon; what suggestion do you have; we've got to, you've got to do something to take care of your people, they're paying taxes and you know if they can't drink the water, maybe they shouldn't be paying taxes, I'm not saying that, I'm saying; you said it; I'm saying that you've got to take care of those people that don't have good drinking water, there's many ways you can do it but you know somebody's got to lead, take the bull by the horns; it may require John, tearing down houses in the fragile zone and moving them somewhere or something, I mean I'm not sure we have you know; three hundred years of activity that's happened here, I don't think that we could cure it in fifteen minutes; no, no, I'm not saying that at all but you've got to have some direction, that's all, thank you; thanks John; thanks, yes please; thanks for having this hearing, my name is Craig Wood, thanks to everyone who has spoken with a lot of great stuff, I want to say I'm not opposed to watering the lawns, we really have to and we have the resource, those are great questions to answer and I'm not one that's gonna answer those, my issues are, Martin spoke, about pesticides, the chemicals and the fertilizers and all of these things that flow into our bays, our freshwater and the avenue that helps get into our water is irrigation, I mean it really does, it's a quick way to speed that delivery into the aquifer, before I continue, are we, the law that is addressed to 82, Chapter 82 but Chapter 133 of the Near Shore zone, still has ___ complete exclusion; yeah; that's staying in place; no, and you raise a good point, it was an oversight on the irrigation committee's part that did a great job and our subcommittee did a very, I read the law as if for the first time last night and I think a real good job has been done, it needs a little more tweaking but something that was not, may have been overlooked is that as you say section 2 of Chapter 133; it is the Near Shore zone; yeah, they plan to clean that up as part of; in my mind I think everyone said that that was going to remain in exclusion __ and we won't have; that's not our current thinking; at this point so what I say when I'm speaking about pesticides, this is something new around Town in the past ten years, we've really started spraying the lawns heavily to kill ticks and there's a lot of that put in our water, it used to be the fertilizers were the problem for killing the fish and our marine life and they've scaled back on phosphates in the fertilizers and hopefully it's better now

although it's still heavy salts into our aquifers but the pesticides are, the minute they touch our water they start killing things and they don't just disappear, they stay and they keep going, a delivery mechanism to get that in so that's my concern; are you saying you want to ban irrigation generally in the Near Shore in its entirety, well; I'm trying to get ___; certainly, if it were my Island and I was the king, I would say there is no watering, that's just clear, for a lawn or turf, that's another, maybe we need to look at pesticides, maybe we need to look at the applications of pesticides, maybe we need to look at when we do apply pesticides, don't water for two weeks or however long it is, I don't know how long it takes for that stuff to fully dissipate into the air, I don't know what happens, maybe it stays in the ground, there is no perfect timing; you raised a legitimate point, it's just that this was already a __ effort and if we got wrestling around __ which is actually regulated by __; I understand it, I really have concerns about, if we stop watering, it will slow down that mechanism from bringing that stuff into our bays, would it stop it completely, would it just slow it down; __ because if the turf is properly hydrated, it's more receptive to water, that's like your runoff; well no matter what, it's going, in the Near Shore zone, it's going into the aquifer; I'm not a big fan of pesticides, I don't use the stuff you know; unfortunately it seems; anecdotally the irrigator knows who uses pesticides; that's true; Craig we have an informal rule and you have some time left, we usually limit the initial speaking to three minutes so I'll say you have another minute or so and that's okay; in the current law, I would like to make sure that you, I think it's a good opportunity to take the agricultural exemption and encourage people to have vegetable gardens, it's a great thing on the Island and I would like, I would love to see that we expand that, we should say including but not limited to watering __, also there's a lot of questions about how much the fees are going to be and if there's any caps on what the people that come and do the inspections can charge you, if you have rates for those things; we haven't reached that yet, we'll do that, if we pass a law which we probably will at some point; anyway you've probably had preliminary conversation; yeah we've had, we kicked around but no decisions; so I do appreciate agricultural uses, it's fair and I think it's very important that people should be encouraged to be able to water their vegetable gardens and I just you know, I think we all came here for, choose to live here because of the quality of our __ and at some level or view, we swim, we fish or we do, we interact with our water and this mechanism of watering lawns will bring _ causes issues in those bays, one last point, is if we are grandfathering and if we are making it so that they continue to water turf and lawns, if you look at the Near Shore zone, there are a number of requirements that we have in the Near Shore zoning to limit the runoff and maybe this is the opportunity to grandfather all of these in to make them step up to some of these, specifically the __ to the water and if we can you know and that's kind of the beauty of knowing, this is your chance to try to get some stuff into compliance, get some of the pieces of property into compliance, we will stop our own; thank you very much, good point; I'm Ken Pysher, resident of Silver Beach and also a member of the Water Advisory Committee, and I don't go quite as far as John even though I agree with him regarding irrigation systems should not be on Shelter Island mainly because of the difficulty in managing this which I heard nothing about regarding the system that you're gonna be using, the people that would require to follow up with a permitting process yearly, the people that installed these systems and their permitting and clearances or whatever, I'd be very interested in the next phase of this if the law is passed regarding how you intend to manage the project and report on it, hopefully on a yearly basis, my big concern other than that would be that the Near Shore area even with the grandfathering for instance of systems in the Near Shore area, you're putting in a situation that can only get worse over time, mainly due to sea level rise which the study which you paid for or some folks paid for, did not address at all in any part of it, while there were good studies that were done regarding sea level rise that were not included in the study even though I sent e-mails and so forth to the team, they discounted this information so I came up with the idea of possibly saying it's a bit of an __, we have to agree, some people will say there's no such thing, other people say the sea level is going up, there are deniers out there, the latest information that they're giving now using satellite data instead of rain gauges and things like that is that sea levels are rising about three millimeters per year and that it's even faster, the acceleration is even faster essentially from now moving forward, I think that the law should take into some consideration, a review at some time in the future because this is coming on to us so there's no question that sea levels are gonna go up, the Near Shore area is the first place it's gonna hit, the issue of not only rising sea level affecting the property values of those homes but also the issue of contamination of the septic systems and the water in them being pushed back, raised higher and possibly contaminating your well so it's an exacerbating situation, of all places, this is my last comment on it, I feel as though there should not be the grandfathering capability in the

Near Shore area unless again cisterns would be demanded of them in addition to the requirement of and that's not even in there, just to upgrade it, I think it's an optional thing, on the __ so that's to be considered, the time to maybe review the law in some number of years, I know that some other Board will be doing it but my thought is it's a dynamic situation, we're gonna be getting some new information so to make and this all I think good things for the people putting in irrigation systems and that it's kind of an unknown, in other words there is nothing totally definite on this, this could be a great idea, it may __ a lot of __, we may just walk out on the whole thing too but it at least gives the Town an out for saying well we didn't know, we're gonna review it in another fifteen years or something like that and it gives you a chance to say well we told you we'd review it, thank you; I should mention and I'm sure you're aware of it Ken, it's a draft law and the Town Board worries the same point about conditions changing maybe dramatically, maybe slowly, maybe not at all and we put in 82-2, Town Board reserves the right to adjust or eliminate irrigation regulations as water conditions change so at least we're recognizing and then we have I think an excellent provision, 82-13 notwithstanding this very lengthy law, seven pages, emergency rules are authorized whenever the Town Board shall determine that emergency conditions exist, we may prescribe rules or future Town Boards may prescribe rules for the future regulations, I can say the current Town Board, all five of us wouldn't hesitate to do that, change conditions, it's sort of a dramatic term, so we worry that issue, I'm not saying our solution is perfect but we try to cover it to some degree anyway; there is an annual chloride test involved to get your permit so it's not; that's true, Marty; yes, is there, I can't remember what; that happens to me all the time; can you spell out the times of which the Board or committee of the Board would call a halt to the irrigation because it's from extreme drought conditions, is there some language that you can introduce that would permit you under certain circumstances and then call a halt, a water emergency or a five year drought; I think it might, it could be done a little regionally because you could have all the wells in Silver Beach go down, the test wells, and we may want to do it there but it may be fine in other parts of the Island so you may not, we've talked about this with different wording and that stuff but I think it's almost safe in leaving at the discretion, it's kind of; because I was curious to know how that would work; well it would be, we were thinking it would be at the discretion of the Town Board at the time, hearing from John's waterways advisory committee who keep very close monitoring on it, I'll just quickly read the emergency rules sentence which doesn't go as far as you would like I think, the Town Board, whenever the Town Board shall determine that emergency conditions exist, potentially creating a shortage of the normal water supply either throughout the Town of in any particular area, the Town Board may prescribe rules for the future regulation and restriction or use of irrigation systems and other consumptive water uses, and they can do that, it will have the effect of a local law immediately so we think the Town Board can act if something comes up, that's as specific as we currently feel it should get; okay; I don't mean to prolong this, there are types of reeds of grass, species of grass that require much less watering than any of the rest, it would seem to be advisable or helpful to encourage the use of certain identified specifically identified grasses that require less water and so that would be a way of looking to the future, we know, agriculture determining all sorts of ways in which less water is used all over the world and this is one of the reasons, the turf situation could be ameliorated and also I want to emphasize if I may, the discouragement of the use of pesticides and fertilizer as well, there are many things one can do to create a healthy lawn, one is thatching, thatching is a very important process, thatching is aerating the soil, getting rid of the dead grasses and allowing water to penetrate more readily into the soil, I started thatching my lawn a couple of years ago and it's done with a device that combs, a vigorous combing of the turf, as I say, it gets rid of the dead grass, allows the penetration of the water that is applied, more rapidly into the soil so it would seem to me that that could be somehow incorporated, encouraging a good species of grass, other means we can avoid fertilizer including thatching to get air in, aerating the lawn; also compost from the Town dump is very good, just lightly spread on your lawn, is better than fertilizer, right now you spread it on your lawn; Walter have you had any experience with thatching in your, come on up, make a comment on it, on a couple of these suggestions; I don't have much, I was on the Committee and a lot of hours went in and a lot of research which addressed pretty much everything that everybody has said up here tonight, one of the things that I had written down on the hours, that was actually kind of going along with Cornell's recommendations on watering infrequently and shallower and that's why we changed it from frequently twenty minutes for three nights to twice a week deeper, so that's where that number came from, as far as the pesticide and fertilizer discussion that has come up here, pesticides are regulated by the State of New York and they are very difficult for a Town to do, I'm not saying that the Town should not take that challenge on, there's a lot of history there and there's a lot of regulation that goes on with

that, I'm a licensed applicator and there's a lot of regulation that I have to follow through including continuing education credits and with that comes things that are driving the industry right now with compost, with compost __, with proper soil management, that's the way the whole industry is moving and it's really exciting because one of the things I am kind of equated to with capitalism driving us in that direction is the solar going up now, solar is going up everywhere because someone has figured out that it can be profitable and I think that the industry is going this way on the east end because people are realizing that we can't pollute ourselves with fertilizer in water so people are willing to pay not to have that happen and I think that's going to happen and I think that's going to ultimately happen and I'm hoping that there wouldn't have to be a regulation on that because there already is regulations through the County with fertilizers and through the State with pesticides so I'm not so sure that that is something is gonna be necessary in the future, as far as, that's where the thatching discussion comes in, thatching is typically for southern grasses, aeration is more important here to do what you said, to get the water to penetrate deeper when you do have natural rains, the only other thing that I picked up on as far as the law goes, those 2 or 3 people so far have talked about systems that I don't believe are permitted so there are gonna be some people that have not been permitted and think they are and they're gonna be upset about that, I don't know how to handle that but there's definitely a handful of people out there that have old systems and they're gonna say I thought I had a permit for it but they're not on that list; yeah; that includes me; yeah, well yeah __ gonna look at that but other than that I think it's a very balanced Code, I don't think it takes anything away from anybody and I don't think it's overusing a resource that we have, based on the science and all the research that was done by not only the hydrologist that was hired to do this, but the Committee and the previous reports that had been done so; thank you Walter; you said that pesticides are regulated I assume for turf, does that include the pesticides that are being applied for the ticks; perfect, perfect question, I think that, I have to look into, the problem with the State is that it takes a long time to get the reports out, so I have to report every time I apply a pesticide, I send that in by February 1st every year and then they compile statistics so they have historical data on what's been applied on Shelter Island, legally, legally, and I don't know what the mix of pesticides that are applied for vegetation purposes versus public health for ticks, most of the spraying that you see, I mean I would say at least in my opinion, 95% of the spraying that you see is for ticks on Shelter Island so it's a public health issue more than an irrigation issue to me, the use of pesticides to, or it's called an herbicide because it controls a weed, again those are being, through education we're trying to reduce the use of those through establishing a __ of turf grass so they don't have to be used and you can do that through your compost, through your aeration, through those means rather than applying an herbicide, back when I first started, those are the days of true green chemlawn, here's your contractor, there's 1500 applications, you don't have to worry about a thing, those days couldn't be far from over, that's like the 1957 Chevy compared to your Toyota Prius and that's really the direction that the industry is moving in, so I don't think that this Irrigation Code can really be linked to the pesticide problem, I think that the public health and the permethrin is really a majority of pesticide use on Shelter Island, not to mention structural, you know structural 2 by 4's, structural pesticides for termites and rodents; for houses; and there's a lot of reporting for that, you know there's a lot of __ on the Island so that's another whole area, that's why it's regulated by the State and not by the Towns; what about the __ used on the spreader like for nematodes and things like that; what's that; don't you think once in a while out of a spreader, you did it on my mom's property you know for nematodes that the crows are eating; oh the grubs, one of the most widely used insecticides now and probably one of the most widely used insecticides would be for grubs, grub activity, there is milky spore disease which can control grub use and again that's another thing __ that you put in pavement now and catch the water, so that goes hand in hand with everything that's trying to happen here so I think everything is moving in a good direction including this Code; thanks Walt, I'm on the County tick advisory committee and we have two pesticide guys on that committee, East End Pesticide, I think and they are pretty responsible participants in our discussions and the say every time they apply permethrin to a lawn to combat ticks, they have to make a filing with both the County Board of Health and the State DEC, now whether that filing just piles up in a filing cabinet, I don't know but they have to file every time they do it so the record is there, whether it is used for any productive purpose; I will look and see if I can find the record if I; yeah please, I would appreciate that, this has been a very, very good discussion, my colleagues and I, we really feel we've learned a lot but I'm happy to, if anyone feels they haven't had a chance to speak up; yeah, they're done out there, I have a thing to relay from someone that gave me a letter; fine, please Paul; from Wendy Mead, she asked if you would consider regulations to take into consideration that one size fits all regulation would be unfair and arbitrary

given the fact that the aquifer is so fragmented and disconnected, she has no pool and spends the summer dragging hoses and sprinklers around for a very small front yard so she asked that we try not to __ the law just to quiet the loud voices whoever they might be and also __ a law that can't be enforced except neighbor by neighbor would not be good for Shelter Island which I am inclined to agree with and Howard Johansen also sent me a bunch of suggestions but most of them were language issues you know ___ that I'll pass to you guys, alright; thank you; I have one more thing; yes Walter; it just popped into my head and I think it's worth the Town Board knowing this and since Dan brought up or Craig brought up, I don't know, about the compost of the Town, I've used it at my own house and I actually had it tested in multiple locations throughout the landfill and Jay is working very hard to get the beneficial fungi and bacteria population in that compost so it can be a usable product, so those efforts are really happening on Shelter Island you know and it goes hand in hand with this Code right here; okay, thanks, yes please; just a small question, how are you going to fee this new law; yeah we've discussed that, actually this week had some extensive discussions, it's an issue we'll take on after we pass the law although we're talking about it now, as the law says, the Building Department, code enforcement officer and the Police Department will both be charged with enforcement and we're just talking and there's no consensus but as someone asked, I think Craig did about fees, we're thinking, we, as you folks have emphasized today, such an important issue that we don't want to you know knock people's socks off with fees but we may come up with a comfortable enough fee, it won't be a whole lot of money so that we can hire a, certainly during the initial phase, a college student or someone else to work for the summer to help with the enforcement and get this thing going, cause the first year is gonna be a real challenge with the various permits so we realize this is a major part of it, you can't just pass a law and toss it on the shelf and we are, and this is gonna be a detailed enforcement and as the comment we just heard from Paul's friend, we don't want it to be neighbor to be snitching on neighbor, it's a Town responsibility to go around and do some enforcing and we're realizing it's a big job and we're perhaps and I don't think I have, we have a consensus yet, the Town Board will perhaps use the fees to be not killers but substantial enough to let us hire someone to be a full time, not a full time but a seasonal person who will work full time on this issue; so you've already made up your mind; what, no we haven't at all, this is if, if possible; and then we have the __; well we got a test, we don't want to pass a law that's a waste of time; right; there may be a few of those in the Code book frankly, pass a law, it sounds good, feels good and then nobody enforces it, we want this one to be for real if we pass, we haven't made up our mind but we're heading, as you can see with this detailed thing, we seem to be heading in the direction to passing, certainly we're not gonna act tonight; it's tough to put it on the Building Department because last year I saw, I was working on a house that they had installed an irrigation system, I said something to Billy Banks and uh, fine, everything is fine, so you know, I don't know how you're gonna enforce this; yeah it's a challenge but it so happens that I just don't want to, but Peter and I met with the Building Department this week on, and we discussed at great length and Laury was with us, this enforcement issue and yeah we, I think we're getting them on board, they realize and this getting a little help for them, seasonal help will make them feel more, warm and fuzzy, it's a major issue John and Mary but we're not ducking it, there's no sense passing a seven page law and then moving on to something else; I'd like to apply for that job; we had you in mind; isn't that a nighttime job, til 9 a. m.; that's right; I actually __ that we come to hiring somebody, I think if we're gonna hire somebody to inspect, we have to try and get somebody who knows what they are looking at; oh yeah; oh absolutely, what an infraction looks like; yeah, no we realize that, there are those people out there, there are those people out there, Laury I think I'm gonna close this public hearing, I'm closing this public hearing and thank you all very much, very much appreciated, it was a very constructive hour or so.

The Supervisor declared the public hearing closed at 6:13 p. m. and called to order the public hearing to be held as advertised on the application of Michael and Camille Anglin, 15 A South Menantic Road, for a wetlands permit for permission to add a living room, convert existing living room into bedroom and convert existing bedroom on second floor to an office.

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

Councilman Reich recused himself from participating in this public hearing.

The Supervisor called for a report from the Planning Board and Conservation Advisory Council, which were presented by Councilman Shepherd as follows:

The Conservation Advisory Council reported as follows:

Michael and Camille Anglin, 65 A South Menantic Road, submitted a wetlands application for a permit to remove a present cement/flagstone patio on the east side of their home and in its place, build an addition to be a living room. The present living room will be converted into a bedroom and the second floor bedroom will be converted into an office. The DEC sent a letter of non-jurisdiction.

The CAC discussed this application.

The CAC voted unanimously to approve the application as submitted.

The Planning Board reported as follows:

Re: **Anglin Wetlands application**

15A South Menantic Rd, SCTM #700-18-03-12.2, Zone C Residential within the Near Shore Overlay District

This is a 1.6 acre waterfront property on Menantic Creek with a man made freshwater pond. Since the proposed home addition is more than 250 feet from the Creek, it is not subject to a review based upon the Creek. It is the project's location within the 75 foot setback of the freshwater pond that brings this application to the Town Board.

The house was built in 1981, but we understand the pond was dug before, in 1979.

There is an **Oct 2, 1981 DEC determination letter for the Tidal Wetlands application for the house # TW S83-0162** that exempts this parcel or (project) from DEC review as the elevation is in excess of 10 feet above mean sea level. This letter reads similar to today's DEC Letter of No Jurisdiction. It does not appear that there have been any changes to the property's elevations since that date. The proposed project is at 14 ft elevation.

In Mary Wilson's denial letter of Nov 19, 2014, she refers to the pond as "..an area not regulated by the NYDEC but within the vegetative buffer according to our local wetlands ordinance."

We submit the following observations:

While there are interior changes to the house proposed, it is only the one story addition of 329 sq. ft over an existing patio that is addressed here. The proposal does not increase the footprint. The proposal does not increase the amount of bedrooms (4).

This developed property is owned by Michael & Camille Anglin with Camille owning the adjacent vacant property to the north and the adjacent developed property to the west.

The total acreage owned is 4.4 acres.

The septic system is well described as to type and size with a septic tank and three leaching pools. It is located on the far side of the house away from the pond with only the closed septic tank within the 100 ft setback.

We submit the following recommendation:

This is a small room addition, while only 59.7 feet from the freshwater pond, it replaces an already built patio. The applicant proposes a drywell to catch the roof runoff. The survey shows a semi circle of haybales, but the application refers to a silt fence, which the Town now prefers.

The proposal is so minor that the Planning Board recommends approval as presented.
Emory Breiner and John Kerr.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: are you here for the applicant; this is my parent's property; yeah just; I'm just here to sit and listen, they're in Arizona right now; your Dad's in Colorado; yes I believe he's about to go __; yeah he told me he was; yeah it's very exciting, he loves his trips; yeah he was very excited; short and sweet, there are no problems, nothing going on, right; that's right; it's a manmade pond apparently; kettlehole; it's a manmade pond; yeah it is; the DEC says okay, I'm okay with it; I am too.

The Supervisor declared the public hearing closed at 6:17 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 101

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Margaret J. Dooley, 21 Rocky Point Terrace, has petitioned the Town of Shelter Island for permission to remove 210' of existing bulkhead and construct 210' of new bulkhead in-place, construct new 12' return at north end, fill void areas landward of the new bulkhead with approximately 75 cubic yards of clean trucked-in fill, regrade areas and revegetate with native plantings to match existing, and

"Whereas", a public hearing was duly held on the 23rd day of January, 2015, 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 Councilman Reich and seconded by Councilman Shepherd, the meeting was adjourned at 6:21 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

February 13, 2015

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 February, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and approximately fifteen 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 emergency declaration of a 'State of Emergency' dated January 27, 2015, declared by Supervisor James D. Dougherty concerning winter storm Juno and the expected accumulations of snow and high winds.
2. A termination of the emergency declaration effective January 28, 2015 at 12 noon.
3. An e-mail from Sherman Engineering and Consulting requesting the Baddeley wetlands hearing which was scheduled for this date, be either opened and immediately recessed or be postponed.
4. A letter from Westmoreland Farms, Inc. concerning the condition of Westmoreland Drive.

The Supervisor presented the following financial report for the month of January, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JANUARY 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSE	BALANCE	CLASS
Gen. checking	-52,401.09	2,863,458.21	774,773.88	2,036,283.24	767,046.81
HwyChecking	65,243.66	1,060,523.81	120,587.57	1,005,179.90	0.00
T&AChecking	82,383.70	10,860,160.46	10,627,631.35	314,912.81	15,338.52
T&A Savings	12,216.04	0.30	0.00	12,216.34	
Hwy Cap Res	234,360.56	5.78	0.00	234,366.34	
WNW Supply	54,807.28	10,447.11	1,571.93	63,682.46	40,615.63
Taylor's Island	39,530.20	0.33	0.00	39,530.53	
Com Preserv	2,524,041.66	292,009.81	0.00	2,816,051.47	589,890.08
Waterways	206,763.03	35,658.50	0.00	242,421.53	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,706.37
Environ. Fund	13,750.00	0.00	0.00	13,750.00	
Amb.Reserve	304,023.83	12.82	0.00	304,036.65	
TOTALS	3,899,337.42	15,122,277.13	11,524,564.73	7,497,049.82	1,764,597.41

RESOLUTION NO. 102

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Marc Wein as a member of the Waterways Management Advisory Council expired on February 1, 2015, 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, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 103

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Bruce Jernick is hereby appointed to serve as Maintenance Mechanic II for the year 2015 at the rate of $22.89 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 104

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Janet Longtin is hereby appointed to serve as Detention Attendant for the year 2015 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. 105

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, 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 6, 2015, Callie Atkins was appointed to serve as Zumba Instructor for the year 2015, and

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

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

BE IT RESOLVED, That Callie Atkins is hereby reappointed to serve as Zumba Instructor for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 106

Councilwoman Lewis 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 funds received from the Department of Justice in the amounts of $1,050.00 and $2,727.47, and the funds received from the State of New York in the amount of $84,358.89 to the 2014 general fund, and the funds received from the Shelter Island Ambulance Foundation to the 2014 A4540.200 ambulance equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 107

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,929.00 from the 2015 A1010.496 Association of Towns account to Chase Card Services for the first night deposit for hotel rooms for Town officials attending the meetings.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 108

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That a petty cash account in the amount of $500.00 is hereby created for the Nutrition Program.

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

RESOLUTION NO. 109

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the regular meeting of the Town Board scheduled to be held at 4:30 p. m. on the 6th day of March, 2015, is hereby rescheduled to be held at 1 p. m. on the 3rd day of March, 2015 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. 110

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

BE IT RESOLVED, That the 8th paragraph of RESOLUTION NO. 78 - 2015 dated January 23, 2015 is hereby amended to read as follows: BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $700.00 for seven registration fees of $100.00 each plus a $310.00 continuing legal educational additional fee, and $245.00 late registration fees from the 2015 A1010.496 Association of Towns account for said pre-registration.

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

RESOLUTION NO. 111

Councilwoman Lewis 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 agreement between the County of Suffolk and the Town of Shelter Island for the period of January 1, 2015 through December 31, 2015 for the provision of funding for the nutrition program.

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

RESOLUTION NO. 112

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the Stipulation between the Town of Shelter Island and the Shelter Island Highway Benevolent Association to amend the contract concerning the position of Highway CEO and Bay Constable.

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

RESOLUTION NO. 113

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $264.00 from the A3120.491 Police Department service contracts account to Carr Business Systems, P. O. Box 28330, New York, New York 11747-3502 for the annual maintenance contract for the period January 24, 2015 through January 24, 2016, for the copy machine in the Police Department.

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

RESOLUTION NO. 114

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,000.00 from the A3989.400 Police Department NIMS contractual account to Emergency Communications Network, 780 West Granada Blvd., Suite 200, Ormond Beach, Florida

32174 for unlimited CodeRed system minutes service plan for the period January 9, 2015 through January 8, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 115

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $70.00 from the A8160.484 Landfill office and miscellaneous account to Jay Card, Jr. for reimbursement of funds for the registration fees 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, for the period May 3 through May 6, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 116

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

"Whereas" sealed bids for the proposed purchase of three new emergency standby generators were received by the Town Clerk's Office until 3 p. m. on the 18th day of April, 2013, at which time they were publicly opened and read aloud as follows:

G. T. Power Systems, Inc.	$113,900.00
OPT Level II SAE add $2,700.00	
OPT Level III SAE add $4,500.00;	
Commander Power Systems	$144,979.00; and
Eldor Contracting Corporation	$168,800.00, now, Therefore

BE IT RESOLVED, That the contract for the purchase of three new emergency standby generators is hereby awarded to G. T. Power Systems, Inc., the lowest responsible bidder, for the aforementioned amount of $113,900.00 which includes OPT Level III SAE, and

BE IT FURTHER RESOLVED, That this resolution shall not become effective until after the expiration date of the permissive referendum which is February 23, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 117

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a public hearing was duly held on the 23rd day of January, 2015, on a proposed LOCAL LAW ENTITLED TOWN OF SHELTER ISLAND IRRIGATION REGULATIONS, and

"Whereas", all interested persons were heard in favor of or in opposition, and

"Whereas", the Town Board declares itself as lead agency and has prepared a Negative Declaration stating the reasons that the project will not have a significant environmental impact, now, Therefore

BE IT RESOLVED, That pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 60 of the Shelter Island Town Code, the Town Board has deemed this to be an Unlisted Action, that it will not have an adverse effect on the environment and that a Negative Declaration is hereby issued, and

BE IT FURTHER RESOLVED, That Local Law No. 2 - 2015 ENTITLED TOWN OF SHELTER ISLAND IRRIGATION REGULATIONS, is hereby adopted, to wit:

Chapter 82. IRRIGATION REGULATIONS

§ 82-1. Title.

This Chapter shall be known as the "Town of Shelter Island Irrigation Regulations Local Law."

§ 82-2. Purpose and policy.

A. Intent; findings. The Town of Shelter Island has only one freshwater aquifer from which to draw its groundwater, as it is cut off from fresh groundwater inflow from adjacent areas of the east end of Long Island. Shelter Island is low in topography, resulting in a shallow water table and a thin groundwater reservoir. The freshwater lens is thinnest and the groundwater most

limited in coastal areas where the development pressures are the greatest, but even water drawn from the central part of the Town may potentially place strains on the shorefront systems. Thus, the Town Board has determined that regulating the installation of new irrigation systems on Shelter Island will protect the aquifer and promote the health, safety and welfare of the entire community.

B. A consulting engineering firm which was retained by Suffolk County prepared a Comprehensive Water Resources Management Plan (hereinafter "water plan"), which was prepared and submitted on January 30, 1987. This has been updated by a study prepared by Leggette, Brashears & Graham Inc. dated June 2014 and significant study by a citizen irrigation committee studying the issues.

C. The Suffolk County Department of Health Services has prepared a groundwater model for Shelter Island. Suffolk County says the report shows that the freshwater lenses on the Ram Island, Montclair and West Neck peninsulas are extremely limited and will be impacted by increased groundwater withdrawals. Excessive pumping from inland areas can impact outlying areas by inducing saltwater intrusion or upconing.

D. The water plans recommend that water conservation measures be encouraged, including limitations on water consumption.

E. The first Comprehensive Plan for Shelter Island, which was adopted in May 1994, emphasizes the need to protect our groundwater, which is supplied by a sole source aquifer.

F. Therefore, the Town Board believes it in the best interest of the Town of Shelter Island, with respect to the sufficiency and quality of its water supply, to regulate or limit the consumptive use of water throughout the Town by regulating irrigation systems.

G. The Town Board reserves the right to adjust or eliminate the irrigation regulations as water conditions change.

§ 82-3. Statutory authority.

This Chapter is adopted as a local law pursuant to the authority of the Municipal Home Rule Law.

§ 82-4. Definitions.

As used in this Chapter, the following terms, words and phrases and their derivations shall have the meanings indicated:

BACKFLOW PREVENTION DEVICE - A pressure vacuum breaker, double-check valve assembly or a reduced pressure zone-type device acceptable for containment control in accordance with the New York State Department of Health requirements.

BUILDING INSPECTOR - A Building Inspector of the Town of Shelter Island or an enforcement official designated by the Town Board.

CAPTURED WATER - Shall be the water captured into a cistern from impermeable surface runoff as allowed by this Code.

CISTERN - For purposes of this Chapter, a single or series of underground or basement water storage tanks with collective minimum capacity of 8,000 gallons which is filled with water as specified in this Chapter, and which is used for outdoor irrigation purposes. The provisions of this Chapter do not apply to cisterns used for indoor domestic purposes.

CONSUMPTIVE USE OF WATER - The quantity of water released into the atmosphere by the process of evaporation, and the water incorporated into the vegetative process and transpired by plants to the atmosphere.

DRIP IRRIGATION SYSTEM - The use of drip line with drip emitters to water vegetation.

GOLF COURSE - A tract of land used and maintained for playing the game of golf, whether publicly or privately owned.

GRANDFATHERED TURF IRRIGATION SYSTEMS - Shall mean those turf irrigation systems which obtained a permit prior to 3/1/1996.

HAND WATERING - The watering of property by one hand-held hose or one single portable lawn sprinkler.

IRRIGATION SYSTEM - An irrigation system is a system for artificial application of water to the land, soil or turf.

IRRIGATION ZONE - An area encompassing a defined number of sprinkler heads or drip emitters that is designed and sized to maintain water pressure and gallonage produced which is sufficient to properly operate the irrigation system. Each zone is regulated individually by an irrigation control clock.

LICENSED IRRIGATION CONTRACTOR - A person or business meeting the standards established in Section 82-5.

MASTER CONTROL VALVE - A main valve which can open or shut water distribution to all irrigation zones.

MOISTURE SENSOR - A device to turn irrigation water on or off according to the moisture levels in the soil.

NEAR SHORE & PENINSULAR OVERLAY ZONE - Shall mean the Near Shore and Peninsular Overlay Zone as defined in the Chapter 133 Zoning Code.

NEW TURF IRRIGATION SYSTEMS - Shall mean any turf irrigation system other than a grandfathered irrigation system.

NON NEAR SHORE OVERLAY - Shall mean the areas of Shelter Island that do not lie within the Near Shore & Peninsular Overlay Zone.

OWNER - Any person, firm, partnership, corporation or organization of any kind holding legal title to real property in the Town of Shelter Island.

RAIN SENSOR - A device located in an area that allows rainfall to come in full contact with its parts and is designed to turn a system on or off when moisture is present.

TIME CLOCK - A device that controls the irrigation system and turns it on and off at a desirable time and operates the system for a set period of time.

TOWN BOARD - The Town Board of Shelter Island.

TRUCKED-IN WATER - Shall mean fresh water that is trucked in from an off-island source.

TURF - Turf shall mean those grasses which are regularly cut to a level of six inches or less.

TURF IRRIGATION SYSTEM - An irrigation system designed to automatically water turf grass.

USER - Any person, firm, partnership, corporation or organization of any kind having the right to use or occupy real property in the Town of Shelter Island.

§82-5. Irrigation Permit.

A. Irrigation is only allowed if conducted in compliance with the provisions of this ordinance. All other forms of irrigation are prohibited.

B. All persons using a turf irrigation system, whether grandfathered, new or drip per §82-8(C), must obtain an initial Town irrigation permit for that system, which may be issued for a length of one year and is renewable annually.

C. Applications for initial irrigation system permits shall include a plan of the turf irrigation system and cisterns (if applicable), based upon Suffolk County Tax Map information or a land survey at a scale not less than 40 feet to the inch, with the following information:

1. The name of the owner and/or user of the real property and the name of a resident contact person who has access to a valve that shuts off the system (shutoff valve).

2. The Tax Map sheet or signed land survey showing the location of all buildings thereon.

3. The proposed layout of the system, including the source(s) of water supply, number of zones, number of irrigation heads, the type and number of feet of drip or soaker hose, make and model number of clock controller, the location of the master control valve, rain sensor and moisture sensor, and, when connected to a public water supply system, the location of the backflow prevention device.

4. A certification by a licensed irrigation contractor that the system meets the Town code and a calculation showing the irrigation system's estimated water consumption per operational cycle of all zones.

5. If applicable, proof of filling the cistern in the prior year with trucked-in water itemizing the dates and gallons delivered, which proof can be requested by the Building Department at any time.

6. A cistern must comply with the same setbacks as an underground fuel tank.

7. An application form with an application fee in an amount established from time to time by the Town Board.

D. Prior to issuance of a turf irrigation permit, all systems must meet the following minimum standards:

1. A programmable time clock for control of the irrigation system valves. Only time clocks which have the following capabilities shall be used:

a. An adjustable clock monitor for starting and stopping the water cycle at any hour of the day or night.

b. A calendar program which allows automatic watering cycles on any day, or on alternate days, or on every third day, on a repeating basis.

c. An override circuitry which can be set to prevent the automatic water cycle from starting when watering is not required per the rain-sensor.

d. Operational settings and programming of the time clock controller, readily accessible on its face.

2. Moisture sensors and rain-sensors for overriding the operation of the irrigation system when it is raining or soil moisture is sufficient, in accordance with this chapter, and with a master control valve.

a. Rain-sensors shall be attached to the system and set to trigger after 1/4 inch of rainfall; and

b. The rain-sensor must be positioned in an elevated, unobstructed and open area.

3. A shutoff valve, which can be operated automatically or manually.

4. If connected to a public water supply system, the system shall have an approved backflow prevention device.

5. A master control valve for multi-zone systems.

6. A master battery backup to keep the system settings during power outages.

E. Annual renewal turf irrigation permits. Applications for renewal turf irrigation permits shall include the following:

1. A certification by an irrigation contractor licensed by the Town that the turf irrigation system is operating to maximal efficiency with the above-described components present and operational; and

2. If applicable, proof of filling the cistern in the prior year with trucked-in water itemizing the dates and gallons delivered, which proof can be requested by the Building Department at any time. Failure to provide proof when requested shall be grounds for denial of the permit.

3. Turf irrigation systems in the Near Shore & Peninsular Overlay Zone which draw on the aquifer shall include a copy of a chloride test of the irrigation system water pursuant to a sample taken in the previous 60 days. The Town reserves the right to deny a permit if the above test shows chlorides exceed 125 mg/l.

4. A permit fee in the amount established, from time to time, by resolution of the Town Board.

F. Any person signing the above permit certifications shall be a licensed irrigation contractor.

1. The following criteria must be met to obtain such a license:

a. Have a home improvement contractor license; and

b. Certify that all business personnel dealing with irrigation have read and understand the Town Code; and

c. Submit information as to the financial responsibility and character of the applicant.

2. The Building Inspector may suspend an irrigation contractor license for up to 30 days for an irrigation-operation violation, and may revoke the license for a year for an illegal installation or fraudulent certification violation.

G. The Building Inspector may suspend an irrigation permit for up to 90 days as a consequence of an irrigation violation.

§ 82-6. Grandfathered Turf Irrigation Systems

A. This section applies only to grandfathered turf irrigation systems.

B. Such systems are not required to be fed by cistern, but are required to obtain and hold a current Irrigation Permit.

C. A grandfathered turf irrigation system may be replaced partially or entirely within the existing irrigated area, so long as the replacement improves the efficiency of the system.

D. A grandfathered turf irrigation system may not expand the area of irrigation beyond that area which was covered by the pre-1997 permit.

E. The grandfathered turf irrigation system shall be converted to operation with cisterns pursuant to the rules of new turf systems under the following circumstances:

1. If the house on the property is reconstructed, as defined in Chapter 129; or

2. If the property owner allows the irrigation permit to lapse for more than two years.

§82-7. New Turf irrigation systems

A. An owner may obtain a new turf irrigation system permit from the Building Department only if the system is connected to an underground cistern, with a capacity of at least 8,000 gallons.

B. Water sources for new turf irrigation cisterns.

1. New turf irrigation cisterns may be filled using:

a. Trucked-in water;

b. Captured water from impermeable surfaces on the property, but only to the extent the impermeable surfaces used for capture do not exceed 10 percent of the square footage of the property.

2. Cisterns may not be filled by hose or well-water.

C. Any new turf irrigation system that is filled with captured water from impermeable surfaces must include an overflow valve feeding to a drywell sized to accept excess runoff when the cistern is full, pursuant to calculations submitted by the homeowners architect or engineer.

§82-8. Drip Irrigation requirements.

A. Drip irrigation systems shall only be used for non-turf irrigation, or turf irrigation for areas not exceeding 3,000 square feet.

B. All drip irrigation systems shall meet the following minimum requirements:

1. The drip system shall not emit more than one gallon per hour per emitter/lineal foot with a maximum 1500 emitters; and

2. The drip system must be a on a timer; and

3. The drip system shall be programmed for no more than one hour for any three day period, per zone; and

4. The drip system shall be covered with mulch to reduce evaporation.

C. In the Near Shore zone, any drip system with over 250 emitters shall meet the following additional standards:

1. Shall be equipped with a master valve, time clock and moisture sensor; and

2. Shall be fed only from a cistern as described for turf irrigation systems; and

3. Require an irrigation permit as described for turf irrigation systems.

§ 82-9. Irrigation system operation.

A. Operation of turf irrigation systems shall be restricted as follows:

1. No irrigation system zone shall operate more frequently than every third day and only during the hours between 5:00 p.m. and 9:00 a.m.

2. Irrigation zones may be watered for no more than 45 minutes per zone twice a week, within the time specified above.

3. Irrigation is allowed to establish new lawns or portions of lawns for a period of 30 days after planting, and may occur between 9:00 a. m. and 5:00 p. m. to allow the seed to germinate.

4. Irrigation is allowed to establish new plantings for a period of 150 days, only between 5:00 p.m. and 9:00 a.m.

B. Operation of Drip Irrigation Systems shall be as follows:

1. No more than one hour per three day period per zone.

C. To the extent possible, water delivery trucks should park off the roadway when filling cisterns.

§ 82-10. Exemptions.

A. All the exemptions below are subject to being suspended during a water emergency declared by the Town Board.

B. This Chapter is applicable to all property in the Town of Shelter Island, excluding property within the Village of Dering Harbor.

C. Golf course tees and greens, irrigated fairways existing as of 2003 shall be exempt from the requirements of this Chapter.

D. Land used in agricultural production, shall be exempt from the requirements of this Chapter.

E. Nurseries and garden centers are exempt from the requirements of this Chapter except that they may not irrigate their stock between 10. a. m. and 3 p. m.

F. Hand watering systems shall be exempt from the requirements of this Chapter.

G. Although use of soaker hose is highly discouraged, use of up to 50 feet of soaker hose is exempt from these regulations.

§ 82-11. Enforcement; penalties for offenses.

A. It shall be the duty of the Building Inspector to administer and the duty of the Building Inspector and the Shelter Island Police Department to enforce the provisions of this Chapter.

B. Notice; penalties.

1. Whenever the Building Inspector or the Police Department has reasonable grounds to believe that any irrigation system regulated under this Chapter is being operated on any real property in violation thereof, he or the Police Department shall either notify the owner/user of such real property in writing, by delivering such notice personally or by posting such notice in a

conspicuous place on any structure on the premises and sending a copy of the same by registered mail to the address appearing on the real property tax roll or the resident contact person; or shall serve a summons personally upon said owner and/or user.

2. An offense against any provision of this Chapter shall be deemed a violation under the Penal Law of the State of New York, punishable by a fine not to exceed $1,000 and/or five days in jail and revocation of any permit issued hereunder. Each day such violation continues shall be deemed a separate violation.

3. The irrigation permit may be suspended or revoked as stated in 82-5.

§ 82-12. Emergency rules authorized.

The Town Board shall determine that emergency conditions exist, potentially creating a shortage of the normal water supply either throughout the Town or in any particular area, the Town Board may prescribe rules for the future regulation and restriction of the use of irrigation systems and other consumptive water uses, and such rules shall have the force and effect of a local law duly adopted.

§ 82-13. Severability.

In the event that any portion of this Chapter is found by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

§ 82 -14. 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. 118

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Michael and Camille Anglin have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 15A South Menantic Road, Shelter Island, NY, which is Zone C-Residential/Near Shore and Peninsular Overlay District on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/18/03/12.2; and

"Whereas", the applicants propose to construct an addition to the house that would be in the regulated area, so that the project is subject to Chapter 129 of the Code of the Town of Shelter Island; 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 dated 10/2/81 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on January 23, 2015, 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 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) This 67,295 square foot parcel contains a split level house located less than 50' from a freshwater wetlands pond; and

2) Applicants seek to construct a 14' x 23.5' one story addition over an existing stone patio located 50.5' from the wetlands; and

3) There will be no net increase in impermeable area created by this construction because it lies within the existing footprint of the house structure and will replace an existing impermeable patio; and

4) Applicants have offered the following mitigation measures to offset the project: to install curbs, gutters and a drywell to capture roof runoff, to maintain the existing non-fertilized plant buffer between the house and the pond and to use a silt fence to prevent runoff during construction; and

BE IT FURTHER RESOLVED**,** That the wetlands permit for the premises located at 15A South Menantic Road, Shelter Island, NY, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the survey from Peconic Surveyors dated October 8, 2014; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) to install curbs, gutters and a drywell to capture roof runoff, and (2) to maintain the existing non-fertilized plant buffer between the house and the pond; and

3) The Town Board further conditions this approval so that no future impermeable decks or porches may constructed in the vegetative buffer; and

4) During construction, wire-backed silt fences shall be securely placed at the location shown in the above survey. 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

5) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. 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 and the Building Permits Coordinator.

Vote: 4 in favor 0 opposed 1 abstain (Councilman Reich recused himself)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 119

Supervisor Dougherty 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 1:15 p. m., prevailing time, on the 3rd day of March, 2015, 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 Chapter 133, Zoning Near Shore, to wit:

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

Section 1. Amend Chapter 133, Zoning, of the Shelter Island Town Code, as follows:

A. Section 133-12(F) shall be amended by deleting Subsection (11) and the following sections shall be renumbered accordingly: (12) shall be (11) and (13) shall be (12).

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. 120

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

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 1:17 p. m., prevailing time, on the 3rd day of March, 2015, 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 Cedar Island Overlook Stewardship Management Plan, to wit:

Cedar Island Overlook
51 A North Cartwright Road & Coecles Harbor
Shelter Island, New York
Stewardship Management Plan

Introduction

In 2008, the Town purchased approximately .77 acres (34,288 square feet) with 103 feet frontage on Coecles Harbor from Katherine Halmi with Community Preservation funds. It is surrounded by 13.7 acres of natural growth forest that is not protected. The property has approximately 1/3 acre of wetlands on Coecles Harbor and a small upland area that had potential for development. It is accessible by a one lane, improved road entering at 50 North Cartwright

Road. The property was purchased to protect the wetlands of Coecles Harbor and as a natural habitat for nesting shorebirds and other wildlife.

Intentions

The property should be left in its natural state as wetlands and lightly wooded upland property.

Name

The property will be called Cedar Island Overlook and will be so-called on all Town maps and descriptive material.

Improvements

There are no improvements on this property and should be kept that way.

Management

Because this property borders Coecles Harbor and other natural forest lands, it should be left in its current state with no special maintenance needed. There are no invasives in the wetlands portion, which consists mainly of Spartina grass and bogs, nor on the upland knoll.

The parcel will be left in its current state, to serve as open space, providing a habitat for shorebirds, a haven for wildlife and a nursery for juvenile fish. The property should be inspected annually to verify that there is no encroachment or misuse of the property by neighbors and to report any other issue that might be detrimental to the property.

Public Access and Signage

Public access is restricted as the only access is by the private road at 50 North Cartwright Road. Because there is no available parking on this private road, and parking on the narrow shoulders of North Cartwright Road could be dangerous, a visitor should have to park on either Burns Road or Hudson Avenue and then walk to the private road. Once on the higher knoll of the property, there is an excellent vista looking east across the sliver of Cedar Island with Coecles Harbor beyond. A small sign indicating Town ownership should be placed on the property, preferably on a tree, visible from the private road.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 121

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 1:19 p. m., prevailing time, on the 3rd day of March, 2015, 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 Stewardship Management Plan for Sachem's Woods Annex, to wit:

Sachem's Woods Annex

Adjacent to Sachem's Woods

SHELTER ISLAND, NEW YORK

STEWARDSHIP MANAGEMENT PLAN

Introduction

In 2007 the Town purchased 2.0 +/- acres of woodland and open space on the northwest corner of the Town owned Sachem's Woods. The property was purchased from George Schultheis as a bargain sale.

Intentions

On the interior portions of the property there is some old growth woodland but mainly smaller trees and brush typical of years of growth on fallow farmlands. The far northern portion of the property is currently an open field with bluebird boxes in the center. The property is bordered on three sides by private properties on North Midway Road and North Ferry Road with houses and other out buildings. The eastern property line abuts Sachem's Woods. The property can be accessed, with some difficulty, from the North Ferry Road portion of Sachem's Woods.

Name

The property will be called Sachem's Woods Annex and will be so-called on all Town maps and descriptive material.

Improvements

There are no improvements on this property and this should be kept that way.

Management

Because this property is adjacent to Sachem's Woods, it should be let in its current site with no special maintenance needed. There are invasives on the interior portion but nothing more or less than the adjacent open space.

The parcel will be left in its current state, to act as open space, habitat for animals and aquifer recharge. The property should be inspected annually to verify that there is no encroachment or misuse of the property by neighbors and to report any other issue that might be detrimental to the property.

Public Access and Signage

Public access would be through Sachem's Woods without any direct trail or road to the property. It should be considered as an annex to Sachem's Woods.

Since there is no special demarcation between this property and Sachem's Woods, no signage is necessary.

Measures to Protect Ecology

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

(1) Birds: No particular action will be taken except to avoid use of pesticides or chemicals which could harm them. Whoever is currently maintaining the bluebird houses on the open portion should be allowed to continue to do so.

(2) Animals: The bulk of the property will be left in an undisturbed state as habitat for plants and animals. Nuisance hunting is allowed on t his parcel. The property may be included in the Town's woodcutting program in tandem with the policy for Sachem's Woods.

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 this property.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 122

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the following 2014 budget transfers are hereby approved:

$119.00 from the A1620.483 Buildings telephones account and dispersed as follows:
$109.00 to the A1220.484 Supervisor office and miscellaneous account, and
$10.00 to the A7510.400 Historian miscellaneous account;
$164.22 from the A3120.485 Police Department car maintenance account to the A3120.486 Police Department car gas and oil account;
$4,698.88 from the A3120.491 Police Department contracts account to the A3120.273 Police Department firearms and ammunition account;
$178.88 from the A3510.200 Animal Control equipment account to the A3510.492 Animal Control travel account;
$965.00 from the A7320.424 Youth Center fuel and heat account to the A7320.408 Youth Center maintenance account;
$8.00 from the B3610.200 Contractors License Review Board equipment account to the B4020.400 Registrar of Vital Statistics account;
$3,000.00 from the DM5130.144 Highway Machinery mechanics double overtime personal services account, and
$6,000.00 from the DM5130.152 Highway Machinery mechanics overtime personal services account to the DM5130.446 Highway Machinery contractual account;
$219.00 from the FX8320.408 West Neck Water repairs account to the FX8320.444 West Neck Water testing account; and

BE IT FURTHER RESOLVED, That the following 2015 transferals of funds are hereby approved:

$10.00 from the A1990.400 Contingent account to the A7510.400 Historian miscellaneous account; and
$250.00 from the B1990.400 Part Town Contingent account to the B4020.400 Registrar of Vital Statistics account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 123

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That 2014 general claims numbered 2205 through 2233 in the amount of $31,609.38, 2014 highway claims numbered 266 through 267 in the amount of

$13,375.00, 2014 West Neck Water claim numbered 55 in the amount of $2,485.00, 2015 general claims numbered 48 through 143 in the amount of $33,692.48, 2015 highway claims numbered 7 through 17 in the amount of $16,853.97, and 2015 West Neck Water claims numbered 1 through 4 in the amount of $1,753.72 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 Andrea Gannon Brereton, 17 Point Lane, for permission to install a mooring in Shelter Island Sound at a location designated as latitude 41.106721° north and longitude 72.331020° west.

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: WMAC met on the 8th of January and they were unanimously in favor 5 - 0, it's a riparian mooring in front of the house, there's plenty of room, rough location but there's a few other moorings there.

The 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 4:56 p. m. and called to order the public hearing to be held as advertised on the application of Sean F. and Julie M. O'Shea for permission to construct an "L" shaped fixed timber pier consisting of a 5' by 8' landward ramp, 5' by 150' pier (equipped with a splashboard/wave curtain elevated at least 2' above the bottom along the south side of the most seaward +/- 32' section of pier), a terminal 5' x 40' fixed "L" section (equipped with splalshboard/wave curtain elevated at least 2' above the bottom, and a 3' by 12' hinged ramp and 6' by 24' floating dock secured by two (2) 10" diameter pilings on the inside of the "L" section, and install a 2-pile dolphin +/- 30' landward of the inside of the "L" section.

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: at the January 8th meeting, all 5 of them felt it needed a hardship letter, they were concerned about, a little bit about the length, they didn't have so much issue about the length but they still felt there should be a hardship letter, they originally thought they hadn't seen this one but they had, it was on the schedule of the meeting that I missed but they actually did review it 2 meetings ago, so they did not vote on it, they felt they wanted the hardship letter which I passed on to Rob, so I think we should hold this one open anyway.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening, Rob Herrmann of En-Consultants on behalf of the applicants Sean and Julie O'Shea, Peter, just for the record, I did actually submit a hardship letter on February 2nd; okay, maybe that's what it was, they asked for it and didn't have a chance to review it, I knew it was something, right, they asked for it and didn't have a chance to review it; _; __ at the February meeting which ended up not happening, just to quickly review it and I just want to hand out, it's just gonna be a little easier to see it; __ and I did meet with Rob about this probably close to __ years ago, we walked the site and that was before I got sick; so I'll just go through it a little bit, as Peter mentioned, the application is, has been long in the making, for the O'Sheas, they approached me regarding this dock proposal about 11 months ago and their contractor Angelo Stepnoski of Greenport Dock who is also here in support of the application, probably longer ago than that, from the outset we were of course aware of the length restriction of a hundred feet from high water set forth by Section 53-11c2 but equally aware of the other docks permitted nearest to the site and I have needed to extend beyond that limit to reach adequate and navigable water depth, the water depths at mean low or low water were originally described to me by Angelo who knows the area well and were of course later confirmed as is required by the DEC and the licensed certified survey prepared by Ken Woodchuck when he recorded sounding reference to MLLW in May of last year, understanding our challenge around

that time as Peter just mentioned, not as long ago as he suggests but Peter and I did meet in March of last year at the site and I had contacted the Town and asked for somebody and Peter was the right one for these applications, to come and meet us and give us some guidance given that we knew we were gonna be in conflict with the Code but also knowing that other docks in this area have been permitted both prior and since the current Dock Law, Chapter 53 that was passed in May of 1999, given that we were on outside waters, it was, Peter seemed to understand the situation and was aware of the depth concern, and it was his suggestion that we research and evaluate other permits that had been issued for other docks in the area, particularly those that had been issued under the current Dock Law when the hundred foot restriction was in place, so we did that and the axial photographs that I've just submitted is an aerial that shows at the very top of the page, 5 Proposed Road which is the O'Sheas site and then the three other nearest docks in this area as you continue on toward outside waters rather than inside waters, cause actually as you run up that shoreline toward the inside, there aren't any docks right near there but the three that have permits that are located closest are the three docks that you can see in that aerial photograph, the dock of course is most imposing to this property is the 190 foot long dock that was originally approved for Russ Ireland and I believe that was approved right before the current Code was added in 1999 and that is an "L" shaped dock that dwarfs our proposal really at any length and that is immediately next door, a couple of properties farther down is a 130 foot long dock that was permitted at 18 Shorewood Lane for Lawrence Davis back in May 2001 and then that permit was subsequently amended in 2005 to add a splashboard to it as you read, as Dottie read, we have a splashboard contained on the dock here and then as you go around the point, you get to 170 foot dock that's located 5 properties to the south of this one at 1 Shorewood Court and I think the applicant was American Direct LLC original and that issued in 2009, given the length of what we've proposed if the Board is inclined to act favorably on this application, of those 4 permitted docks, we would actually be only the third longest of the 4 so we certainly propose that we are not out of character with the lengths of docks that have been approved in this area as we would be the second shortest there at 150 feet, we looked at this quite a while and looked at it with the O'Sheas, we looked at it with Angelo and even when we were in discussion with the DEC when we were getting the DEC permit, you could really see if you pull up an aerial photograph, that you have to go out about this distance to get to that spot where you can get between 3 and 4 feet of water and one of the issues here on the length is that you'll notice really the dock is faced for this structure, is the floating dock which is basically protected by the fixed "L" so you go out a certain distance to the fixed "L" which is the 150 feet but then you've got the width of the fixed "L", the piling space then the float, then the boat so as I note in my hardship letter, the actual docking space here is about 135 feet from the mean high water while inside, in other words, this dock is designed to put a bunch of boats on the outside of the 150 foot long dock, this is designed for dockage really on the interior of that "L" at 135 feet so that was really it, I mean it's not a complicated proposal, that is the justification, the reasoning behind what we have presented and you know obviously, and Sean O'Shea is here and Angelo is here if the Board has any other questions that I or they can answer; I just want to add one thing, when I met with Rob, he asked me what were the chances of this getting past the Board, I told him at that point the WMAC was currently considering recommending to us that we extend the dock length because we had granted relief of the 100 foot in outside waters at that point several times and they felt that it should be and they still all feel it should be more than a hundred foot in outside waters, they're just not on the same number which is why we haven't gotten the formal __ but some think it should be 150, some think it should be 140, some think it should be 125 so there hasn't been a consensus on how much above a hundred foot but they all agree that the Code should be changed to allow, only in outside waters, more than a hundred foot; and Peter, to your knowledge; __ active discussion back then, it almost, as I told Rob, it almost seemed like it was gonna become a forthcoming recommendation to us from the WMAC, it just hasn't happened for whatever reason; to your knowledge and anecdotally of course, has there been Peter, any problems with the 190 foot dock; no, none, I rode past there __ in nice weather; I know you did; it seems to be a lot of space there; well the channel coming in, is way to the west if you come around you know Garr's point there and you're coming into West Neck, you're coming way to the west for the channel which is right off Shell Beach; so we have it on the agenda for today but will we be voting on it or; you know, I think since the WMAC requested a hardship letter, I personally don't have a problem with it but I would just like to let it, let them look at it and, you provided it and unfortunately they didn't meet so I would recommend that we hold the hearing open to; when; __ ; the next meeting; no their last meeting; it was about the first Monday in February but they didn't have a quorum; the next is March 5th; is that when the next one is or; the 2nd; I think their last actual meeting was early

January; yeah, the last meeting was January 8th; we might have the same situation with this coming meeting; this one is supposed to be March 2nd; okay; you don't want to close the hearing in case they want to rebut something; to rebut some comments they have to make; certainly if the Board is going to take in comment from the WMAC, we would appreciate having time to rebut; yeah I agree with Peter; they asked for it so I kind of wanted to; Jim, the next meeting is the 10th you said; the 3rd; the WMAC meets; Tuesday, March 3rd, Tuesday, March 3rd; the WMAC meeting is the night before, the 2nd; well then we certainly should be able to __; yeah; the next meeting is not on a Friday; no, you got here late, you missed; _; it's March 3rd at 1 o'clock instead of the 6th; Councilman Brown has a golf date with Bruce Jenner in Florida; I'll leave that one alone Ed; I may have some ___; we're having a hard time getting people together for these committee meetings so let's get this to them, so we'll have a report for the March 3rd, so let's get this to them; we'll check, I'll check with Danielle and make sure everybody is, last time James was away, he had surgery, ___; just catch them up; __; Rob can you e-mail me that; yes; good, thanks Ed.

The Supervisor declared the public hearing held open at 5:10 p. m. called to order the public hearing to be held as advertised on the application of Free Breeze, LLC, 70 Peconic Avenue, for permission to construct an "L" shaped fixed timber pier consisting of 4' by 75' and 4' x 24' sections of pier and two (2) sets of +/- 4' by 5' beach access stairs at landward end; and modify existing beach stairway to land atop proposed pier.

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: WMAC discussed this at the January 8th meeting, they were, they voted 3 in favor, 2 against, the 3 that voted for said they only voted in favor because the Code allows the dock, there's nothing that prohibits it in the Code but that they all felt it was not a good location for a dock; and why was that; just because of the exposure there, it is just open to due west.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: again Rob Herrmann of En-Consultants on behalf of the applicant, just personnel and timing, this was the other site that Peter and I looked at in March of last year and in this situation, Peter's advice was that unequivocally the dock would have to be within the Code requirements here, that was fine by the applicant, they understood that this is not an area with a large number of docks, they really are looking for a simple dock to use during the season, the dock was, in light of west winds, the dock is constructed as an "L" shaped with the "L" running from east to west, southeast to northwest where any vessel here would be docked on the inside of the "L" and there's not really much more to it than that, the Board is probably familiar with this site, the house was under construction at the time, I don't know how far along it's going; I think it's done; it's probably wrapped up by now, during the time it has taken us to get the other non-local approvals, if I remember, this also came up on your agenda once before, this is the one where the DEC had taken kind of an unusual position where they didn't want to act on the dock because the Town Board hadn't acted on it yet and you ended up sending a letter, Jim you sent a letter to the DEC indicating that the Board was gonna maintain its usual policy to require; yeah I wrote that; and the DEC had no objection to the dock, it just seemed to be an issue with; my only concern, I would want to make sure, given the location that it is, stout and strong; yeah; because otherwise it will be up on, I'm sure the applicant does too and I know Angelo would, cause I don't want a storm coming up and it coming apart cause it is a tough spot there; any other comments from the audience; I don't have any; I think I'll close this; yeah; we're gonna close this hearing now; not a problem for me.

The Supervisor declared the public hearing closed at 5:13 p. m. and called to order the public hearing to be held as advertised on the application of Ralph Whipple, 20 Thompson Road, for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050700° north and 72.317183° west; said location was formerly occupied by the Foerth O-2864 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: WMAC reviewed this in Smith's Cove, there was a mooring there, it had a 35 foot boat, it says Shelter Island 38 on it, 5 in favor, no problem.

The 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 5:15 p. m. and called to order the public hearing to be held as advertised on the application of Philip Dunne, 85 North Cartwright Road, for permission to install a mooring in Coecles Harbor at the northeast corner of the first causeway at a location designated as latitude 41.08612° north and longitude 72.31211° west.

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 WMAC did not, this was scheduled, their schedule to review this was the meeting that was canceled, I spoke with Chairman Needham, he didn't feel it needed to go to the committee and I tend to agree with him, it's in, it's off the Stone Wall at the Causeway, this is one of the areas where we've been talking about it as a grid and it's kind of on the agenda to do, the WMAC recommends it be made a grid, if it is made a grid, you wouldn't even have to have a public hearing, it's just a permit that Dottie would just issue, it's in one of those spots so I don't see any problem with it and neither did John; I'm fine with it; yeah.

The 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 5:16 p. m. and called to order the public hearing to be held as advertised on the application of the Shelter Island Yacht Club, 12 Chequit Avenue, for a wetlands permit for permission to reconstruct and expand the south side of the Junior dining deck 10" higher and approximately 535 square feet larger including steps which will remain 25' from the bulkhead, expand existing seasonal awning over deck by approximately 564 square feet, installation of a new 5' by 10' roofed and open storage area; this will be approximately 44' 9" from the bulkhead; replace existing deteriorated 6' by 12' shed with a new 7' by 12' shed; the new shed will be approximately 56' from the bulkhead, 2' further away than the existing shed; combine and recast 2 existing concrete slabs under the trash container, no change in square footage, and install a 2' 9" by 14' 3" storage shed which will be approximately 78' 3" from the bulkhead, within the regulated area.

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

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Conservation Advisory Council reported as follows:

Date: December 15, 2014

RE: Shelter Island Yacht Club, 12 Chequit Ave

Vice Commodore, James Mills III, submitted a wetlands permit application on behalf of the Shelter Island Yacht Club requesting to do the following:

1. Reconstruct and expand the junior dining deck, south side, to be 10 inches higher, and approximately 535 square foot larger including steps, which will remain 25 feet from the existing bulkhead.
2. Expand existing seasonal awning over the deck to approximately 564 square feet.
3. Replace an existing deteriorated 6 by 10 foot roof and open storage area, making it approximately 4 feet 9 inches from the bulkhead.
4. Replace a existing deteriorated 6 by 12 foot shed, which will be approximately 56 feet from the bulkhead making it 2 feet further away than the existing shed.
5. Combine and recast the 2 existing concrete slabs under the trash container yielding no change in square footage.
6. Install a 2 feet 9 inches by 14 foot 3 inches storage shed that will be approximately 78 feet 3 inches from the bulkhead.

The CAC discussed this application.

The CAC voted unanimously to approve the application as submitted.

The Planning Board reported as follows:

Date: January 2, 2015
Re: Shelter Island Yacht Club Wetlands permit application, SCTM #700-05-03-01, 12 Chequit Avenue, Shelter Island, NY
Project description summary:

Applicant wishes to reconstruct and expand the south side of the junior dining deck by approximately 535 square feet and add an additional 564 square feet to the seasonal awning over the deck., installation of a new 5' x 10' roofed and open storage area, replacement of deteriorated 6' by 10' shed with a new 7' x 12' shed, combine and recast 2 existing concrete slabs under the trash container, and install a 2' 9" by 14' 3" storage shed.

A wetlands permit was determined to be necessary because the project involves regulated activities within the regulated area as specified in Town Code Chapter 129, section 2.

Submittals**:** (copies of)

1. A letter from the Town Building Permits Coordinator dated September 16, 2014 rejecting a building permit application until a wetlands permit is granted.
2. Completed wetlands application dated November 28, 2014.
3. An existing site plan, existing site detail, and proposed site detail Rev. October 12, 2014
4. Certificate of liability insurance with coverage through November 1, 2015.
5. NYS DEC letter of non-jurisdiction dated December 3, 2012.
6. Applicant/owner certification dated November 28, 2014.
7. Completed Short Environmental Assessment Form dated November 28, 2014.
8. Architect's written outline of project scope dated October 12, 2014 (revised).
9. There is no SCDHS permit but it is not required because there is no plan to alter the water and sewer infrastructure. (SIYC is on the S. I. Heights sewer and water systems).

Observations (from submittals):

1. The project lies in Zone "AA" (reverting to "A zone) and in the Near Shore Overlay Districts.
2. The existing layout is non-conforming to the A zone bulk regulations with respect to lot area and also has structures within the Wetlands regulated areas.

Figures for lot coverage were not presented in the documentation but it does not seem that regulations would be exceeded.

Non-conformities pre-existed the Zoning Code and Wetlands Ordinance and would therefore be grandfathered.

3. The existing and proposed use is also grandfathered but would comply with the zone "Club" use regulations with a special permit.
4. The peninsular lot is completely bulkheaded and the bulkhead extends about 9" above grade which limits runoff into the harbor.
5. The proposed project seems to be environmentally sound.

Observations (from site field inspection): (Site visited 1/7/14 by 2 undersigned Planning Board members.)

1. Site inspection indicated that site plans presented in documentation seem to accurate.
2. The structures to be replaced or repaired are in various stages of deterioration and in obvious need of repair or replacement.

Mitigation proposals:

1. Seasonal awning use.
2. Water drainage gaps in wood decking to allow rainwater recharge.
3. Pavers set in gravel to permit stormwater recharge.

Recommendations:

The Planning Board recommends granting of the Wetlands Permit. The scope of the project and the runoff restriction provided by the bulkhead extension over ground level, indicate that hay bale or silt fencing installations would not be necessary, but precautions should be taken to prevent construction debris or runoff from entering the bay during construction and site preparation.

Respectfully submitted: Paul E. Mobius Jr. and Emory Breiner, for the Shelter Island Planning Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Anthony Tohill, I'm an attorney from Riverhead, I represent the Yacht Club and I'm gonna be as brief as I can because I know you're running late and so I'll try to do this in under 3 minutes, Ian McDonald is here, Jamie Mills is here, each of them from

the Club, as the Planning Board indicated and the CAC indicated, this is a housekeeping maintenance expedition by the Club, they are trying to get some work done, repair, and deteriorated structures for to rearrange some of the furniture, everything there as everyone would expect is within the hundred foot regulated area and so that's the reason that we are here, the wetlands clearly would not be disturbed, that's evident just from Dorothy's reading of what it is that is proposed, the entire property as has been pointed out already is not only bulkheaded but the reveal on the bulkhead is 9 inches above the surrounding grade as the result of which surface water runoff is contained and is percolated as you would also expect this entire peninsula is predominantly sand as a result so it's not a problem of percolating the surface water that comes along, the sanitary waste as you know is not a cesspool or a septic tank on that property but instead is piped up to the Shelter Island Heights Property Owners Association system, there is a no jurisdiction letter in the file from the DEC, this is a Type II action under SEQRA under 6 NYCRR 672.5 C 7 which in substance says that if it's a nonresidential property and it's less than 4,000 square feet with improvements, it's entitled to a Type II, in terms of the statutory guidelines, no impairment to the wetlands, that's already been pointed out, no __ of the wetlands areas, no effect on the groundwater, no increase with ___ volume __ no __, the club is where it is and it predates modern regulations, the one thing I am gonna hand up is, Paul Mobius in the Planning Board's report, he did mention in passing that there was no documentation in the file with respect to coverage, lot coverage, and so I'm gonna hand to Dorothy, 6 copies, actually I'll give Dorothy 5 and 2, when you get a chance to read this document, you'll see that the property consists of 3 lots, what we call the north pier, the clubhouse and the ___, on the north property the coverage we allow 25 percent, we have 0, in terms of maximum impervious surface, we allowed 40, we have 24, on the clubhouse property we're allowed 25 percent coverage, we have 19, in terms of building coverage, on the impervious surface, we're allowed 40, we have 24, on the Bull property we're allowed 25 percent building coverage, we have 1 percent and we are allowed on the Bull property, impervious surface coverage of 40 percent and we have 1 percent, in terms of the deck, all of these numbers, we would assume that you would allow us to do what we are proposing to do and so to make it really fair we add one more item, clubhouse decks, we have provided the existing decks and then we show that the one place where there will be a change is at the junior sailing deck where there will be an increase of 535 square feet, simply to keep everybody in the same place and when we do that we will keep the same distance we are right now, from the bulkhead, that's my presentation, I'm happy to answer any questions __, thank you all very much; do you have any problems with the Planning Board recommendations; no we do not, nor would we, we would be very happy with each of the conditions that Peter read earlier this evening __; good question, I assume that __.

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 David Lapham, 4D Peconic Avenue, for a wetlands permit for permission to demolish the existing single family residence covering roughly 1,516 square feet located 117.6 feet from the wetlands boundary, and replace it with a two story single family dwelling with a footprint of 2,190 square feet, and attached deck covering roughly 1,050 square feet located roughly 82 feet from the wetlands boundary which includes a 5' by 5' soaking tub, within the regulated area.

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

Correspondence included the following:

1. A letter from Dan Reich, 4 F Hidden Path, expressing three major concerns with this application which are impact on the environment and wetlands, freshwater availability and quality, and construction parking equipment and road quality.

Councilman Reich made the following statement: I just wanted to make the following statement, in small communities there's many potential conflicts where it is important for Town Board members to participate in decisions in the absence of an actual conflict of interest, that being said, I would like to state for the record that my family has owned the adjacent property and Hidden Path for 45 years, my grandparents purchased them in 1970, my father owns them now and my brother and his family reside there during the summers, I have no financial interest in either of these properties, I feel I can and will be impartial in basing my votes on the facts and merits of the application same as if it were in West Neck or Coecles Harbor, I discussed this with our Town Attorney and asked if there were any reason I should recuse myself from this application

and she said no, I further requested an opinion from the Town's Ethics Committee, they were in unanimous agreement that I do not need to recuse myself from the application.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Conservation Advisory Council reported as follows:

Re: David Lapham
4 D Peconic Ave

David Lapham, 4D Peconic Ave, has submitted a wetlands application to demolish an existing single family residence of roughly 1516 square feet, located 117.6 feet from the wetlands boundary and replace it with a two story single family dwelling, footprint of 2,190 square feet and an attached deck covering roughly 1,050 square feet located approximately 82 feet from the wetlands boundary.

The CAC reviewed this application and voted to deny the application. The request is much too ambitious for the lot size and demonstrates no justification to extend into the regulated area.

The Planning Board reported as follows:

3 February 2015, Re: Lapham Wetlands application
4D Peconic Avenue (off of Hidden Path), SCTM # 0700-21-01-06, Zone A Residential within Near Shore Peninsular Overlay District

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by Bruce Anderson of Suffolk Environmental Consulting, Inc., dated 22 July 2014, to demolish an existing dwelling, circa 1955, and construct a new house and deck.

The existing ranch has a footprint that covers approximately 1,516 square feet and is located 117'- 6" from the wetlands boundary. The proposed structure will have a footprint of 2,190 square feet, (a total size of 4,100 square feet) and a 1,050 square foot deck located approximately 82' from the wetlands boundary. Portions of the house, the second floor balcony and the first floor deck underneath it, extend to 75' from the wetlands boundary.

NYSDEC Permit # 1-4732-00997/00001 dated 28 January 2014 has been issued for the project based on a Site Plan prepared by the Architects Bohlin Cywinski Jackson and dated 1 May 2012.

SCDHS Permit R07-13-0003 dated 2 January 2015 has been issued for new water and sanitary facilities for a maximum of (3) bedrooms. The sanitary system is required to be elevated and retained.

Planning Board members visited the site on 15 January 2015 and considered all submittals.

We submit the following observations:

The existing house, which predates Shelter Island Zoning and Wetlands Ordinances, is set on a .50 acre lot within A Zoning. The lot is non-conforming in regards to meeting the one acre minimum lot size. The lot is also non-conforming in regards to the 140' lot frontage having 32.49' or 118.98' depending on how the line is understood.

Principal structures in the A Zone are to have 40' front and 25' side/rear yard setbacks. The proposed house is in compliance with sideyard setbacks but appears to fall short in regards to the front setback with only 25.7'. We are not certain as to whether or not this condition will require Zoning Board of Appeals relief.

A Zone construction is limited to 25% coverage by buildings and 40% by impervious surfaces. Though no calculations have been given for either, it appears that the project is conforming.

Due to the low grade elevation, approximately 5'-0" at the test hole, and the high water table, approximately elevation 0'-3.5", a raised septic system is being required by the SCDHS. (5) 8'-0" diameter by 2'-0" deep leeching pools are to be installed to meet the site and health department conditions.

The applicant is proposing roof stormwater collection and piping to drywells. It is not clear whether the (4) proposed drywells (depth not specified) will be sufficient to handle the approximately 2,100 square feet of roof area factoring in the high water table. The stormwater system should be engineered to ensure it meets acceptable standards. Though hot tubs do not require wastewater drywells, we applaud the homeowner's proposal of one. This will permit the 8' x 8' hot tub to be drained when not in use and that water will be directly recharged to the ground.

The survey prepared by John Ehlers Land Surveyor, dated 10 March 2014, indicates an oil fill in front of the house adjacent to a drywell. We are uncertain if this is an existing tank to be removed, a newly proposed below or above grade tank, or other. The application does not indicate how the house is to be heated. If this is to be done with high efficiency LPG equipment, a tank should be shown on the Site Plan. It will be important that any buried tank be weighted to counterbalance groundwater pressures.

The Town Letter of Denial notes that no grade mounted mechanical equipment has been located on the plans. Any equipment will have to meet the 40' front or 25' sideyard setbacks; or will have to be granted relief from the ZBA.

From the survey it is apparent that the FEMA Zone AE (el 5) line cuts across a portion of the deck and hot tub. The house appears to be entirely outside the floodplain and has a proposed finished first floor elevation of 7'- 2". It is unclear as to what structural details will be required for the project components that lay within the floodplain.

The Architect's drawings indicate the house is to be constructed on a slab set on grade.

The house will not have a crawlspace but we recommend that footing be installed per Code to below the frost line.

The site plan prepared by Bohil Cywinski Jackson shows what seems to be a series of landscaped paths and lawn panels that extend up to, and beyond, the tidal wetlands boundary. It presents a different layout than the Vegetative Buffer Plan prepared by Suffolk Environmental Consulting, Inc. and dated 17 July 2014. A more precise landscaping plan should be submitted and considered as part of the review.

The corners of the proposed house are staked on the property. A series of pvc pipes have likewise been set around the property and their function is unclear.

The Planning Board has routinely asked for the use of wire-backed silt fencing instead of staked haybales for erosion control during construction. The DEC allowed placement at 50'-0" and we would concur to prevent damage to, or relocation of, the erosion control line by trades.

The application notes that the property does not have any rights-of-way, easements or restrictive covenants. We saw overhead utilities which appeared to cross the property as they extended to an adjoining property. The nature of this condition is unclear. The proposed house will have similar, and possibly more compliant, wetlands setbacks compared to immediately adjoining neighbors. From satellite imagery, it appears that the immediate house to the east has a swimming pool that is completely within the vegetative buffer and that the immediate house to the southwest is completely within the vegetative buffer. Also from the Google image (included below), it appears that the proposed house will be of similar size to those along Peconic Avenue.

We hope that the above noted considerations are of assistance to the Town Board. The biggest obstacle that we note has to do with the A Zone front yard setback. If this was to prove legal, and the other considerations were addressed, we would recommend approval of this application.

By: Emory Breiner, Planning Board Member, and Ian McDonald, Architect, Planning Board Member.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Bruce Anderson, Suffolk Environmental Consulting, for the applicant, Mr. Lapham is here with me tonight, this is Mr. Lapham, Mr. Mitchell who is __ and Joseph Fischetti who is our project engineer, this is an application where we're proposing to demolish an existing single family residence and covering roughly 1516 square feet and we will replace it with a two story single family dwelling with a footprint of 2190 square feet with attached deck of roughly 1,050 square feet which is located 82 feet from the wetlands boundary, the, coming off the deck with the stairs, the stairs terminate at 75 feet from the deck and that's where the 75 feet comes into play, as you know, regulated activities within a hundred feet require a permit and that they're special protections offered and required and encouraged with the first 75 feet which is your vegetative buffer, this project complies with that general scheme, here we have a site that's 21,994 square feet, the area in the wetlands on this site equals 2320 square feet and the remaining areas are formally landscaped or __, made of turf grasses, the proposed lot coverage here equals 15 percent, when we looked at this project early on and even before Laphams purchased the property, we did consult with the Town's land use people, specifically Miss Wilson because we were aware of the Peconic Trail, it turns out of Peconic Avenue or Hidden Trail I guess it's called, is actually a right of way and is not a road and therefore the setback, the front yard setback which is taken from roads even though it's not the practice of this Town to __ that setback for distances from rights of way, at that time I prepared a report so stating and Mr.

Lapham purchased the property relying on that; now what did you say, there is no setback __; well it was not treated as a front yard setback because it was not considered a road as per the Town's Building Department; _; I think it was a side yard, yes, so in fact we have a notice of disapproval that is attached to the application stating that the only special permit that we needed from the Town would be the wetlands permit and that's why we applied to this Board, as part of our project we would be bringing some very significant site upgrades incorporated into this, the first part of it which is of great significance is to bring the, to remove an existing cesspool that's located approximately 75 feet from the wetland boundaries into, remove that completely and construct a compliant septic system, so the removal of the old block septic system is part of this application, the septic system that we would be constructed would be installed on the northeast corner of the property, the new well would be constructed on the northwest corner of the property, the septic system and well were the subject of a board of review hearing that occurred about a month and a half ago, it was attended by the Town, a representative of the Town, we had hoped to create a community well in that area, it was subsequently, the proposal to do that was rejected by Daniel Reich and so the board of review approved the septic layout that's before you today and we do indeed have a septic system approval from the Health Department and that's part of your, that's in your file jacket; what's the distance of that new septic system from the wetlands, I don't see it marked so you figure it out; it's in excess of a hundred feet, it's 30 and change; 130; it's approximately 130 feet from __; very good; the other thing that you should be aware of is that this application was subject to excess review by the New York State Department of Environmental Conservation which culminated in a permit, a copy of that permit is also in your file jacket, the project here seeks to work with the site as is, to the extent possible, it doesn't place the mass of the house, the house is placed actually away from the right of way if you look at the way it is designed which will soften its looks from the road which is what we think is a positive for the community, we also note that in passing with that septic system, limit the amount of fill and the fill is only related to that, the well which will be in the northwest corner is 88 feet from the wetland boundary, I'm sorry, 88 feet from the septic system and the property is located within the Near Shore and Peninsula area, no natural vegetation is proposed to be cleared or removed, the site does contain trees, there may be a couple of trees, I don't know if there are any trees that has to require removal, as I said, it is widely spaced, there is a wide space __ with turf grass that establishes your understory, there is no understory on the wetlands themselves, the amount of fill for the septic system is estimated at 50 to 75 cubic yards which will be retained from an upland source, the project, built into this project is another mitigation measure, they include obviously the abandoning of the existing cesspool located 76 feet from the wetlands boundary, as I explained before, this is likely to be a block system, it's likely to be installed into groundwater, there was testimony given at board of review by the Reiches that it was their leak that the existing cesspool had caused the contamination of their well, their well was contaminated with saltwater and also coliform bacteria so with the approval of this application, that threat to the adjoining well would be completely removed, there would be no cesspool located approximately 75 feet from their well, instead our septic system would be moved beyond 150 feet from their well, removal of a block system entails pumping it clean, removing it, excavating and backfilling with clean sand and it is our position with the septic upgrade, not only will we be abating the environment greatly, we will also be providing a needed protection to the adjacent property owner, so we have the removal of the cesspool and the construction of the compliant septic system, we have the limitation of __, I took best notes as I could, there was a concern regarding the sizing of the cesspools, we are certainly amenable to amending our plans to provide the drainage calculations, it is our intention to capture and recharge 2 inches of, 2 inches rainfall, Mr. Fischetti was here tonight to speak to that, the idea would be to collect the roof runoff by leaders and drywells, to direct into drywells, to __ any potential stormwater runoff, you should know that there are no runoff protections presently applied on this site, we've also provided as the Planning Board notes, a drywell for the hot tub and that is part of our application, soils are generally sandy and adequate for the percolation for this, also the driveway parking area patio walking area is to be comprised of gravel and loose stone in order to allow for increased percolation of the water table, as part of our application we prepared a buffer plan and in essence what we propose to do is to replace lawn with red fescues which were native upland grasses; you're referring to the site plan detail; yes; then I just have a question, it doesn't match the survey at all, the survey has all swirly dotted lines that looks kind of __, this looks very natural but what's on the survey, all these dotted lines and circles, crop circle, it looks like something manmade down very close to the water and I didn't know what those lines were but they don't seem to match the site plan; we'll take another look at it; what are these lines on the survey; which lines; that is a site plan, first of all; this is __, these

swirly lines and circles and; I don't know, we'll find out; okay, it doesn't match Bruce; maybe we can be of assistance; look at the survey; no he's looking at the site plan from the __, they're showing a very light line; it looks like crop circles, I didn't know what it was; __ it doesn't mean anything; it was a sketch that the architect did; I would ask you to rely on our; okay, whenever we get two things that don't match, we have to ask; that's okay; and also in the resolutions, make sure we are referring to the right document otherwise if somebody looks at something, another Board ten years from now will say oh it's on here but it's not on here, so; I appreciate that, I appreciate that, and maybe it would be more useful to have more details but I think, I hope you understand what a fescue type planting would __, non water, irrigation, none, pending neighbor grasses populating the area when the lawn is mowed __ what's there now, would __ propose hay bales and fencing along the vegetative buffer line, there may be some confusion as to how to work around the site because when you look at the survey you see the area that extends __ what those really are is, that's sort of a raised trellis just to provide shade, it's not a structure touching the ground so the house itself is 82 feet from the wetlands boundary but regardless, getting back to the hay bales, obviously we would be happy to use wire backed silt fence, it's becoming more common to use wire backed silt fence so we'll be making that part of our application; can I ask you about that, because I can't find the site plan thing, where is the location of the silt fence marked; yes, it appears on the site plan but it was all along the 75 foot; as shown on the site plan; yes, it's also shown on the landscape plan, the location of the silt fence, the Planning Board made some interesting points and we looked at that as well, I'll pass around an aerial photograph that shows the Lapham property, I'll make the following points, the Lapham property and the way it's going to be redeveloped will be substantially further away from the wetland boundary than what we see in the neighborhood and that's a reflection of your statute, I don't know how, to what extent these properties have been redeveloped since the law has been __ and I suspect that they were but the idea here was really to maintain that 75 foot vegetative buffer and improve upon it by naturalizing it and removing the cesspool, and I would say that as to the CAC's comments, this particular design is really going to be more respectful of the neighborhood, you really, __ that you really wouldn't want to create a large mass right up against the road, I think it would be more disruptive so if you look at the way this is put together, it is very carefully designed house, it's done so that it doesn't overwhelm the neighborhood so that it is sort of a "T" shaped house and really only a very small part of it if fronting the road and likewise a very small part of it is really within the 100 feet, I don't have an exact number for that; that calculation, could you get that; I certainly can; what's the percentage of the existing structure that's within the hundred foot regulated area; the existing structure is outside the hundred foot; and give us what you're proposing to put in the regulated area, I'd appreciate that; I'd be happy to do that, those are our initial comments, I'd like the chance to more carefully review some of the comments that have been made and so we anticipate picking those up and I'm also here to answer any questions that you may have, Mr. Fischetti is here, Mr. Lapham is here, I'll turn the floor over to you folks or anyone else in the audience; thank you; one question; I'd go ahead Laury; I noticed, when looking at your application, you're replacing basically a 1500 square foot building a 4100 square foot structure, how many bedrooms are there gonna be; the bedrooms are 3 which is the minimum that the Health Department, I don't recall how many bathrooms, do you; 2; 2; I'm sorry Laury, it's not, the structure itself is a 2100 square feet; you're including the deck; I wasn't including the deck, I'm taking the numbers off of here; the structures are, the house is; it says square footage 1516, another square footage 4100 plus; no that's inclusive of the patio; but it's wrong; no, it says decks and patio; it says building, this should be reduced; that's 41; _; the house is 2100; 2100; correct; the building with all floors would include the second floor, the building with the second floor; that's confusing to me; me too; the square foot living area is; footprint and SFLA is what, is that what you were asking; footprint it says in your January 29th, it says 2190 square foot, single family dwelling of footprint of 2,190 square feet; right; it says the square footage of all building, all floors, 4100; what they're saying is that's inclusive of this; so you're counting a deck as a building; well I was just, __ part of the; what we want to know is the living area, SFLA; the heated space; the gross floor area of the building; you get the first floor, what it claims here is 2,190, and how much is upstairs; we will provide you with that information; okay; I had a question actually, directed to Joe, the wall around the septic system, this proposed retaining wall, 6.5 inches to top of wall, I'm sure that's not correct; that's the elevation of 6.5, I don't know who, I have a survey here; okay; that I prepared; and the site plan which; well actually the elevation is 6.5 feet; okay, what is that above, how high above the existing; __; okay but how high above grade is the wall, if you walk down the road, how high is that wall from the existing grade; I think; I have an existing topos here, they range from 5, it could, they go from 5 to 6 to 4, in that area so it's only a

couple of foot, the top of the wall is only a couple of feet, that's what happens when the Health Department, if any is above the wall, we still have to do a concrete retaining wall; and how deep is that wall going below the existing grade; it has to go 3 feet below grade so it would be maybe a 5 foot wall; and you can dig right down 3 foot grade, 1 foot from the line and not disturb the neighbor's property; yes; you can, okay; we've had things like that, if we have to, we have to protect the neighbor, we can't go over the property line; and I would like to ask, is there any compelling reason to construct this house right up to 75 foot buffer instead of keeping it outside the regulated area; the house is at 82, it's the stairs that extend to that; I know, I'm just asking, I wanted to give you an opportunity to say why you didn't want to or couldn't keep it out of the regulated area just like the old house; well the reason is because we don't want to create gigantic massing up off the road which will destroy the neighborhood because if you take the line of this house and you make it, I suppose it could be done, I don't think anyone in this room or this community would like the result, this is a nicely designed house that will fit into the neighborhood as it exists and that is why I handed out those aerials, we're trying to make it so it doesn't __ the neighborhood; the __ quite some distance back from the, it could be what 120 feet; it's 117; I'm sorry; good __ Paul; okay, then the existing house is 1500 and change, right; right; that includes the garage; yes; okay, alright so you __ what I ever __ to keep it out of the hundred foot area; well as I said, it was __ because if we were to build a house of that size, it would really be a detriment to the neighborhood, we're trying to build something that fits this land so we were very respectful of the land in the design of this house, that's why the house is designed the way it is, a lot of effort was made to design the house that way so that it would fit with the neighborhood; what part of it will stay out of the 75 foot; what part of the house goes into the regulated area; well we'll have to get back to that question; how many rooms are inside, living room, kitchen, bedrooms; what's the nature of the structure that's going in there, you know what I'm saying; part of the master bedroom and the living room; okay so master bedroom and living room __ right; yeah; comments from the audience, yes sir; Patrick __, I'm an attorney __, I represent the neighbors to the east, the Levitskys __; who are the neighbors again; John Levitsky and Sharon __ to the east; __; my clients wanted me to come down and just outline their objections to the project __ to the present scale, __ scaled down project, they believe this is too ambitious for the square footage of this lot, significant increase __ grand development __ too great a discharge, they concur with the Conservation Advisory commission, it's just too grand a scale; maybe if you could speak up a little; my clients agree with the Conservation Advisory committee in saying it's just too grand a scale for the lot and that places unnecessary stress on the water supply, from a personal point of view, they're concerned about the wall, about the septic pool which I think you tried to address but I really didn't understand the height, they're concerned about some screening possibly, that could be addressed in the plans, around the septic wall, it seems like it might be high, it's 5 feet from the property line; 1 foot, I believe 1 foot from the property line; no I think that's the other wall, there's going to be a septic wall itself which is 5 feet, correct; what's your __, he's talking to me; I thought you were talking to me; well because you had asked the question about the height that you had asked; usually the septic wall is 1 foot; it's about 2 foot, the existing grade is, I'm looking; from the property line yes; I have one question; that's perfect; I have something I wanted to say to Bob, we wanted to clear that up in terms of the height and the distance; the sanitary is 5 feet; okay; the leaching pool is 5 foot from the property line but the wall is 1 foot, on this plan; __ the survey that I prepared; that's what that; but the pool itself will be raised correct, it is my understanding, 5 feet back from the line and it will be above grade; 2 feet above grade; the big concern is to just get some screening for that, cause it's so close to the property line, I'm sure that can be easily addressed by the applicants; it's a small vegetation plan that would suffice on that and again their overall jest is to the stress to the water table and the size of the, they feel it's an unjustified encroachment to the buffer of the wetlands, there were other options on the lot; did they describe to you how they felt the stress to the water table was going to be increased; well it's a greater development, greater square footage, greater water usage, greater septic discharge, that was their; __ the larger house and although the bedrooms are the same; correct; that's a good one we can put on the record and the screening I think can be easily addressed, thank you; thank you; what's the number of bedrooms and bathrooms in the old house; 3 bedrooms, 2 baths; it's pretty much the same; it's the same; that's what I thought; okay; can I make a couple of comments; please, come on up; is there a package with a scale; yes; there's an Ehlers survey, John Ehlers survey in your package somewhere dated last; it's on an 8 and a half by 11 and we can't read it, that's why I asked for the site plan; oh I'm sorry, so this is the one that was designed and has the drainage on here which is, the drainage calculations for the roof drainage, it also has the retaining wall design and the sanitary design, just a comment about water usage, the Health Department,

and all sanitary systems are based on bedrooms and not bathrooms, you can have 10 bathrooms in a house and 3 bedrooms and they assume that there's only 2 people in each bedroom, so a bedroom, toilets do not count, when you're talking about water usage, we have to look at bedrooms, bedrooms allow people to live in the house and that's where the water usage is, the existing house is a 3 bedroom house and we have now it's a similar 3 bedroom house, that's what the Health Department does, that's what all the engineering designs do, there is no more water usage than the original house, we have a place, relocated the cesspools with a compliant sanitary system and relocated the house so I wanted to get those 2 points, one that we have a drainage structure designed according to Town Code and _; and with that well, you are getting potable water; yes we are, we could not get approval if we did not get potable water; the entire area that, not you, well maybe you, stick around, the area facing the water, that entire thing that juts into the regulated area 2 stories or 1, I'm __ these things blind; I'd like to come back with some real hard numbers; right; because for me to stand here and try to go over the whole design of the house in the hundred feet, I don't think I would be doing the applicant justice; fair enough; so I'm trying to make a list of you know, I'd be happy to provide you with that information, I suspect the number is relatively small but let's not guess at it; and I'm also curious, there's also, on the east side there's 3 little outcroppings on the side of the structure, what is that, I'm just curious, it has nothing to do with anything __; that's part of the house; the side; okay; it's a feature of the side of the house; thank you and __ ; if you want to; I don't know that the east side of the house; those are windows; okay, that's the face that points out; okay thanks; hi, my name is Duke Reich, I'm not an engineer and I'm not a lawyer and just a neighbor, my wife Lisa, my boys and I have been renting the house directly next door to Laphams for the last fourteen years and we do have some concerns in regards to their application, first and foremost is the fresh water, I was just kind of told a little bit about that we have had a serious problem, ever since superstorm Sandy we have had water that only can't we drink, can't cook in, we can't bathe in it, we can't do laundry, we can't take showers, we can't wash our dishes, we have to do that all off site so we need to drink bottled water, we need to use bottled water to brush our teeth, so water is a big concern, we've met with numerous engineers, filter companies, well companies, we just had the, our existing well cleaned for the third time, just 2 days ago, we were hoping that we can get fresh water, if not we need to find a new source for that, just a little bit of history about this property, this property sits on a peninsula in Silver Beach, not only did my grandparents purchase the property, the house that we are in but they own Hidden Path which is the road to access this, the property was developed by the Callans back in the 1950's and Callan, Nicholas Callan built a home for his wife and himself and then 2 identical houses for each of his 2 daughters so they were kind of matching __ construction equipment parking and this would be a very small dirt path, Hidden Path, it's only wide enough for 1 car, so if a car is coming in and you're exiting, someone has to back up and my concern is that construction vehicles will block the road, block access for us so if this does go through and I realize this is not the Town's responsibility being a private road, however it is a concern certainly that we do have that not only is the integrity of the road kept because it is a dirt road with heavy equipment going, construction equipment going through there but also that if this does go through that any construction vehicles must be parked on their property, as I mentioned, we do own Hidden Path, all of the neighbors, property owners on that road do have an easement to egress and ingress to the property but they do not have a right to park on the, on Hidden Path there, I do have some questions and comments in regards; how wide is the road officially on paper; on paper it's 20 feet; 20 foot; but it's narrow; I understand ___, how much, side of the road anything like that __ things obstructing the sides __ parking __ option there; there is nowhere to park, that's my point and because we; there's no real side of the road; right, because we live past Lapham's house, that's my concern, that if a construction is parked there we won't be able to get there, that's all, I did read the Planning Board's letter dated February 3rd and I do have a couple of comments and questions in regards to that, the Planning Board states and I quote though hot tubs are not required to have wastewater drywells, we applaud the homeowner's proposal of one that will permit the 8 foot by 8 foot hot tub to be drained when not in use and that water will be directly recharged to the ground, I guess again, my concern with all this is water and the more water that's taken from the very narrow lens as we have learned as the peninsula has obviously there will be more room for saltwater intrusion so I guess my first question is, is an 8 foot by 8 foot soaking tub as it is on the plans is that considered a hot tub, where does that water come from, is that being taken from the well water and then it does say that that does go to a drywell but it doesn't say which drywell that goes to so that's certainly a concern again, just getting back to the whole water issue which is a major concern to us, also the Planning Board letter stated that no great amount of mechanical equipment had been located on the plans and equipment while to

meet the 40 foot or 25 sideyard setbacks, again nothing on the plans about where any potential air conditioner or compressors or any tanks might be so I think that we are, we should be able to know where that is, someone had mentioned about the paths on the plans are all sorts of landscape paths and I was just wondering what type of plantings would exist on them and would they require watering, there is something on the Planning Board letter that does state that the overhead wires do cross the Lapham property and those wires actually access the electrical wires to our house so they would obviously have to be moved if this house goes through so I would like to know who is going to move them and where they would be moved and then lastly, the Planning Board letter stated something that I thought was interesting and I quote, it also says from Google image, it appears that the proposed house will be of similar size to those along Peconic Avenue, well this house is not on Peconic Avenue, it's on a small little dirt road and Peconic Avenue, those houses have A zoning which are set back 40 feet, I thought that this should have 40 feet setback, I am being told differently but that is something that I think should be brought into the discussion, we can't compare it to houses along Peconic Avenue if they are set back 40 feet and this is only allowed, only has a setback of 25 feet, so, I thank you for your time; thank you, yes ma'am; hi I'm Lisa Reich but I got a letter from my father-in-law today, Dan Reich and he's the owner of the property, he can't be here today but asked if I could share it on his behalf, so he just sent some thoughts regarding the Laphams building project, can you hear me okay; yes, thank you; intent, their action demonstrates that they have purchased the less than half acre property with the idea of demolishing a pre-existing, non-conforming house and replacing it with a much larger non-conforming house, when they purchased the property either they did not do due diligence or they felt they would be given exceptional relief from our zoning and wetlands ordinances, hopefully the Town Board realizes that our zoning and wetlands ordinances should be upheld in an attempt to preserve the integrity and ecology of our Island, the fact that variances may have been issued in the past should not guarantee that they should be issued in the future, it is this type of building that created a need for zoning and wetlands ordinances, for example, when their present house was built in the 1950's, pre-zoning, the Town fathers did not have enough information to understand the required property size to support such things as water, sewerage and the ecology of wetlands, that is exactly why our zoning and wetland ordinances were created, that under half acre, the present house, was non-conforming yet they're trying to build a much larger house on the same non-conforming property, it seems to me that a prudent purchaser of non-conforming property should realize they were asking for trouble as to building a larger house on the property, granting them relief appears contrary to the reasons our zoning and wetlands ordinances were created, water, there's a very narrow and shallow freshwater lens on this property as recorded by D. B. Bennett and __, we employed him to advise on our freshwater options as we have not had potable water on the adjoining westerly lot since Hurricane Sandy and we are still not able to drink, wash or bathe as our water remains the color of iced tea, any new or additional use of fresh water on their property will only exacerbate the problem, our zoning and wetlands ordinances were created when it became evident that certain development would negatively affect the Island's ecology, freshwater in general __, the fact that some pre-existing properties are non-conforming should not be a consideration to grant relief from existing zoning and wetlands ordinances, just because things were done in the past doesn't mean they should be done in the future, the interpreting of zoning and wetlands ordinances should be based on today's knowledge of what's best for our Island, sincerely, Daniel O. Reich, 4 F Peconic Avenue, thank you; thank you; one question, I'm just looking up when you mentioned that it was 3, I think Bruce mentioned that it was 3 bedrooms, somebody mentioned it was 3 bedrooms; yes; I remember when I was little visiting my grandparents when we would go to the lady next door and she would give me cookies and I thought it was a 2 bedroom house and I've just pulled up on the GIS, the tax record we have, it shows the house, building style ranch, number of stories 1, number of bedrooms 2, living area 1,110 square feet, 1 bath, 1 half bath, total number of rooms 6, so I'm just wondering how we got from that to 3 bedrooms; well I don't know but that's not correct though, there are 2 and a half rooms and 3 bedrooms in the existing house; okay so that made up, you're welcome; no, some place there must have been a building permit that was issued at some point to a previous owner or; I don't know, I have no idea but I mean you're welcome to come to the house and look; I'm just, I just pulled this up, I thought it was 2; well maybe it was when you were there; right; changed rooms into something else but usually if somebody gets a building permit, it reflects a change; why do you have 6 rooms, you have a living room, dining room, kitchen and bedrooms, what else do they have except bedrooms; dining room, living room, kitchen and bedrooms, 3 bedrooms, that's 6; okay, I was just curious, I'm just, it seems a contradiction to what; unless it's a media room ___; so the information that we normally get at these hearings, 1

including the square footage of down below and the top, there's a difference in square footage where it is now on that map, was there an extension of 1100 square feet, __ 1500 here ___; I'll take your question; is that right; well we're gonna go back and we're gonna break it down a little more, certainly to analyze how much of this house is within the hundred feet, I think that was the question I heard and just to clarify, it was clear on the size of the house overall within the hundred feet, the gross floor areas within the hundred feet, separated from the __ within a hundred feet, I guess it's gonna be fairly minor, I guess we'll see; the process going forward without that information, do we want to keep the hearing open; I think that's a good idea Ed; I think we might have to; I request that you keep it open because we want everyone to be clear on all the __; good idea; and I think you generally when you look at house size in general, we focus on the first floor and you know, the footprint; please come back with the understanding that we try to keep things behind that hundred foot line; okay; as much as we can; __; so just so you know, our next hearing, public hearing is March 3rd at 1 o'clock; okay; you think you can make it there or should we make it the meeting after that; the meeting after that; the meeting after that; that is the 27th; I think it's the 27th; the 27th of March; that would probably be beneficial too because it's very hard to walk down that road or non-road, whatever it is being called; __ the neighbors as well; Bruce did you want me to make that one comment about; we can save that; perfect; thank you all very much.

The Supervisor declared the public hearing held open and leave it open at 6:20 p. m. and called to order the public hearing to be held as advertised on a proposed Local Law entitled AMENDMENTS TO CHAPTER 113, POOLS.

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. There being no comments, the Supervisor declared the public hearing closed at 6:21 p. m. and called to order the public hearing to be held as advertised on a proposed Local Law entitled AMENDMENTS TO CHAPTER 53, DOCKS.

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. There being no comments, the Supervisor declared the public hearing closed at 6:22 p. m. and called to order the public hearing to be held as advertised on the application of Kathleen Tropin, 52 Gardiner's Bay Drive, for a wetlands permit for permission to modify an approved wetlands permit; the existing permit allows for construction of a permeable stone patio to be 75' from the seaward face of the on site bulkhead; the patio was constructed 74.1 feet from the seaward face of the bulkhead; therefore, 18 square feet is within the vegetative buffer.

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

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Conservation Advisory Council reported as follows:

Date: December 15, 2014
Re: Kathleen Tropin, 52 Gardiner's Bay Drive.

Sherman Engineering and Consulting, PC submitted a wetlands application for Kathleen Tropin, 52 Gardiner's Bay Drive. The application requests a modification to her previously approved wetlands permit. The permit stated the patio was to be built 75 feet from the seaward face of the on site bulkhead.

The patio was actually built 74.1 ft from the seaward face of the on site bulkhead.

The CAC discussed this application and accepted the proposed mitigation.

The CAC voted unanimously to approve the application as submitted.

Date: January 29, 2015
Re: Kathleen Tropin, 52 Gardiner's Bay Drive.

Sherman Engineering and Consulting, PC submitted a wetlands application for Kathleen Tropin, 52 Gardiner's Bay Drive. The application requests a modification to her previously approved wetlands permit. The permit stated the patio was to be built 75 feet from the seaward

face of the on site bulkhead. The patio was actually built 74.1 feet from the seaward face of the on site bulkhead.

Sherman Engineering resubmitted a new proposal for mitigation that removes the present established turf and replaces it with several different varieties of shoreline plants.

After discussion, the CAC voted to deny the suggested mitigation because the present turf is well established, and loosening the soil makes the sand/rocks, in a severe storm, fluid. Instead, the CAC voted unanimously to leave the turf undisturbed and have the Town levy a fine which will cover the cost of a new two 10 foot ring drywell to be placed at Dawn Lane. This drywell will be built according to the specifications of the Shelter Island Highway Department.

The Town Board discussed the following: so essentially they are breaking some new ground with some off-site mitigation, we have to talk about all that; yeah; traditionally and Laury correct me, I think wetlands fines are supposed to go towards improving wetlands situations so I don't think that is actually groundbreaking is it Laury; what's this thing about drywells on Dawn Lane, does it need it or something; yeah; there is runoff coming down into the, into Gardiner's Bay and it's kind of steep going down there so it would stop the road runoff nearby from coming down; you have to decide; the fines ordinarily would be more directly to that type of thing rather than specifically tailored for that specific project.

The Planning Board reported as follows:
3 February 2015, Re: **Tropin Wetlands application**
52 Gardiner's Bay Drive, SCTM # 0700-01-02-072.1
Zone AA Residential (reverting to A) within Near Shore Peninsular Overlay District.

We are in receipt of the Town of Shelter Island Wetlands Application prepared by Sherman Engineering & Consulting P.C. and dated 2 December 2014. This is a modification request to the approved 2011 wetlands permit which allowed for a new patio to be 75' from the seaward face of the bulkhead. Unfortunately, the new patio was constructed 74.1 feet from the seaward face of the bulkhead; therefore 18 square feet intrude into the vegetative buffer.

The Planning Board began by reviewing the 2011 application, our own 2011 Memorandum to the Town Board, and the 2011 permit and conditions.

We submit the following observations:

Planning Board members revisited the property on 15 January 2015 and found the newly constructed patio with the newly configured steps and basement ramp. The patio was not permeable as originally required and described in the application. The paving stones were grouted.

A new pool fence, which enclosed the entire waterside yard, rather than just the pool, was evident. The stairs to the beach are gone. It appeared the buried oil tank was removed. The required pool backwash drywell has not been installed. The required roof runoff funnels were not seen beneath the roof drip points.

The explanation was that once the survey showed the intrusion, all other aspects of the 2011 permit were put on hold. The applicant's agent assures the mitigation from the previous approval can be accomplished in quick order.

We make the following recommendations:

The 18 square foot patio intrusion is trivial, and we would not recommend demolition of that intrusion. Likewise, the lack of permeability of the paving stones can be addressed with the installation of a grade set trench drain at the drip line. This should be piped to a stormwater recharging drywell.

Based on the location of the well and what we presume to be a sanitary system vent, we expect that the septic system is on the waterside lawn. The sanitary system should be precisely located so that the required drywells (stormwater recharging and pool) can be installed to acceptable standards.

The current application offers a new mitigation, a 10 foot wide non-turf buffer along the bulkhead. With the completion of the original 2011 requirements, and consideration of our comments above, the Planning Board recommends approval of this application.
By: Emory Breiner, Planning Board Member and Ian McDonald, Architect, Planning Board Member, For the Planning Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this application was a wetlands permit a couple of years ago, 2011, these people we are talking about here, this is the overall site on Gardiner's Bay, you can see the 2 red lines are the wetlands offsets, you can see, here's the main house, the part outlined

in green is the previously existing patio and then that dark area seaward of that is the new construction, the approved, the originally approved patio increase; that is 18 feet; no you've got about 32 feet of previously existing patio, an additional 5 feet beyond that toward the water and then it extends just shy of 30 feet down parallel to the house, parallel to the water, that 19, 5 is what should have been the outside face of the patio on that opposite side; where is the 18 feet; what 18 feet are you talking about; the one that; oh I'll show you that, the incursion into that first 75 feet; it's the 26, 49, 29.65 times .9; close; roughly; yeah you'll see here on another slide, this is, the scale is a little bit too high to see because it's just under a foot and it goes on a wedge so it's under a foot on that left hand side and just over nothing on the right hand side so that 29 foot span, that triangle that's seaward of the 75 foot line is what comes up with the 18 foot of area that's in the vegetative buffer, the first 75 feet, so the blue outline is the area that we've got, that was actually created; Matt; yes sir; was that thing built sizewise according to specs or did they make it bigger than anticipated; it's bigger and different than originally approved by the first wetlands application and by the plans that were put together in order to build it so there were some things done in the field that in a lot of construction obviously things change as you're going along, you're not supposed to change them without getting a permit, especially in a wetlands application, the problem gets compounded; __ ; the area that's got the blue outline is the patio as it was constructed, the green outline as you can see is just inboard of that northwest side, that's what was originally permitted so on that left hand side we've gone further out, another what are we, probably another 4 feet out and on the right hand side there's a retaining wall which is parallel to the building on that little spit that comes out in this area here, that little spit is a retaining wall that allows for a ramp going down into the basement, that was moved closer to the building and this, this area here, those 2 rectangles, I'm not showing up there, Peter I'm froze, those rectangles there, those are the stairs that are leading down to the grade, so what was approved was in green and what was built was in blue so you can see there's a fair amount of change, this is the patio as it was designed by the architect, we're coming just beyond that little punchout on the north side on the top of the drawing, we extend 2 feet over, the actual patio was constructed approximately 6 feet over so it increased over toward that sideyard, it also extended 6 to 8 inches toward the water because the wetlands line, the bulkhead isn't parallel to the building, it created that wedge, that's in essence that extension out to the side and the extension towards the water that created our problem, there as you can see from the profile, just so you've got the idea of the elevation of what we're talking about, it's not a low patio, it's on the seaward side 4 and a half feet give or take something like that, coming up to the finished floor elevation of the house; so it's not a ground level patio; no; no; so you can see here you've got __ access 5 foot; so this must be about 7 foot over here; I can't see that; it says 5 foot; once the railing, it's probably 3 foot; the railing is 3 and then it's 1 foot, no the whole thing is 3 foot, it's 1 foot 6 to the terrace deck, that dash line there, so the railing is 3 feet above the terrace deck which is what you would expect; mine says 5; no it's 3 feet; okay, 3 feet; do you have pictures of the actual deck the way it got built; I don't, I was out there this morning, the pictures I got were pictures of the snow, the approved plans as assuming that architectural plan is what was approved and approved to be built, we're also slightly off from the original wetlands permit, you can see in red and the approved plan in green is the wetlands approval, it's, it is not encroaching, it is not in violation of the Wetlands Code but it's slightly off from what the original plan was, not by much, basically the stairs were moved back a little bit and that retaining wall moved back closer to the building, further from the wetlands so it really shouldn't have been a problem, however again the blue line is what was constructed and here's where you can really see how it's further to the left and closer to the water, so the blue line is what was constructed, red line is what the original plans were; who is the mechanic; it was a subcontractor, a subcontractor I believe for Hobbs Inc., Hobbs Inc. was the overall contractor; somebody from not here; I don't know who was the contractor who did that; I've been dealing with Hobbs, they are taking a responsibility because it's their project; right; but I don't know the actual of who had the boots on the ground and who did the work; before you get past the patio, I wanted to ask and the first wetlands permit said that the patio should be permeable, it says permeable pavers, I assumed it's on the ground, how do you do permeable pavers 4 feet up; you do a sand base and it, even though you're gonna have a concrete block wall or a poured concrete wall, if there's a sand base below it, then it will go through and go straight down just as if it were on the ground, it's a little bit more involved than if you were doing one on the ground and just putting in sand; how did it get impermeable and how do you fix it; I think the best way to fix it is basically what the Planning Board said, putting in a French drain around the patio; but leave it impermeable; leave it impermeable because, the idea of the impermeable patio is groundwater or stormwater hits it, it goes back down into the ground there, it doesn't start

moving and go down towards the water, you can see, you can't see on this picture; the ground has a very gradual soft slope through most of it until you get down to this area here where it starts to drop off a little bit more significantly as you come to the water so groundwater isn't gonna get a big head of steam, it's not gonna really __ that, you've got thick turf grass which is gonna slow it down even more, so stormwater that is generated on the site is not gonna get to the bulkhead and get over into the surface waters, if it's a concern that a permeable and impermeable patio or impermeable decking or driveways or whatever the case may be, there's gonna cause a flood of water to reach its edge, get to the grass, travel across the grass, get to the bulkhead, spill over the bulkhead into the water, what we can do is put a trench drain along the outside of that patio, gather that water, we still have to deal with the water that's coming off the road, that was one of the original mitigations from the original application, put all that stuff into a drywell, that's easy, it's not a big deal and even though from an engineering standpoint, from a site planning standpoint I don't believe the overland flow is any type of a problem, I understand as far as continuity with what the Town likes to see, we can put in a stormwater control system, that's not a problem and that would help mitigate the issues of having an impermeable patio, so this is, for one of the mitigations that we offered, we're talking about a ten foot non-turf buffer right along the bulkhead, right along here, we're also talking about taking out these stairs, the stairs as a mitigation offer, it takes out an improvement that's within that first 75 feet so from a Code aspect there's less coverage, from an environmental aspect, you're really not getting anything from either; __ like trippers; yeah, they're 4 by 4 and they've got stone in them so they're, environmentally speaking; __ benefit; grass; what's that I'm sorry; are you going to grass there, are you taking it out you say; yeah if we could take it out, we would put grass in there and basically map what is going on; is there a purpose to taking it out; no, other than trying to reduce the coverage, you know they're not, I don't know, it's trying to do something basically is what it's doing, to be honest, I had a hard time with this application of trying to come up with some kind of meaningful mitigation because it is a violation of the Code so I view it differently than if it were a raw application that wasn't a violation of the Code so the mitigation needs to be something real so we were looking at the non-turf buffer along the bulkhead, again from an environmental standpoint I don't really see the value of it other than trying to keep you know fertilizers, things like that away from the bulkhead which technically you're not supposed to do anyway but at least it eliminates the possibility of putting them there so that's __; reduces it; yeah, the other mitigation that I could offer up which I will offer up at this time even though we did not put it in the application, is the, this is today, this is probably the reason why I didn't bother taking pictures of the patio, now there's the stairs, showing the rock on there, go back, oh I thought I had it in here, let's see, yeah here it is, the area of the septic, that's between the house and Gardiner's Bay, it's right in between, we're not precisely located but we're gonna, it's approximately 45 to 55 feet off the bulkhead, I think from an environmental standpoint, that needs to go, bring it over to the landward side of the house, the well is also right between the house and the driveway, that would need to go up by the road so we would have the sanitary improvement from the septic and water supply improvement from the well so we would be 150 feet plus from the wetlands, that is a, the other two are nothing, that is a real mitigation; yes; and that would show a real environmental improvement; yeah; so that's what I would like to see happen, I like the idea of, if there was going to be a fine imposed, I like the idea of it going into some kind of dedicated fund, obviously that's the Town's, that's your concern more so that there is a community wide improvement rather than something, it would be a community improvement as well as the property owner's and this was just because when I got off the plane last night at JFK and I could see my breath, I wanted you people to realize that there's other things going on out there right now, there are places where they're not gonna get __ with snow tomorrow; yeah; your fine is going up; yeah, let me back that up, so in essence what happened here is, I could speculate on why it changed, what I think happened was as the patio was laid out, they felt that they needed more room coming out the main door from the house onto the patio so they moved it over a little bit, you move it over a little bit and had the wetlands line been parallel, we wouldn't be having this conversation because it encroached, the wetlands line crept in, all of a sudden we got hit and then the other I think was probably you know measure twice, cut once, measure once, __, the other one I think was just a mismeasurement or misreading of the plans cause it's only about 6 or 8 inches closer to the, or further from the house I guess is a better way to say it, cause that looks like it was just an error, an error on the part of the contractor, so that's all I have as far as our end of the presentation, if you have any questions; thank you Matt.

The Supervisor declared the public hearing closed at 6:40 p. m. and announced that the public hearing to be held as advertised on the application of Gary Baddeley, 133 South Ferry Road, for a wetlands permit will not be held, therefore it is determined to be withdrawn.

The Supervisor called to order the public hearing to be held as advertised on a proposed Local Law entitled A LOCAL LAW AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE RESIDENCY.

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: no problem.

The Supervisor declared the public hearing closed at 6:42 p. m. and called to order the public hearing to be held as advertised on Congdon's Point, LLC, 34 A North Cartwright Road, for a wetlands permit for permission to amend existing wetlands permit by the addition of 590 square feet of covered porch and patio; work will include the reconfiguration of one retaining wall, within the regulated area.

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

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Conservation Advisory Council reported as follows:

Date: January 29, 2015

Re: Congdon's Point, LLC, 34A Cartwright Rd

Sherman Engineering and Consulting, PC submitted a request to revise the presently approved wetlands permit to include a covered porch and patio of 590 square feet. This addition will require a reconfiguration of one retaining wall, within the regulated area.

The CAC reviewed this application. The CAC voted to approve this requests with the proviso that another one 10 foot ring drywell be placed next to the proposed one on the driveway. The CAC also clarified that the driveway must be engineered and pitched to specifically allow these drywells to catch all run-off.

The Planning Board reported as follows:

15 December 2014

Re: Congdon's Point LLC Wetlands application

34 A North Cartwright Road, SCTM # 0700-016-01-006.2

Zone C Residential, Near Shore Peninsular Overlay District

We are in receipt of the Town of Shelter Island wetlands permit application prepared by Sherman Engineering & Consulting, PC and dated 26 October 2014 to construct 590 square feet of additional covered porch and patio. The project had previously been granted wetlands relief under Resolution #95, dated 1 July 2013.

Though a new application, this is viewed as an expansion of the older application. Thus, the previous application has likewise been re-reviewed to permit the project to be understood in its entirety.

From our previous review of the project, dated 6 June 2013, we noted:

The 75,102 square foot peninsular property has wetlands along two opposing sides producing a 20' +/- wide conforming wetlands building envelope. The now renovated house preexisted and does not conform to the Wetlands Code. Most of the main house is outside of both the 75' and 100' setbacks. On the North, the patio and kitchen/dining room intrude into the 25 foot adjacent vegetative buffer. On the south, the pool and patio straddle the adjacent vegetative buffer and encroaches 16' into the vegetative buffer. The existing garage is mostly within the adjacent vegetative buffer. A small corner intrudes approximately 7' into the vegetative buffer and the opposite end remains outside of the regulated area.

The combined proposal expands the living room over the existing patio approximately 240 square feet and adds a second story to the main house. It also renovates the garage/accessory structure with the addition of a second floor.

Both applications increase the sizes of the existing porch and patios but no cumulative

square footage numbers are presented. Two drawings titled SP01 and SP02, site plan/septic/drywell, prepared by Dominick Pilla Associates PC, do note figures for the 2013 application but the low resolution reproductions are illegible. The additional porches and patios will reside within the regulated area but remain outside of the vegetative buffer.

A **NYSDEC Letter of Non-Jurisdiction** # 1-4732-00241/00004 dated 2 July 2010 based on construction being above the 10' elevation.

SCDHS permit RO 7-09-0017 for 6 bedrooms dated 23 September 2012.

Planning Board members visited the site and considered all submittals. While on site, Planning Board members ran into Richard Kissane, the project contractor, who was able to answer additional questions.

We submit the following observations:

As noted in our 2013 report, the house sits on a knoll with a high elevation of 18 feet NGVD. The north side of the property slopes to a landlocked wetlands created by a ridge/dune between it and Coecles Inlet. On the southern side, stormwater runoff not absorbed by the vegetated ground will travel to the creek unless collected.

A traffic bearing septic system outside both 100 foot setbacks will replace the old single cesspool which will be abandoned as per SCDH requirements.

The above mentioned site plan/septic/drywell does size and locate a drywell for the site but its ability to handle the full capacity of House, Garage, and all porches and patios is not understood. A survey prepared by Nathan Taft Corwin III Land Surveyor, dated 9 April 2013, locates a pool backwash drywell and what looks to be a substantially larger (maybe 20' diameter) stormwater drywell, both under the proposed driveway.

Hay bales and silt fencing are already in place.

The patio stones and pool deck bricks will be set on sand and this construction is routinely considered permeable. In heavier rains stormwater runoff will remain uncollected. The Town has required stormwater collection from permeable patios in the past, and this project appears to be a good candidate for such a provision.

The plans indicate the asphalt drive will be replaced with permeable gravel. It is presumed that this replacement extends to the property line and not the 3,600 +/- foot access drive which is understandable.

The plans state the two large water collection cisterns will be removed. The wood tie planters have been removed.

The existing swimming pool is to be upgraded with a salt-chlorinator and automatic pool cover.

Neither the previously permitted construction nor the newly proposed porches and patios exacerbate the existing non-conformities. The property has a very restrictive wetlands building envelope and no further intrusion into the vegetative buffer is being proposed.

A major upgrade of the septic system to current standards is being proposed. Drywells are being proposed but updated calculations may be needed to ensure if they are adequately sized to handle all house, garage, porch, and patio stormwater load. With these considerations, the Planning Board recommends approval.

By: John D'Amato, Planning Board Member and Ian McDonald, Architect, Planning Board Member

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Matt Sherman, Sherman Engineering, I'm here for the owners of Congdon's Point, I had put this application together more on the ideas of it being a stand alone for a secondary application to the previous approval, however I like the way the Planning Board is looking at it, as just an addendum to the previous because the real meat of the project was what was previously approved, this just seems to be a relatively small addition to it, of course I think it's more of a __ because I'm on this side; what; small and benign addition to it, the real quick history of the project, originally developed in the 50's, single family home, detached garage, just under two acres in C Zone, obviously by the location it's in the Near Shore Overlay and flood zone X on the building part of the parcel, unlike the previous application I presented, this is not a bulkheaded property, it does have a true vegetative buffer in that first 75 feet as it tapers down to the water, a single family home, garage with sleeping quarters, the single family home is substantially renovated and rebuilt already, the garage and sleeping quarters, they're still getting ready to tackle that part of the project, existing swimming pool, various patios, total 2 bedrooms, 3 bathrooms for the site, we were originally at 300 gallons per day based on bedrooms, sanitary use, we got the wetlands permit to renovate and reconstruct the house and garage, the new construction

ultimately resulted in, it is still a single family home, detached garage with sleeping quarters, swimming pool, patios, swimming pool is staying the same, just gets resurfaced, patios around the pool end up getting reconstructed and changing their configuration somewhat, the site has a total between the house and the garage where there are sleeping quarters, 4 bedrooms in the house, 1 in the garage, 4 baths in the house, 1 in the garage, so our sanitary usage does increase for the site from 300 gallons per day up to 450 gallons per day, based on Health Department design standards, prior site, I'm gonna zoom in on it a little bit, you've got the swimming pool and patio here, the main house here with the patio on the waterside, the patio encroached on the 75 foot wetlands a little bit, this is the detached garage, those stormwater cisterns that the Planning Board had referenced are those 2 circles there, small shed and then a garden on the north side of the building, this was what was originally approved with a minor change, originally approved for the wetlands aspect of it, we've got the main house, screen porch here, a patio gazebo type area there, patio and swimming pools, walkways, stormwater drywells, the stormwater drywells that were originally discussed, there was a large one right here which was part of the sanitary approval by the Health Department, they don't really have jurisdiction over that drywell but they do want the information, we took it from larger drywell and turned it into 2 slightly smaller 10 foot diameter drywells at this point, this is the sanitary system right in here, this is the detached garage, obviously the stormwater collections, the cisterns are gone, the shed is gone, the garden is gone, this is a small sand based patio and this is all parking area right in here, our new proposal, oh I need to go back for a second, one of the things that has changed from the original proposal was the applicant's contractor had asked if this little area of existing patio could remain and not be demolished, so that is something that we are including in this new version of the application, so this is basically where we're at, we've got an increase in areas that are outlined in green, that's what's proposed, the patio that's off of the detached garage, it has that semi-circle reaching out to the 75 foot wetlands setback and then the areas on the main house, this is the covered porch, this is, I'll call it a gazebo for the lack of a better term, and this is the covered porch, in this area there was originally a patio but there was not anything in these 2 areas, when I say originally, I mean from the original approval, this is an overlay showing the previous approval as to what we're asking for now, what's in red is what was previously approved, what's in green is what we're asking for, this is the elevations showing the differences, basically it's the green is the covered porch, north side with that gazebo and then it wraps around on to the west side; does it show the garage porch, or no; no; because that's gonna be raised up too, is it gonna be 1 of those 4 foot high ones; not that's gonna be at grade because, let me get back to you on that with a profile because at the area between the house and the garage, it's at grade, I don't know, I think the grade tapers away a little bit so I'll get you an elevation on that just so that we're clear; Matty could you refresh my memory on the net increase in the; yes, I can, thanks for asking; otherwise __; the first set of numbers is what was there before we started any of this discussion, total site coverage 6746, within the vegetative buffer, that 0 to 75 foot line just under 940 square feet, within the adjacent regulated area 3437 square feet, the initial application we reduced the amount of area within the vegetative buffer by removing the shed, those tanks, by doing some changes to the pool patio, we brought that from 938 square feet down to 736 square feet, in our new application, the pool patio is getting reconfigured a little bit, a little bit of that one patio that we were removing, that's that 28 square feet in the patios which is now going back into the total of 792 square feet, still a substantial decrease from the original 938, for the adjacent regulated area, we increasing the coverage by approximately 500 square feet from our previous application and for the total overall we're increasing it by about a thousand square feet from our previous application, most of that is that section of covered porch, that's on that side of the house, sits on the west side of the house; I don't see that sheet that __, is that in there; no that wasn't part of my; can you send it; yes, do you want the whole presentation or just that piece; I like that; okay, does that make your job easier; yes; okay, so erosion control, stormwater stuff, for the stormwater calculations I'm using to use 2 10 foot diameter 8 feet deep stormwater pools, the leaching capacity of those pools is a total of just over, just under 1100 cubic feet, the total roof coverage, we've got requires 900 cubic feet of storage so we've got a little bit extra storage, that's based on a 2 inch rainfall, collecting everything from the roofs, from the house and the garage, all going into those 2 stormwater drains, storm drains, there, and originally we had them here in this area, that's less than a hundred feet from the wetlands, I've got the room so I'm just gonna propose that we move them up here in between the house and the garage, get them over a hundred feet from the wetlands, it helps, it's not really gonna recharge the groundwater in an area that will support the well which is over in this area here but it does do a little bit better; obviously the covered porch will be impermeable; yeah; is that garage patio gonna be impermeable too; it will be permeable, we will, it will be a sand

based patio and what it will have is where that other one we were talking about, the grout in between the stones, this one they won't, they'll have sand between the stones, I don't know how much of a, I'll call it a grout line for the lack of a better word but it won't have grout in it, I don't know how thick the joints will be but it won't be real tightly set, if you set them real tight and it basically become impermeable, this will have a little bit of a gap in it and also adding a little bit to these drywells, I could add an extra 2 feet to the drywells if you wanted to capture runoff from those patios, you know we're already digging the hole, it really doesn't make a difference; right, __ the bottom of those drywells; to groundwater; yeah; I'll have to look at it and let you know, I mean if we had adequate distance; oh yeah; just kind of questioning if you have it or not; well we're at, what are we at, 18 feet I think at that spot give or take and then we drop so far, our drywells are 8 feet deep, give 2 feet below grade so you know we should have 6 feet at least below the bottom of the drywells but I'll double check that and see; if you went 2 more feet, it would be getting pretty close; and we want at least 2 feet off the bottom, you know a lot of these drawings I took the topo off just because it makes them __ , they turn into a big black mark especially on a site like this, in this area to the north we've got a no mow zone where that will be completely undisturbed, FEMA flood zone just for information area, that blue line that goes around the outside is the X zone, that further blue line from the outside is where we actually get into an AE zone so all of the site development is well outside of the AE zone and then our coastal barrier zone is down here, that purple line on the bottom so we're well outside of any type of coastal barrier, vegetation plan, this is basically lifted from the original application, for the most part, most of the outerlying parts of the property are gonna remain just as they are today or as they were prior, most of the trees are gonna stay, wetlands vegetation is obviously gonna stay, the only thing that's really gonna change is in these inner areas, they're gonna just have low lying vegetation, something that will be relatively low maintenance and a native low level planting, typical for that kind of location; let me __, you're gonna just do the same mitigation measures that you already have to do, there's nothing new; yes, that's what I'm hoping for, that's what we're shooting for, the site changes, overall coverage from the original application to now, we went from 21 percent reduction in the vegetative buffer, now we're at 16 percent reduction, adjacent regulated area, we're down to a 19 percent increase, I have to look at, I don't remember off the top of my head what the increase was but it was a little bit less than that, the replacement of the septic, current cesspool is 52 feet from the wetlands and off site, the proposed septic tank and cesspools are over a hundred feet from the wetlands, taking out the asphalt drive, replacing that with gravel, removing the noncompliant structures and then the potable water use, the wastewater created does increase however this is one of those unique waterfront peninsular properties where it's kind of like an entity upon itself, they're not affecting anybody, nobody is affecting them so we don't have this aggregate of people pulling and people pushing that creates a problem in other areas, that's it for the end of that one, I don't know if you guys have any questions for me, it's kind of a whole lot of the same; okay, thanks; thank you Matt.

The Supervisor declared the public hearing closed at 7:00 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 124

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Andrea Gannon Brereton, 17 Point Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound at a location designated as latitude 41.106721° north and longitude 72.331020° west, and

"Whereas", a public hearing was duly held on the 13th day of February, 2015, 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. 125

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Free Breeze, LLC, 70 Peconic Avenue, has petitioned the Town of Shelter Island for permission to construct an "L" shaped fixed timber pier consisting of 4' by 75' and 4' x

24' sections of pier and two (2) sets of +/- 4' by 5' beach access stairs at landward end; and modify existing beach stairway to land atop proposed pier, and

"Whereas", a public hearing was duly held on the 13th day of February, 2015, 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. 126

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

"Whereas", Ralph Whipple, 20 Thompson Road, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050700° north and 72.317183° west; said location was formerly occupied by the Foerth O-2864 mooring, and

"Whereas", a public hearing was duly held on the 13th day of February, 2015, 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. 127

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

"Whereas", Philip Dunne, 85 North Cartwright Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at the northeast corner of the first causeway at a location designated as latitude 41.08612° north and longitude 72.31211° west, and

"Whereas", a public hearing was duly held on the 13th day of February, 2015, 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. 128

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas, a public hearing was duly held on the 13th day of February, on a proposed Local Law entitled AMENDMENTS TO CHAPTER 113, POOLS, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 3 - 2015 entitled AMENDMENTS TO CHAPTER 113, POOLS, is hereby adopted, to wit:

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

Section 1. Amend Chapter 113, Swimming Pools of the Shelter Island Town Code, as follows:

A. Section 113-5, subsection (B)(6) shall be amended by adding the following sentence to (6) (a) as follows: Because of their special needs, commercial pools may use a sand filter.

Section 2. Effective Date.

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. 129

Councilman Brown offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a public hearing was duly held n the 13th day of February, 2015, on a proposed Local Law entitled AMENDMENTS TO CHAPTER 53, DOCKS, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 4 - 2015 entitled AMENDMENTS TO CHAPTER 53, DOCKS, is hereby adopted, to wit:

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

Section 1. Amend Section 53-5. Definitions. DOCK. by adding the following sentence: A permit for a dock shall run with ownership of the land.

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. 130

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a public hearing was duly held on the 13th day of February, 2015 on a proposed Local Law entitled A LOCAL LAW AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 5 - 2015 entitled A LOCAL LAW AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY, is hereby adopted, to wit:

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

Section 1. Amend Chapter 16-3 of the Shelter Island Town Code, titled "Officers and Employees", by adding subsection G concerning residency of employees, as follows:

§ 16-3 G. Exemptions.

G. Clerical positions employees must be residents when hired, but may seek permission from the Town Board to relocate off-island after three years of satisfactory performance in cases of need.

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.

On motion of Councilman Shepherd and seconded by Councilman Reich, the meeting was adjourned at 7:10 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 3, 2015

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 3rd day of March, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and two were also present.

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

Salute to flag.

RESOLUTION NO. 131

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas" the term of Debbie Strongin as a member of the Community Preservation Fund Advisory Board expired on February 15, 2015, and

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

BE IT RESOLVED, That Debbie Strongin is hereby reappointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 132

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from Verizon in the amount of $40.00, and the two checks received from the County of Suffolk in the amount of $1,223.43 and $939.18 to the 2014 general fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 133

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Alfred Loreto, 2 East Brander Parkway, has petitioned the Town of Shelter Island for permission to maintenance dredge boat slip and an area up to 15 feet seaward of the slip to a depth of 4 feet below ALW in the Silver Beach Lagoon, with resultant approximately 30 cubic yards of dredged material to be removed to an approved upland 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 maintenance work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 134

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute 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, 2014 to September 30, 2016, for the sum of $27,110.00; said agreement is to continue to operate and maintain groundwater level monitoring network on Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 135

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,880.00 to the Island Boatyard and Marina from the Police Department A3120.479 boat maintenance account for the 2015 seasonal dockage for the Police boat.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 136

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

BE IT RESOLVED, That as per the request of Superintendent of Highways Jay L. Card, Jr., Kenneth L. Lewis, Jr. is hereby promoted from Step 2 Laborer to a Step 2 AEO, retroactive to March 1, 2015.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Lewis abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 137

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the second paragraph of RESOLUTION NO. 88 - 2015, dated January 23, 2015 is hereby amended to read as follows: BE IT RESOLVED, That effective January 1, 2015, the rent to be paid to the Presbyterian Church is hereby increased from $1,350.00 per month to $1,390.00 per month.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 138

Supervisor Dougherty 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 $2,228.65 from the A1620.476 buildings computers account to Microsoft Corporation, Volume Licensing Group, One Microsoft Way, Redmond, WA 98052, for the annual fee for 53 e-mail licenses for the term of February 15, 2015 through February 14, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 139

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $153.00 from the A1490.424 fuel depot account to Gilbarco, Inc., 12249 Collections Center Drive, Chicago, IL 60693 for the annual renewal of the maintenance contract for the gasboy software for the term March 18, 2015 through March 17, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 140

Councilwoman Lewis 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 $2,800.00 from the A1010.497 Town Board professional fees account to Milliman, Inc., c/o Anna Ortiz, 80 Lamberton Road, Windsor, CT 06095 for the 24 month total access to the website for the GASB 45 and GASB 43 tool for smaller government entities.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 141

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Kathleen Tropin has applied to the Shelter Island Town Board for a wetlands permit to construct an addition to the existing patio within the regulated area at 52 Gardiner's Bay Drive, Shelter Island, New York, which is Zone "AA-Residential"/Near Shore and Peninsular Overlay District on the Shelter Island Zoning Map, and specifically described on the Suffolk County Tax Map as 0700/001/02/072.1; and

"Whereas", the applicant seeks to modify an approved wetlands permit, since the existing permit allows for construction of a permeable stone patio to be 75 feet from the bulkhead but the patio was constructed 74.1 feet from the bulkhead, therefore it intrudes 18 square feet into the vegetative buffer; 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 dated 2/16/11 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on February 13, 2015, 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 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) The parcel is a one acre parcel bordering Gardiner's Bay which is currently developed with a two story house with 440 square foot patio, bulkhead, pool and 2,024 square foot deck; and

2) In August 2011, applicant obtained a wetlands permit to rebuild the patio and to increase the size by an additional 239 square feet but requiring all construction to remain out of the 75 foot vegetative buffer; and

3) The patio was constructed, but the updated survey showed the patio was built 74.1 feet varying to 74.6 feet from the wetlands, so that 18 square feet intrudes into the vegetative buffer; and

4) Applicant has offered the following mitigation measures to offset the intrusion prohibited by the earlier permit: to install a 10 foot wide non-fertilized plant buffer between the house and wetlands and to relocate the existing septic system (which is approximately 50 feet from the wetlands) to outside the regulated area; and

BE IT FURTHER RESOLVED**,** That the wetlands permit for the premises located at 52 Gardiner's Bay Drive, Shelter Island, NY, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the as-built plan by Sherman Engineering and Consulting PC, dated December 2, 2014; and

2) The following mitigation measure shall be installed prior to issuance of a certificate of occupancy: (1) to relocate the existing septic system (which is approximately 50 feet from the wetlands) to outside the regulated area; and

3) The patio is already installed and should generate no further disturbance. However, during implementation of the mitigation measure, wire-backed silt fences shall be securely placed to prevent stormwater runoff. Soil disturbance should be minimized where possible; and
4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of the mitigation measure shall be examined by the Building Department prior to start of work and periodically thereafter; 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 142

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That pursuant to Section 82-5 of the Shelter Island Town Code, the Town Board hereby establishes the following fee to implement the Irrigation Law, to wit;

$250.00 annual Irrigation Permit application fee.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 143

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", David Lapham, 4D Peconic Avenue, has petitioned the Town of Shelter Island for a wetlands permit for permission to demolish the existing single family residence covering roughly 1,516 square feet located 117.6 feet from the wetlands boundary, and replace it with a two story single family dwelling with a footprint of 2,190 square feet, and attached deck covering roughly 1,050 square feet located roughly 82 feet from the wetlands boundary which includes a 5' by 5' soaking tub, within the regulated area, and

"Whereas", the Town Board scheduled a public hearing to be held on said application on the 13th day of February, 2015, and

"Whereas", it has been determined that Mr. Lapham's application was incomplete due to defective legal noticing of the hearing, and therefore the aforementioned hearing has been determined to be null and void, and a new hearing needs to re-scheduled, 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 27th day of March, 2015, 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 completed application.

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 Reich, to wit:

BE IT RESOLVED, That the following funds are hereby encumbered from 2014 to be expended in 2015 with 2014 funds, to wit:

$3,100.00 from the A1490.413 Public Works jetties and bulkheads account for Costello Marine;

$3,900.00 from the A1490.414 Public Works Town Hall and other buildings account for Long Island Crane;

$1,327.86 from the A1490.415 Public Works trees account for Bissett Nursery;

$2,300.00 from the A1490.417 Public Works Town landings account for Costello Marine;

$34,303.00 from the A8160.408 Landfill repairs and maintenance account for the Heritage building;

$4,500.00 from the A8160.444 Landfill environmental testing account for Fagan Engineering;

$1,000.00 from the A8160.497 Landfill professional services account for Fagan Engineering;

$12,038.67 from the A8510.408 Taylor's Island cabin repairs account to be paid to the following: Jason Shields painting, J. W. Piccozzi, Inc., Jason Shields for deck; and Patrick Wexford Flooring for interior flooring; and

$2,105.00 from the DA5130.446 Highway Machinery contractual account for All Island Equipment.

Vote 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 145

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That the following 2014 budget transfers are hereby approved:

$1,262.48 from the A3120.482 Police Department boat gas and oil account, and

$1,032.52 from the A3120.483 Police Department telephones account to the A3120.288 Police Department dive team equipment account;

$3,100.00 from the A4540.428 Ambulance communications account to the A4540.200 Ambulance equipment account;

$104.00 from the A7320.424 Youth Center fuel oil and heat account to the A7320.408 Youth Center repairs and maintenance account;

$1,100.00 from the A8160.200 Landfill miscellaneous equipment account, and

$275.00 from the DM5130.447 Highway Machinery oil, fluids and grease account to the DM5130.446 Highway Machinery contractual account;

$3,500.00 from the A8510.200 Taylor's Island equipment account,

$876.46 from the A8510.412 Taylor's Island dock repair account, and

$509.79 from the A8510.484 Taylor's Island office and miscellaneous account to the A8510.408 Taylor's Island cabin repair account; and

BE IT FURTHER RESOLVED, That the following 2015 budget transfers are hereby approved:

$1,000.00 from the A1490.121 Public Works overtime personal services account,

$3,590.00 from the A1490.122 Public Works double overtime personal services account,

$1,000.00 from the A8160.127 Landfill custodian overtime personal services account,

$2,000.00 from the A8160.129 Landfill custodian double overtime personal services account,

$1,000.00 from the DM5130.152 Highway Machinery mechanics overtime personal services account,

$4,000.00 from the DM5130.154 Highway Machinery mechanics double overtime personal services account,

$2,000.00 from the DS5140.167 Highway Brush & Weeds overtime personal services account, and

$5,000.00 from the DS5140.168 Highway Brush & Weeds double overtime personal services account to the DS5142.147 Highway Snow Removal personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 146

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That 2014 general claims numbered 2234 through 2247 in the amount of $18,100.60, 2014 West Neck Water claim numbered 56 in the amount of $197.77, 2015 general claims numbered 144 through 244 in the amount of $46,213.20, 2015 Community Preservation Fund claim numbered 1 in the amount of $60.06, 2015 highway claims numbered 18 through 38 in the amount of $49,618.83, and 2015 West Neck Water claim numbered 5 in the amount of $45.00 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 1:21 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 Amendments to Chapter 133, Zoning Near Shore.

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: this is a clean up coming out of the irrigation study.

The Supervisor declared the public hearing closed at 1:23 p. m. and called to order the public hearing to be held as advertised on the proposed Cedar Island Overlook Stewardship Management Plan.

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

Town Attorney Dowd reported that it's a Community Preservation Fund purchased property and it's on Coecles Harbor and the plan is to leave it as is.

The 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 1:25 p. m. and called to order the public hearing to be held as advertised on the proposed Stewardship Management Plan for Sachem's Woods Annex.

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

Supervisor Dougherty reported as follows: as Laury reported a minute ago with Cedar Island, this is also a 2% acquired property, it borders on Sachem's Woods and in effect, adds to the wonderful open space there, it also borders on Mr. Schultheis' property and he has said the lot line happens to go through his structure on his property, he has asked that the Planning Board, he has no objection to the adoption of this Stewardship Plan; is he the former owner of the property; yes; yes; and how does the lot line happen to end up in the middle of the __; someone must have made a mistake, he calls it a garage but it is in fact not used at the moment, it's an unused building but he said at some point he may in fact use is, it just seemed to be the surveyor's error so I think it's probably a clean up and I'd be happy to talk further with, it's been pending for quite a while without anyone getting around to it, I'll give Paul Mobius a call; okay cause it hasn't really come up, to my recollection; no, I don't think he ever, he told __ to come in but hasn't; okay, nevertheless we own it and the Stewardship Plan applies regardless yeah; absolutely and if there was a lot line change, we wouldn't lose much property but we would have a chance to reconsider it because we would be giving up a few feet; that would have nothing to do with that, this is a policy for maintaining the land; that's right.

The 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 1:27 p. m. and reconvened the recessed public hearing on the application of Sean F. and Julie M. O'Shea for permission to construct an "L" shaped fixed timber pier consisting of a 5' by 8' landward ramp, 5' by 150' pier (equipped with a splashboard/wave curtain elevated at least 2' above the bottom along the south side of the most seaward +/- 32' section of pier), a terminal 5' x 40' fixed "L" section (equipped with splashboard/wave curtain elevated at least 2' above the bottom, and a 3' by 12' hinged ramp and 6' by 24' floating dock secured by two (2) 10" diameter pilings on the inside of the "L" section, and install a 2-pile dolphin +/- 30' landward of the inside of the "L" section.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC met last night and discussed this, if you recall, this is, they're asking for 150 foot in length but it is in outside waters, this was the second time I think that they had reviewed this application, I gave them the aerial photo that Rob Herrmann had provided us at the last Town Board meeting for the public hearing, anyway last night 2 were in favor of it at 150 foot as applied for, 2 felt it should be cut back to 130 foot which is what the Davis dock was and 1 felt it should get, should be 125 foot and wanted more depth info; __ thought it was just right; right, I did look at the Davis one, the Davis one is a hundred and, one of the reasons they were staying with the 130 feet is because the Davis dock, they, and I had, couldn't look it up last night,

they were curious what Davis had applied for, Davis had applied for 150 feet and we knocked him down to 130 feet, they felt that the same should happen on this application but just before the meeting today, Dottie pulled the file and Davis only applied for 130 feet, it was granted at 130 feet and the Hogan dock which I think Rob had reported was at 150 feet, it's actually 143 feet, the dock has the length, well it's a hundred and 50 feet in length but because it's at an angle, it's only at 143 feet offshore, measuring perpendicularly from the shoreline, so; are these numbers, does the 130 feet get them to the water they need; they felt that, the 3 basically felt that, the one 125 foot person said he'd go to the 130.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob, I just want to clarify a couple of things, the issue with the Hogan dock and it's a fair point to raise that question, go over the numbers a little bit though, the overall linear footage of the Hogan dock, it's actually more than 190 feet but about 25 feet of that is parallel with the beach, it just runs along and gets them down a step of the bulkhead; from the little gazebo; yeah, the dock house, I'll show you the, if you can actually see it, this section here just runs parallel with the beach, the actual seaward extension is 170 feet which is what was permitted and that was what was represented on the aerial but what we're trying to get at here is, of that 170 feet, what was actually the seaward extension beyond high water, the reason that I tried to go with the overall shortened perpendicular extensions as opposed to trying to parse out what each one was from high water because that dimension was neither mentioned on the permits nor are they referenced on the plan, remember on the Seymour application a couple of months ago I submitted a plan and I didn't have that dimension and you kicked it back; right; none of these plans have that dimension and the problem is if you look at the plan that was submitted by the applicant, if you turn to the; Davis has it; Davis has it, Davis is 130 but since I had offered testimony about the Hogan dock and now it's being questioned, I just wanted to clarify the point, if you look at the cross section, the seaward extent from where they show high water is actually about 160 feet, I don't think it's that long, I think it's closer than what's shown on the plan but again it's not established so if you take, I think this is by Costello, if you take their 170, they do show a 27 foot dimension within the 40, 60 and 70, then if you subtract the 27 out from 170 you would get 143 feet which is the number here which we have referenced correctly, now of course that's from the applicant's perspective, if you took it from the Town's perspective and measured to the other side of the dock where there's a greater seaward extension, it's probably a couple of feet more so it's probably 145 feet, either way the point of the image was of course to try to show that overall; __ that also, and there was the hardship letter, as I recall there was a rock that was actually, I think that was part of the reason for the angling and the length but I think that was part of the reasoning for the angling of it; right; __ big rock; so you know, in terms of consistency with these other approvals, if the Board felt that to reduce the length of this to somewhere between 5 and 10 feet to coincide with Hogan, I don't think it would cause a terrible detriment to the overall use of the dock, I mean we'd have to revise the plans, we'd have to go and amend every other permit we've already obtained so the only thing I would ask you is if you were going to ask us to reduce it some length, closer to that 143 feet, that there be some sound reasoning for it because what, our basic argument still remain, is that in the context of the Ireland dock next door and I know, I understand this Ireland dock is from 1999, it was approved just before the current dock code but it does exist, it establishes the navigational interference at this point and whatever length we're at, we're gonna be sort of under the umbrella of that dock and I think Jim had asked at the last hearing, you know, has that Ireland dock ever caused any problems for anyone in this area and I think the answer is no, so we've tried to, instead of just arbitrarily going out to the same length or cutting it back to the 130 which really leaves us a little short on the water depth, we tried to come up with a number and a balance here that was generally consistent with your approvals and got us sort of between the 3 and a half and the 4 foot depth at lower, low water and of course in your Code you have the hundred foot length restriction but you also have the allowance out to 4 feet so we don't get out to that, we didn't bother coming in with an argument either for a longer dock; what do you have at that point; so where the overall of the dock is 158 feet __ on the landward side, 50 is on the other side and you're smack in the middle of between 3 and a half and 4 so if you look at the, if you look at the plan, the 3 and a half is here and the 4 feet is about; __; that's about 20 some feet out here; __; the 3 and a half actually if you put, if you put the, let me answer your question first; __ the WMAC reviewed the dock length averages and came out at 140; the 3 and a half feet is 1, I'm sorry, just bear with me, I want to make sure I'm measuring from the right line and I am, the 3 and a half feet, to answer Ed's question is about 115 feet out so if you went to 130, the dock would end up, once it's on the inside of the float, _ below

the 3 a half and what we were trying to get to here was to get a little bit of cushion to get closer to the 4 because when we had originally looked at it and we looked at something around that length and we talked to Angelo Stepnoski, he was warning us that from his experience out there, it's a little bit, it can get a little bit; it's exposed, this location is exposed to the prevailing southwest breeze which is you know, when you're gonna be using the dock, in the Summer with the southwest breeze, plus you also have all the boats coming in and out of West Neck you know, either backing off __ power boats or getting up onto a plane which is when they're throwing their biggest wake, it's kind of like right in front of this house and they come around by Hogans and they get, they back off the throttle before they get to Shell Beach, this is kind of when they are throwing their biggest wake, is right here so, __ a little cushion to me, I don't have a problem with that; Peter, on and off __ WMAC, we discussed length for the longest time; I brought it up again last meeting, I brought it up again last night; right; they're gonna try to get back to that again; and we have allowed up to a hundred and 50 feet; yes; I don't necessarily have that much of a problem like the position where it's at, I can see coming off the water __ wanted to but I don't think it's; right; it would be a matter of principal __ because __ interfere; yeah; ___ get excited about __; right; and again we're suggesting that there is a certain uniqueness to the application because of the scope of the dock that's right next to us, so it's not necessarily that you know, every dock in outside waters should be this long or needs to be this long; but then if a future Town Board makes docks 75 feet off; oh yeah; __; __; I don't see that happening; like I said, as I said, when I met with Rob on this, the WMAC was actively discussing; well doesn't the 140 feet work for both parties or no, is that too short, I don't want to haggle on this but; it's really what I said, I don't think we'd be in a position that if the Board imposed that reduction on us that suddenly the whole thing would fall apart; __ Hogan, __ just wondering if it works, I mean __; I think for having spoken to the O'Sheas about it, I think the feeling is that you know at a hundred and 50 feet, we finish this process, he's done with us and he goes on and builds his dock in a couple of months, if we cut this back, we kind of restart the process and go back to the Department of State, the Army Corps of Engineers and DEC who we struggled with originally because you guys hadn't weighed in yet, we'd have to kind of go back at each of those agencies, to go through all that, I want you all to really feel like we're accomplishing something by cutting it back, that's really all; I didn't realize you'd have to do that all over again; well you modify the permit, especially when it comes to the DEC when it comes to length, I mean I don't care; if you went from the 150 to 145, you have to modify; correct, and changes at all; and the length of time for that process just so I have an understanding; it's probably anywhere from 6 and a half weeks to 2 and a half months, something like that, like it's not, again you know for some things if there was a substantive hardship, I would be arguing it; right; again I would, I think they would prefer that we be done with it if the Board is comfortable with the length; but let me go a little backwards a little bit, the WMAC, they don't feel, did they say that they thought there was some navigation issue involved; no, definitely not; so this is more of a matter of principle; more principle and precedent; they seem to have several, a wide spread in your personal opinions so that's not; I guess it is part of the thing is that the, probably 6 out of the last 7 applications we received have all been requesting something in excess of Code, that's what the problem is, all of this Code, they seem to have the least problem with it because they're, they are all in favor of increasing it but they're just not exactly in harmony on the amount; right; the 150, I'm fine with that myself; it doesn't seem to be overbearing; no, I would be okay to approve this today; yes; at the end; that's it for me; yes; thank you, I appreciate it; we're gonna vote on it in a few minutes.

The Supervisor declared the public hearing closed at 1:40 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 147

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a public hearing was duly held on the 3rd day of March, 2015 on a proposed Local Law entitled Amendments to Chapter 133, Zoning Near Shore, and

"Whereas", all interested persons were heard in favor of or in opposition now, Therefore

BE IT RESOLVED, That Local Law No. 6 - 2015 entitled Amendments to Chapter 133, Zoning Near Shore, is hereby a adopted, to wit:

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

Section 1. Amend Chapter 133, Zoning, of the Shelter Island Town Code, as follows:

A. Section 133-12(F) shall be amended by deleting Subsection (11) and the following sections shall be renumbered accordingly: (12) shall be (11) and (13) shall be (12).

Section 2. Effective Date:

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

Vote: Roll Call Vote:	Councilwoman Lewis	aye
	Councilman Shepherd	aye
	Councilman Reich	aye
	Councilman Brown	aye
	Supervisor Dougherty	aye
		5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 148

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a public hearing was duly held the 3rd day of March, 2015, on a proposed Cedar Island Overlook Stewardship Management Plan, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Cedar Island Overlook Stewardship Management Plan is hereby adopted, to wit:

Cedar Island Overlook
51 A North Cartwright Road & Coecles Harbor
Shelter Island, New York
Stewardship Management Plan

Introduction

In 2008, the Town purchased approximately .77 acres (34,288 square feet) with 103 feet frontage on Coecles Harbor from Katherine Halmi with Community Preservation funds. It is surrounded by 13.7 acres of natural growth forest that is not protected. The property has approximately 1/3 acre of wetlands on Coecles Harbor and a small upland area that had potential for development. It is accessible by a one lane, improved road entering at 50 North Cartwright Road. The property was purchased to protect the wetlands of Coecles Harbor and as a natural habitat for nesting shorebirds and other wildlife.

Intentions

The property should be left in its natural state as wetlands and lightly wooded upland property.

Name

The property will be called Cedar Island Overlook and will be so-called on all Town maps and descriptive material.

Improvements

There are no improvements on this property and should be kept that way.

Management

Because this property borders Coecles Harbor and other natural forest lands, it should be left in its current state with no special maintenance needed. There are no invasives in the wetlands portion, which consists mainly of Spartina grass and bogs, nor on the upland knoll.

The parcel will be left in its current state, to serve as open space, providing a habitat for shorebirds, a haven for wildlife and a nursery for juvenile fish. The property should be inspected annually to verify that there is no encroachment or misuse of the property by neighbors and to report any other issue that might be detrimental to the property.

Public Access and Signage

Public access is restricted as the only access is by the private road at 50 North Cartwright Road. Because there is no available parking on this private road, and parking on the narrow shoulders of North Cartwright Road could be dangerous, a visitor should have to park on either Burns Road or Hudson Avenue and then walk to the private road. Once on the higher knoll of the property, there is an excellent vista looking east across the sliver of Cedar Island with Coecles Harbor beyond. A small sign indicating Town ownership should be placed on the property, preferably on a tree, visible from the private road.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 149

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a public hearing was duly held on the 3rd day of March, 2015, on a proposed Stewardship Management Plan for Sachem's Woods Annex, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That the Stewardship Management Plan for Sachem's Woods Annex is hereby adopted, to wit:

Sachem's Woods Annex

Adjacent to Sachem's Woods

SHELTER ISLAND, NEW YORK

STEWARDSHIP MANAGEMENT PLAN

Introduction

In 2007 the Town purchased 2.0 +/- acres of woodland and open space on the northwest corner of the Town owned Sachem's Woods. The property was purchased from George Schultheis as a bargain sale.

Intentions

On the interior portions of the property, there is some old growth woodland but mainly smaller trees and brush typical of years of growth on fallow farmlands. The far northern portion of the property is currently an open field with bluebird boxes in the center. The property is bordered on three sides by private properties on North Midway Road and North Ferry Road with houses and other out buildings. The eastern property line abuts Sachem's Woods. The property can be accessed, with some difficulty, from the North Ferry Road portion of Sachem's Woods.

Name

The property will be called Sachem's Woods Annex and will be so-called on all Town maps and descriptive material.

Improvements

There are no improvements on this property, and this should be kept that way.

Management

Because this property is adjacent to Sachem's Woods, it should be left in its current state with no special maintenance needed. There are invasives on the interior portion but nothing more or less than the adjacent open space.

The parcel will be left in its current state, to act as open space, habitat for animals and aquifer recharge. The property should be inspected annually to verify that there is no encroachment or misuse of the property by neighbors and to report any other issue that might be detrimental to the property.

Public Access and Signage

Public access would be through Sachem's Woods without any direct trail or road to the property. It should be considered as an annex to Sachem's Woods.

Since there is no special demarcation between this property and Sachem's Woods, no signage is necessary.

Measures to Protect Ecology

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

(1) Birds: No particular action will be taken except to avoid use of pesticides or chemicals which could harm them. Whoever is currently maintaining the bluebird houses on the open portion should be allowed to continue to do so.

(2) Animals: The bulk of the property will be left in an undisturbed state as habitat for plants and animals. Nuisance hunting is allowed on this parcel. The property may be included in the Town's woodcutting program in tandem with the policy for Sachem's Woods.

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 this property.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 150

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

"Whereas", Sean F. and Julie M. O'Shea have petitioned the Town of Shelter Island for permission to construct an "L" shaped fixed timber pier consisting of a 5' by 8' landward ramp, 5

by 150' pier (equipped with a splashboard/wave curtain elevated at least 2' above the bottom along the south side of the most seaward +/- 32' section of pier), a terminal 5' x 40' fixed "L" section (equipped with splalshboard/wave curtain elevated at least 2' above the bottom, and a 3' by 12' hinged ramp and 6' by 24' floating dock secured by two (2) 10" diameter pilings on the inside of the "L" section, and install a 2-pile dolphin +/- 30' landward of the inside of the "L" section, and

"Whereas", a public hearing was duly held on the 13th day of February, 2015, and continued on the 3rd day of March, 2015, 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 Councilman Reich and seconded by Councilman Brown, the meeting was adjourned at 1:46 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

March 27, 2015

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 March, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty 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 Shelter Island Country Club Board of Directors requesting a one year extension to their lease.
2. A letter from Costello Marine Contracting Corp. concerning the Congdon Point, LLC dock application.
3. An e-mail from Matthew Sherman of Sherman Engineering with an attached Congdon's Point planting plan.

The Supervisor presented the following financial report for the month of February:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
FEBRUARY 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen Checking	2,036,283.24	497,682.41	448,657.60	2,085,307.96	767,067.53
Hwy Checking	1,005,179.90	63,376.30	136,721.94	931,834.26	
T&AChecking	314,912.81	145,972.38	370,427.31	90,457.88	15,339.03
T&A Savings	12,216.34	0.28	0.00	12,216.62	
Hwy Cap Res	234,366.34	5.39	0.00	234,371.73	
WNW Supply	63,682.46	7,142.37	4,436.49	66,388.34	40,616.75
Taylor's Island	39,530.53	84.90	0.00	39,615.43	
Comm Preserv	2,816,051.47	267,111.13	0.00	3,083,162.60	589,906.04
Waterways	242,421.53	1,000.00	0.00	243,421.53	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Escr	0.00	0.00	0.00	0.00	351,715.89
Environ Fund	13,750.00	0.00	0.00	13,750.00	
Ambul Reserv	304,036.65	11.58	0.00	304,048.23	
TOTALS	7,497,049.82	982,386.74	960,243.43	7,519,193.13	1,764,645.24

RESOLUTION NO. 151

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Kristin Kehrberg, 8 Clinton Avenue, has petitioned the Town of Shelter Island for permission to install a row of 2 to 3 ton stone at toe of existing slope, fill area landward of new stone, and vegetate, 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 17th day of April, 2015, 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. 152

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Jan Sudol, 18 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to replace existing 132' by 5' fixed dock and 11' by 8' fixed "L" platform; add a 12' by 3' wooden ramp leading to a 10' by 20' float, 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 17th day of April, 2015, 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. 153

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Thilo Semmelbauer, 125 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as 41.079744° north and 72.297318° west; said mooring location was formerly occupied by the C 2773 Skibelli 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 4:47 p. m., prevailing time, on the 17th day of April, 2015, 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. 154

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

"Whereas", Eva Gayer, 167 Ram Island Drive, has petitioned the Town of Shelter Island for permission to construct 211 feet of 2 to 3 ton rock low profile rock revetment, fill void areas landward of revetment with approximately 200 cubic yards of clean trucked in fill, regrade areas and revegetate with native plantings to match existing, construct 4 foot by 4 foot platform and 3 foot wide access stairway over revetment down to beach level, provide a 3 foot wide mulched pathway from existing landward pathway through vegetated area to new stairway, and construct a 24 foot jetty extension south from landward end of existing jetty at west property line, 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 17th day of April, 2015, 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. 155

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

"Whereas", the term of Ken Pysher as a member of the Water Advisory Committee will expire on April 2, 2015, and

"Whereas", Ken Pysher has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Ken Pysher is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 156

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Dan Halsted as a member of the West Neck Water District Board of Directors will expire on April 27, 2015, and

"Whereas", Dan Halsted has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Dan Halsted is hereby reappointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 27, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 157

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Kim Reilly is hereby appointed to serve as a member of the Recreation Commission for a term to expire on December 31, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 158

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, 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 $12,891.11, the check returned from the Association of Public Historians of New York State in the amount of $30.00, the funds received from the State of New York in the amount of $2,750.00 to the 2014 general fund, and the funds received from Long Island Arboricultural Association, Inc. in the amount of $170.00 to the Superintendent of Highways A5010.440 training account; and the funds received from the Shelter Island Heights Property Owners Corporation in the amount of $365.82 to the DS5142.147 Highway snow removal personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 159

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the A1620.483 buildings telephone account to Telenet NY, Inc., 115 North Richmond Avenue, Suite 1, Massapequa, New York 11758, for the second quarter contract payment for servicing the telephone systems for the period April 1, 2015 through June 30, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 160

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

"Whereas", the Shelter Island Yacht Club, 12 Chequit Avenue, has petitioned the Town of Shelter Island for permission to maintenance dredge designated areas within the marina to -6' mean low water, placing resultant 125 cubic yards of dredged material at an approved upland 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 repair work.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 161

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, 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. 162

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", there are outstanding checks in several funds which were uncollected, and

"Whereas", the accountants have recommended that said checks be canceled, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to cancel certain checks and credit the following: General account checks numbered 42179, 42616, 42644, 42931, 19044, 19319, 20400, 21345, 21471, 21640, 22179, 22541, 23173, 23569, 24255, 24301, 24965, 25379, 25802, 25927, 26296, 27122, 27673, 28764, 29549, 29640, and 29800 for a total amount of $28,381.75; West Neck Water check number 2350 in the amount of $12.00; payroll account checks numbered 5677, 5703, 6371, 6519, 6682, 7134, and 7172 for a total amount of $2,292.06; and Trust and Agency checks numbered 5521, 5539, 6032, 6054, 6197, 6707, 6765, and 7160 for a total amount of $2,640.00 and a grand total of $33,325.81, back to their respective accounts.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 163

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $4,500.00 from the A1620.476 computer services account to East End Computers, 78 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, 2015 through December 31, 2015.

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 Reich, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized to advertise for sealed bids for the proposed purchase of corn for the 2015 season.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 165

Councilwoman Lewis 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 $100.00 from the A5010.440 Superintendent of Highways training account to Cornell Local Roads Program, 416 Riley-Robb Hall, Ithaca, New York 14853-4203 for registration fees for Barry W. Ryder and Robert Gorcoff to attend a Traffic Signs and Pavement Markings workshop on April 2, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 166

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the State of New York provides financial aid for household hazardous waste programs, and

"Whereas", the Town of Shelter Island, herein call the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York, and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

"Whereas", it is necessary that a contract by and between the people of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, Therefore

BE IT RESOLVED, by the Town Board of the Town of Shelter Island:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Jay L. Card, Jr., Commissioner of Public Works, or his designee, is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State.
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 167

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the County of Suffolk acting through the duly constituted Department of Fire, Rescue and Emergency Services and the Town of Shelter Island for the coordination and development of a multi-jurisdictional Debris Management Plan for the term January 1, 2015 through August 31, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 168

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, 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, 2015, in the amount of $40.05, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $40.05 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 169

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

"Whereas", sealed bids were received by the Town Clerk's Office until 3 p. m. on the 12th day of March, 2015, for the purchase of one new 2015 TYPE III Emergency Ambulance, at which time they were publicly opened and read aloud, as follows:

Specialty Vehicles 60 Engineers Lane East Farmingdale, New York 11735	bid price	$208,641.00; and
Cromwell Emergency Vehicles 3A Wexford Way Clifton Park, New York 12065	bid price	$171,920.00, and

"Whereas", the Shelter Island Department of Emergency Medical Services has reviewed said bids and recommended the purchase of one vehicle from Specialty Vehicles, and

"Whereas", the bid from Cromwell Emergency Vehicles was determined to be non-compliant with the bid specifications, now, Therefore

BE IT RESOLVED, That the Town Board hereby awards the bid for one ambulance to Specialty Vehicles for the sum of $208,641.00, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized to expend the aforementioned sum from the Ambulance Capital Reserve upon delivery of said vehicle.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 170

Councilwoman Lewis 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 $590.00 from the A4540.484 Ambulance office and miscellaneous account to Kaplan Fire & EMS Training for the yearly subscription for Unlimited EMS On-line which allows EMS volunteers access to unlimited medic monthly modules and EKG tutorial courses for the period of March 17, 2015 through March 17, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 171

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Commissioner of Public Works sought proposals for professional carpentry services for the Taylor's Island restoration project, and

"Whereas", the Commissioner of Public Works received one proposal which was submitted by Jason Shields, and

"Whereas", the Commissioner of Public Works recommends the approval of the aforementioned proposal, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the proposal of Jason Shields as submitted.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 172

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Senator Kenneth P. LaValle has introduced a bill S 3957--A in the New York State Senate, and Assemblyman Fred W. Thiele has introduced a bill A.5474--A in the New York State Assembly entitled "AN ACT to amend the general municipal law in relation to creating the Peconic Bay regional transportation council; and providing for the repeal of such provisions upon expiration thereof, and

"Whereas", said bill would create the Peconic Bay Regional Transportation Council which would coordinate a proposal for the development of an improved public transit system for the region, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby support the proposed home rule request as submitted by Senator LaValle and Assemblyman Thiele, and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to execute and forward the Home Rule Request forms to the Home Rule Counsels' Office in Albany, New York.

Vote: 3 in favor 2 opposed (Councilmen Brown and Shepherd voted nay)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 173

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Congdon's Point LLC has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 34A North Cartwright Road, Shelter Island, New York and zoned C-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-016-01-006.2; and

"Whereas", the applicant seeks to modify an approved wetlands permit by the addition of 590 square feet of covered porch and patio and reconfiguration of a retaining wall within the regulated area, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 7/2/10 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on February 13, 2015, 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) The parcel is a 1.7 acres peninsular property bordering Coecles Inlet on the north and south; and

2) The parcel was developed with a pre-existing nonconforming structure, which between the house, pool, garage and patios had 6,746 square feet of intrusion into the regulated area;

3) In July 2013, applicant obtained a wetlands permit for plans to completely renovate and add to the existing single family residence, demolish and reconstruct a majority of the existing garage 66' from the wetlands, add a second story living area, and construct walls, terraces and patio lying partially within the vegetative buffer; and

4) At that point the proposed intrusion into the regulated area was increased to 8,106 square feet; and

5) The applicant now seeks to expand the original approval to create a wrap-around porch and gazebo over the previously approved patio and to add an additional 240 square feet of patio; and

6) This increased construction would result in 9,204 square feet of intrusion into the regulated area; and

7) Applicant has offered additional mitigation measures to offset the increased intrusion other than those mitigations previously approved such as removing 28 square feet of the pool patio and to designate non turf areas as shown in the Proposed Site Plan and Vegetation Plans prepared by Sherman Engineering dated 2-25-15 which was revised March 19, 2015 by Cummin Associates Inc. Landscape Architecture; and

8) The Town Board finds that the project has reached the maximum development capacity allowable on a relatively fragile site and advises the applicant that it cannot reasonably expect approval for further expansion; and

BE IT FURTHER RESOLVED**,** That the wetlands permit for the addition of 590 square feet of covered porch and patio and reconfiguration of a retaining wall within the regulated area at the premises located at 34A North Cartwright Road, Shelter Island, NY, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the proposed site plan by Sherman Engineering and Consulting PC dated 11/7/14 and the Vegetation Plan by Sherman Engineering dated 2-25-15 and revised March 19, 2015 by Cummin Associates Inc. Landscape Architecture; and

2) The following additional mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) removing 28 square feet of the pool patio; and (2) Record an easement designating non turf areas as shown in the Vegetation Plans prepared by Sherman Engineering dated 2-25-15; and

3) During construction of the mitigation measures, wire-backed silt fences shall be securely placed to prevent stormwater runoff. Soil disturbance should be minimized where possible and construction materials shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; 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 a 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 174

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

"Whereas", the Shelter Island Yacht Club, has applied to the Shelter Island Town Board for a wetlands permit for the premises zoned AA and located within the Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-005-03-001 and 2.3 and located at 12 Chequit Avenue, Shelter Island Heights, New York; and

"Whereas", the applicant proposes to reconstruct and expand deck and awning areas 25' from the bulkhead, install additional roofed storage and sheds within the regulated area, so that the project is subject to Chapter 129 of the Code of the Town of Shelter Island; 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 dated 12/3/12 for this property; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on February 13, 2015, 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; and

BE IT FURTHER RESOLVED**,** That the Town Board makes the following findings as to the application:
1) The property currently contains a one and a half story nonconforming yacht club building with ancillary patios, storage buildings and support structures; and
2) Applicant seeks to reconstruct and expand the south side of the Junior dining deck approximately 535 square feet 25' from the bulkhead, expand existing seasonal awning by approximately 564 square feet, install new 5' by 10' roofed storage 44' 9" from the bulkhead; replace 6' by 12' shed with a 7' by 12' shed 56' from the bulkhead, and install a 2' 9" by 14' 3" storage shed 78' 3" from the bulkhead; and
3) The property is completely bulkheaded at a height of 9” around the property so that runoff into the harbor will be minimized; and
4) The project is primarily a modification of existing structures, so alternative locations are not feasible and should involve limited soil disturbance; and
5) Applicant has offered the following mitigation measures to offset the project: The deck will be permeable to allow stormwater to drain in gaps, and the patio pavers shall be set in gravel to permit stormwater drainage; and

BE IT FURTHER RESOLVED**,** That the wetlands permit for the premises located at 12 Chequit Avenue, Shelter Island Heights, NY, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:
1) The above-described project shall be constructed as depicted on the Proposed Site Detail plan by Ian McDonald Architect, PLLC last dated October 12, 2014; and
2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) The deck shall be permeable, and (2) the patio pavers shall be set in gravel to be permeable; and
3) As a condition of approval, precautions must be taken to prevent construction debris or runoff from entering the bay during construction and site preparation; and

4) Compliance with the above conditions shall be examined by the Building Department prior to the start of work and periodically thereafter; 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 a 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 175

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

"Whereas", the Town of Shelter Island has determined that it would be beneficial to the Town to apply for a grant for funding for an upgrade to the septic system located at the Legion Hall/Recreation Center, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an intermunicipal agreement with Suffolk County for the purpose of the County providing funding for said upgrade to the septic system at the Legion Hall/Recreation Center, and

BE IT FURTHER RESOLVED, That the Town of Shelter Island does hereby declare said project to be a Type II project and the County of Suffolk has requested the Town to make certain commitments prior to awarding such a grant, and

BE IT FURTHER RESOLVED, That the Town of Shelter Island agrees to supply matching funds for said project if said grant is approved.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 176

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Louis and Jana Sheinker, 24 Margaret's Drive, have petitioned the Town of Shelter Island for a wetlands permit for permission to construct approximately 598 square feet of covered porch/second story deck addition to existing dwelling (approximately 469 square feet of new coverage), abandon existing sanitary system (to be filled with approximately 40 cubic yards soil material) located partially within vegetative buffer (new sanitary system to be located outside regulated area), and establish approximately 2,675 square feet of native plantings on and within 5 feet of embankment adjacent to tidal wetlands boundary, 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 17th day of April, 2014, 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. 177

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

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$20.07 from the A3120.490 Police Department DARE materials account to the A3120.119 Police Department DARE training personal services account;
$9,500.00 from the A7020.462 Recreation FIT account to the A7020.262 Recreation FIT equipment account; and
$1,300.00 from the A1490.114 Public Works personal services account,
$1,800.00 from the A1490.115 Public Works personal services account,
$1,700.00 from the A1490.118 Public Works personal services account,
$500.00 from the A8160.114 Landfill personal services account,
$1,400.00 from the A8160.115 Landfill personal services account,
$1,500.00 from the A8160.116 Landfill personal services account,

$800.00 from the A8160.117 Landfill personal services account;
$1,300.00 from the DM5130.151 Highway Machinery personal services account,
$1,000.00 from the DM5130.146 Highway Machinery personal services account,
$1,000.00 from the DM5130.147 Highway Machinery personal services account,
$2,000.00 from the DM5130.152 Highway Machinery mechanics overtime personal services account;
$1,700.00 from the DS5140.147 Highway Brush & Weeds personal services account,
$1,500.00 from the DS5140.150 Highway Brush & Weeds personal services account,
$3,000.00 from the DS5140.153 Highway Brush & Weeds personal services account,
$2,000.00 from the DS5140.154 Highway Brush & Weeds personal services account,
$3,000.00 from the DS5140.155 Highway Brush & Weeds personal services account, and
$2,000.00 from the DS5140.156 Highway Brush & Weeds personal services account to the DS5142.147 Highway Snow Removal personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 178

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That general claims numbered 245 through 375 in the amount of $54,724.08, Community Preservation Fund claim number 2 in the amount of $8.80, highway claims numbered 39 through 72 in the amount of $41,138.29, and West Neck Water claim number 6 in the amount of $110.03 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 5:06 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of David Lapham, 4D Peconic Avenue, for a wetlands permit for permission to demolish the existing single family residence covering roughly 1,516 square feet located 117.6 feet from the wetlands boundary, and replace it with a two story single family dwelling with a footprint of 2,190 square feet, and attached deck covering roughly 1,050 square feet located roughly 82 feet from the wetlands boundary which includes a 5' by 5' soaking tub, within the regulated area.

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

Correspondence included the following:

1. A letter from Dan Reich, 4 F Hidden Path, expressing three major concerns with this application which are impact on the environment and wetlands, freshwater availability and quality, and construction parking equipment and road quality.
2. A letter from Patricia C. Moore asking that Councilman Reich recuse himself from participating in this hearing.

Councilman Reich made the following statement: I just wanted to make the following statement, in small communities there's many potential conflicts where it is important for Town Board members to participate in decisions in the absence of an actual conflict of interest, that being said, I would like to state for the record that my family has owned the adjacent property and Hidden Path for 45 years, my grandparents purchased them in 1970, my father owns them now and my brother and his family reside there during the summers, I have no financial interest in either of these properties, I feel I can and will be impartial in basing my votes on the facts and merits of the application same as if it were in West Neck or Coecles Harbor, I discussed this with our Town Attorney and asked if there were any reason I should recuse myself from this application and she said no, I further requested an opinion from the Town's Ethics Committee, they were in unanimous agreement that I do not need to recuse myself from the application.

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

The Planning Board reported as follows:
3 February 2015, Re: Lapham Wetlands application
4D Peconic Avenue (off of Hidden Path), SCTM # 0700-21-01-06, Zone A Residential within Near Shore Peninsular Overlay District

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by Bruce Anderson of Suffolk Environmental Consulting, Inc., dated 22 July 2014, to demolish an existing dwelling, circa 1955, and construct a new house and deck.

The existing ranch has a footprint that covers approximately 1,516 square feet and is located 117'- 6" from the wetlands boundary. The proposed structure will have a footprint of 2,190 square feet, (a total size of 4,100 square feet) and a 1,050 square foot deck located approximately 82' from the wetlands boundary. Portions of the house, the second floor balcony and the first floor deck underneath it, extend to 75' from the wetlands boundary.

NYSDEC Permit # 1-4732-00997/00001 dated 28 January 2014 has been issued for the project based on a Site Plan prepared by the Architects Bohlin Cywinski Jackson and dated 1 May 2012.

SCDHS Permit R07-13-0003 dated 2 January 2015 has been issued for new water and sanitary facilities for a maximum of (3) bedrooms. The sanitary system is required to be elevated and retained.

Planning Board members visited the site on 15 January 2015 and considered all submittals.

We submit the following observations:

The existing house, which predates Shelter Island Zoning and Wetlands Ordinances, is set on a .50 acre lot within A Zoning. The lot is non-conforming in regards to meeting the one acre minimum lot size. The lot is also non-conforming in regards to the 140' lot frontage having 32.49' or 118.98' depending on how the line is understood.

Principal structures in the A Zone are to have 40' front and 25' side/rear yard setbacks. The proposed house is in compliance with sideyard setbacks but appears to fall short in regards to the front setback with only 25.7'. We are not certain as to whether or not this condition will require Zoning Board of Appeals relief.

A Zone construction is limited to 25% coverage by buildings and 40% by impervious surfaces. Though no calculations have been given for either, it appears that the project is conforming.

Due to the low grade elevation, approximately 5'-0" at the test hole, and the high water table, approximately elevation 0'-3.5", a raised septic system is being required by the SCDHS. (5) 8'-0" diameter by 2'-0" deep leeching pools are to be installed to meet the site and health department conditions.

The applicant is proposing roof stormwater collection and piping to drywells. It is not clear whether the (4) proposed drywells (depth not specified) will be sufficient to handle the approximately 2,100 square feet of roof area factoring in the high water table. The stormwater system should be engineered to ensure it meets acceptable standards. Though hot tubs do not require wastewater drywells, we applaud the homeowner's proposal of one. This will permit the 8' x 8' hot tub to be drained when not in use and that water will be directly recharged to the ground.

The survey prepared by John Ehlers Land Surveyor, dated 10 March 2014, indicates an oil fill in front of the house adjacent to a drywell. We are uncertain if this is an existing tank to be removed, a newly proposed below or above grade tank, or other. The application does not indicate how the house is to be heated. If this is to be done with high efficiency LPG equipment, a tank should be shown on the Site Plan. It will be important that any buried tank be weighted to counterbalance groundwater pressures.

The Town Letter of Denial notes that no grade mounted mechanical equipment has been located on the plans. Any equipment will have to meet the 40' front or 25' sideyard setbacks; or will have to be granted relief from the ZBA.

From the survey it is apparent that the FEMA Zone AE (el 5) line cuts across a portion of the deck and hot tub. The house appears to be entirely outside the floodplain and has a proposed finished first floor elevation of 7'- 2". It is unclear as to what structural details will be required for the project components that lay within the floodplain.

The Architect's drawings indicate the house is to be constructed on a slab set on grade.

The house will not have a crawl space but we recommend that footing be installed per Code to below the frost line.

The site plan prepared by Bohil Cywinski Jackson shows what seems to be a series of landscaped paths and lawn panels that extend up to, and beyond, the tidal wetlands boundary. It

presents a different layout than the Vegetative Buffer Plan prepared by Suffolk Environmental Consulting, Inc. and dated 17 July 2014. A more precise landscaping plan should be submitted and considered as part of the review.

The corners of the proposed house are staked on the property. A series of pvc pipes have likewise been set around the property and their function is unclear.

The Planning Board has routinely asked for the use of wire-backed silt fencing instead of staked haybales for erosion control during construction. The DEC allowed placement at 50'-0" and we would concur to prevent damage to, or relocation of, the erosion control line by trades.

The application notes that the property does not have any rights-of-way, easements or restrictive covenants. We saw overhead utilities which appeared to cross the property as they extended to an adjoining property. The nature of this condition is unclear. The proposed house will have similar, and possibly more compliant, wetlands setbacks compared to immediately adjoining neighbors. From satellite imagery, it appears that the immediate house to the east has a swimming pool that is completely within the vegetative buffer and that the immediate house to the southwest is completely within the vegetative buffer. Also from the Google image (included below), it appears that the proposed house will be of similar size to those along Peconic Avenue.

We hope that the above noted considerations are of assistance to the Town Board. The biggest obstacle that we note has to do with the A Zone front yard setback. If this was to prove legal, and the other considerations were addressed, we would recommend approval of this application.

By: Emory Breiner, Planning Board Member, and Ian McDonald, Architect, Planning Board Member.

The Conservation Advisory Council reported as follows:

Re: David Lapham, 4 D Peconic Ave

David Lapham, 4D Peconic Ave, has submitted a wetlands application to demolish an existing single family residence of roughly 1516 square feet, located 117.6 feet from the wetlands boundary and replace it with a two story single family dwelling, footprint of 2,190 square feet and an attached deck covering roughly 1,050 square feet located approximately 82 feet from the wetlands boundary.

The CAC reviewed this application and voted to deny the application. The request is much too ambitious for the lot size and demonstrates no justification to extend into the regulated area.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening Board, my name is Patricia Moore, the applicant's attorney, I'm brought in at this point and to help with the basic with Bruce Anderson and Joseph Fischetti, my two __; I would also, I see you're referring to the previous paperwork, since we had a trial run or Mr. Anderson had a trial run, we have the opportunity to give you clean plans that I hope will be clearer to follow, I have one more; we need one also, thank you; well I'm gonna ask that __ in your files and I, that's why I'm here, I'm not gonna do it by reading from the memo, that will be for your records and for your deliberations, otherwise it could be very boring to have me read to you, that's not already for you; can you; well let me start you off, yes, first we have, why don't you come up and see, why don't you pull out the drawing and we have this one follow this okay, the plans have not changed, we didn't want to bring a whole new plan to you at this point but what we tried to do is make things a little clearer and what you can see is in the blue, the blue outlined is the living area of the house and there is some I think, there is some confusion as to exactly what that square footage is, okay, we had the architect provide all this reference to, over on the corner of the plan; which corner; the left corner of the plan, the fine print there, what it is showing you is that the existing house we have at 1,516 so that's the square footage of the original house, keep in mind that the original house is on grade, non-compliant with FEMA, it also has no steps, because it is at grade you can walk out, directly out, no steps are necessary, you just go straight into your yard, so given that, now we have to comply with the FEMA standards, the house of a similar size has to be elevated so what we have as a proposal now is that the proposed house is, the living area of the first floor, we have essentially a two story house, but most of, there is a certain square footage of the house that is one story, and then we only have 722 square feet which is the second story so it's not a complete overlap of first and second story, the design of this house is very carefully designed to create first story impression from the street and then it goes to a second story as you get to the back; first floor area is what; first floor area of the proposed house is 1,862, that's the living area; and 700, what was the second; 722; 722 okay

second floor and there is a small, let's call it a garage, carport, it's not an enclosed garage, it's somewhat of an open garage but the garage is 351 square feet; but that's not improved space; exactly, we don't know whether you want it to count; well thank you; so we're giving you all of the numbers precisely, okay, among the other questions that you raised was what portion of this house is in fact encroaching into the regulated area, we have those numbers for you, the first floor of living space and you can see from the design of the house, the plans, it's the blue that is encroaching and that's 396 square feet, the second floor is 345 square feet so again it's not a direct box design, because the house is elevated, the __ you described the living space or is this non living space, outdoor space, we have 1,150 square feet of patio deck steps so if you look at the design you can see that we have a small patio on the east, east side I believe, the Levitsky side, you've got this going north south east west, yes, no I'm sorry, west because north is Crab Creek, then there's the small decking area coming into the house so you have the deck in the back of the deck that is encroaching 486 square feet, is the portion that's in the regulated area; I'm sorry what was that number; 486; these are all; they're all; __; no, no, no, it's all on the plans but I'm going over; I get you; so what we're trying to provide you is a context of how big this house is which is a very modest house, there certainly is decking but there again we are elevated so the living space, everyone on Shelter Island, everybody on this beautiful east end wants to have a deck and enjoy the water so, and we do have a summer community so there's realistic, all the __ are very realistic that we need a deck area, so those are the details that state the justification for the house, I'd like to go over some of the, tracking your environmental regulations that you have, Chapter 129 and at this point I would ask my first expert who is Joseph Fischetti, I am going to supply for you his curriculum vitae, Joe do you want to come up, Joe, he is busy, for your record his curriculum vitae, so I'm gonna go and track your regulations and the first issue that we're considering is whether the proposed action, the location will create a risk of impairing the function and value of the wetlands, the buffer, and one of the crucial issues and you pointed it out earlier with your own efforts of replacing the sanitary system, we have a pre-existing, non-conforming system here and I wanted to discuss it because that is really the most crucial aspect of any project that you've done; we have a cesspool, right now the bottom of the cesspool is in groundwater, it is only 75 feet upstream from the Reich's well and we understood earlier from the last meeting that they did have problems with their well, bacteria and that's probably where it's coming from so that we are now abandoning and removing that cesspool and installing a compliant system that will be 2 feet above groundwater, you must understand that there is no filtration once effluent, the bottom of the cesspool is in the groundwater there is no filtration, that's why the Health Department is always asking sanitary systems to be above groundwater so that system gets filtered through the ground before it gets into the groundwater; so we're start to, the existing system, you've pointed out that it's non-conforming with its distance to neighboring wells, it's non-conforming with respect to the distance to the groundwater and the new system in what capacity now it is conforming and at what location; again it is 150 feet from any other well, the Reich's well is the one that is mostly impacted, we're 150 feet from the Levitsky's well, it complies with all separations, we comply with all other requirements from the Health Department, the system itself has a retaining wall because it is raised, the retaining wall, the existing grade in that area is four and a half feet to 5 feet and the top of the wall is 6.5 so we are really, the retaining wall itself will only be approximately a foot and a half out of the ground; and what's the distance of the system from the wetlands; the new system, it is actually out of the regulated area so, Bruce do you know; approximately 118 feet to the septic tank; 118, Bruce, why don't you show them the transcript thing; the septic system as proposed would be approximately 118 feet from the wetland areas at the closest point and the nearest leaching pool would be approximately 130 feet from the nearest point of the wetland boundary; thank you; so if it were not for this particular project, what would be the obligation to replace the existing sanitary system; none, there would be no obligation; and the system presently is functioning; I have not inspected it; well alright; it flushes; very good, the other issue you asked the applicant to consider and to discuss is the impact of quality, the quantity and quality of the groundwater and I believe that the testimony that has been provided is all related to the effect on the groundwater, can you provide any groundwater, it starts to get narrower as we get closer to the wetlands, to the creeks and wetland edges, the further we go to, away from the adjacent water, the lenses get larger, these areas, every well in this area, the Levitskys, the Reich's and the applicant's well are in fragile groundwater, we had good water, we received an approval from the Health Department so it just happened that we aren't getting good water, it is fragile, when I submitted the original submission to the Health Department Board of Review, I have to look at all options when I submit, I'm in front of a board of three engineers at the Health Department and I have to certify that I thought about the different designs and the one

that I am submitting is, I have to certify that it is the best in my opinion, I submitted a report with the Health Department showing three different options that we had looked at and one of the options was to relocate the sanitary system and relocate the well up the right of way to the property, as we get further up on the right of way to the north, we would, you get to a thicker lens and better water quality, the Reiches had made a comment that they had hired one of their engineers and they came up with the same conclusion that as we go away, the lens gets thicker and we have more that is not as fragile, we went to the Reiches to ask him for approval, actually the chairman of the board of review at the Health Department actually said that's a great idea, the applicant had made an offer that we would provide the same trenching for both the Levitsky's were having problems with their water, the Reiches and ourselves that we would trench up to the north and we would work that construction together to save some money so this was great with the Health Department but when we went to the Reiches to ask their permission, they rejected it and would not allow anyone to go on the right of way for a while so that we went back to the submission that was here and we put our well where we located it and we have good water and that was approved so it is fragile, the location where we have the well will not impact any other wells, we tore down and; also on the __ is the __ of the _ with respect to the project; we designed right now, none of the, the house that's there now has no drainage, drywells for roof runoff, a document was sent to you with calculations to comply with the Town Code to contain all the roof runoff, that's the site plan that had been given to you, so we are complying with the Town Code regarding roof runoff and containment; thank you, finally as far as compliance with FEMA; FEMA, the existing zone is AE5 which requires 2 foot elevation even though part of the, the complete house is out of the FEMA zone and we don't have to comply, the finished elevation is 7.4 I think, so it complies with FEMA; do you have any questions for him or at this point; Paul; hold on a second, I have to find myself again, the elevation was an issue that came up at the CAC meeting; the elevation was; oh yeah ___ make the __ we would calculate about 2 feet that it would be above grade so it's a higher foundation but not unusually high; so the height of the house is gonna be what; the house; yeah how high will it be off the ground; 2 to 3 feet; __; oh you mean the height, elevation, I don't have the; the overall; overall, well certainly within your zoning limits, their house is not a very tall house so it's well within your 35 foot zoning requirement; elevation; 2 feet, it's a 7 foot floor and 22 feet above that which would make it 24 feet from natural grade; 4 feet from natural grade, you've got 2 feet of foundation and then 22 feet of house on top of that which makes sense because the wall that supports the septic system is about 18 inches so that's 6 inches lower than the first floor of the house so it's gravity fed so everything works from an elevation __; I'm gonna ask now to, Bruce Anderson to present some additional facts, Bruce Anderson is President of Suffolk Environmental, he has an MA in wildlife biology and has been a consultant to the __ Town of Southold and I know and other municipalities so I would ask Bruce to just speak briefly on the standards that we have to discuss, the first being the function and value of the wetlands and buffers and what we are doing here to mitigate any of them; thank you, Bruce Anderson, Suffolk Environmental, Consultant, first of all, this property does contain actual vegetative wetlands and the wetlands boundary was determined basically by the extent of that vegetation, the wetlands also would include the natural surface waters of Crab Creek so in this application we were very careful to make sure that we were perfectly set back from the wetland boundary in such that we avoid the vegetative buffer, any activity within the vegetative buffer itself which is significant because as you know we put an aerial photograph into the record that's been introduced that demonstrates what the existing setbacks are for the residential community and consistent with the __ of the Planning Board is clear that what we are proposing here, we achieve that at least the protection of the vegetative buffer where the adjacent properties either by, with the existence of dwellings could be as close as 38 feet and accessory structures as close as 45 feet from the same wetlands boundary, also submitted with the application was the thought that we would simply oversee and enhance that vegetative 75 foot vegetative buffer by introducing you know low maintenance non-fertilized dependent grasses, specialty grasses, so that's really what the vegetation plan is, it's simple, it's effective, it will be successful, the Planning Board question, we're not proposing any trails through it other than obviously there would be a path, a 4 foot path to the water and that's reflected on the plan so that's what we're talking about here is wetlands and what was, the goal of this regulation is to protect wetlands, we protect wetlands by causing upgrades to the property, we discuss in great detail the need to approve the septic system, to get that septic system away from the wetlands, this proposal accomplishes that, we've also have engineered and it appears on the Health Department survey, engineered runoff protection that includes placement of drywells, gutters, leaders, downspouts that lead to drywells to control a 2 inch rain storm over the pervious surfaces __ , that is an engineering standard which is an improvement because right

now we have no runoff protection, the Planning Board mentioned an oil tank, a buried oil tank, we're gonna, we intend to remove that oil tank, that is a major risk to wetlands should an oil tank leak so that becomes a nullity, it just eliminates that risk entirely; you're gonna remove it on this plan, it says it will be abandoned; well it's, the point is it will no longer contain oil whether we remove it or abandon it, I think we will probably remove it actually but there will be no oil stored underground which is now the case, I think that's important, this is a dwelling that's limited to 3 bedrooms, that's what the Health Department application states, the 3 bedroom house is actually the minimum number, it provides for the minimum system and because the system is minimal, the assumption is the water usage of the house is likewise minimized, we've also discussed and are agreeable to, not much to do with wetlands other than aesthetics and that is to, we will consider and we are agreeable to taking overhead utilities and putting them underground, it will be more pleasant to look at than what you have now, it shows on the survey your overhead utilities that run across the front of the property right in front of the house and then _ utilities __ Town and that's more of an aesthetic consideration but part of wetland regulation and part of what we do in the environment generally is aesthetic and so this was in keeping with that _ environmental __; _; yes sir; you said they are gonna go underground, did I hear that; yes; okay, what __ pass through neighboring properties, who is that; I'm sorry I couldn't hear, there are some lines that are overhead and my memory is that there was an easement, I think we talked about that, I read there was an easement in place for that line so that; will remain; it's not our line; understood, what about during construction, is that gonna be an issue; it's out of our construction area, it shouldn't be an issue; it's not gonna be; no it's over by the road; we're not gonna cut anyone off; no; thank you, Bruce, before you go away; yes; the 1862 for the first floor, does that contain the whole house footprint, is it stacked on or is it, would you say that's the whole footprint of living area of the home; that is the first floor living area; right but does the second floor stay within that; yes; okay so that's ultimately the footprint of the living area; that is correct and I don't know, I think you asked in the pre-hearing, just to be clear that in the regulated area, we would be constructing 396 square feet; okay and the other thing is to place in proper context we have an 1862 square foot first floor living area I guess an existing 1516 square foot living area so the actual increase in the size of the house is quite minimal; thank you; do you propose that the materials in the deck will be permeable; good question Laury, have you decided what you're using; __; the material; it will be, it will probably be ipe; is that permeable; ___ so standard decking, did I answer your question, yes you did; okay, just to point out that when we were doing the number crunching, it's quite interesting doing another percentage, the total percentage of the wetland, the regulated area that is being encumbered or used is 4 percent so 96 percent of the regulated area here on this property is being preserved; normally the Town requires some type of silt fencing, I don't see it on this particular plan; the vegetation plan that was submitted with the application depicts a line of haybales and could obviously be the wire backed silt fence which is now preferred over the haybales and that would be placed 75 foot setback; I think the Planning Board recommended 50, would the 75 work since you're building right up to it, I mean the Planning Board is recommending 50, I think somewhere between 50 and 75 is, we could keep it at 75, that was the plan but 50 probably leaves a little more stepping room around it; _; exactly so I thought the Planning Board recommendation was actually quite reasonable; __; the reason we said the 50 is we don't like things right up against, but also it concurs with the DEC, the DEC said that; okay thank you; I also wanted to see if you could address the construction on the property, we don't want to be blocking up the road, what is your plan, how do you accomplish that; well the staging, the property is not so small that it is not reasonable to remain on the property and all activity to remain on the property, our concern making sure that any damage to the road be restored, repaired so we could certainly, we'd certainly have, if you could place that in the conditions of your approval, certainly that is something that we automatically would be willing to do, as far as, this is not a 9,000 square foot house, a 1500 square foot house is relatively simple construction, do you have any ideas; yes the builders are here and I'm told there is sufficient room at the north, it would be the northwest corner of the property, right here, so the important thing is that we are stages so we are outside of the wetland jurisdiction and not in the road; _ the material, all the contractors, __ in terms of traffic, you know when you get the plumber and the electrician and the sheetrocker and you have like 12 cars up there; only on the home channel do they all show up at once but that __ a good contractor provides good staging of the other subcontractors so they will be very mindful and we'll certainly have a conversation with the contractor that is selected to be mindful of the privacy and the homes and the right of way so I think most of the contractors that are working out here are most respectful and I think a little common sense, if there is a problem the Building Department will get a call and will remind the contractor that; pretty sure; that they should respect

the privacy; we have with some building projects that are in areas where it can become a problem, have asked that they post the phone number of the contractor or whoever; very good idea; clerk of the works or whoever it is on a sign during construction; kind of like you don't like my drive then call _; we've seen that before, that's no problem at all; yeah that's fine; absolutely, that makes sense; what's your anticipated length of time this project will be taking; well we started this 2 years ago; we hoped to have it built by now; there also has been discussion about, and I don't know how you still feel about it, maybe commencing after Labor Day; in consideration of our neighbors we would be more than happy to let everyone enjoy their summer and to hold off on construction until after Labor Day just so, I know what a very precious time that is and all of us included and we would be more than happy to wait until the fall and give everyone the chance to enjoy the summer; and certainly by the following summer, all the infrastructure is in place and the interior activities so I think that can be handled to the satisfaction of everyone; okay why don't we open it up to other folks, you can always comment later unless you have some key points; no I think we're okay, thank you; my name is Duke Reich, my wife, boys and I have been renting the house next to Laphams for the last 14 years, I do have some concerns that I wanted to state that I wanted to talk about today, the concerns that I have, number 1 and most importantly is the fresh water, number 2 the environment and wetlands, number 3 the construction equipment parking and again as we just talked about blocking the road there and then number 4 is the setback of the proposed house, the fresh water is the biggest concern that we have, this property has not only poor water but a lack of water since my grandparents owned it and the property has run out of water, since Superstorm Sandy we have not had potable water, the situation is getting slightly better, we don't have bacteria any longer, we just had John Hallman test the water for the third time, the chlorides are going down so it seems to be getting better although it is an issue, of course our main concern is the increased use of freshwater by building a bigger house with an extra bedroom and an 8 by 8 soaking tub that will take more water out of the very narrow lens, the environment in the wetlands, we're talking about building a house that is 3 times the size of the existing house that's 35 feet closer to the wetlands, the construction and parking again, Hidden Path is a very narrow road, only one car can go down it at a time, so we're concerned that that would block the road, the construction workers who are parking there, I am concerned about the hot tub, Dottie says it's a 5 foot by 5 foot tub, the plans that we have said it was an 8 foot by 8 foot and I don't know how that tub will be filled but again taking it from the groundwater is a concern, the overhead wires that go over the property, we just want to make sure that that is addressed and lastly, the setback, the setback of the house according to our attorney should be 40, I believe it is 40 feet from the front line and apparently it is 25 feet, that's everything, I thank you for your time; thank you, please Dan; thank you, I'm Dan Reich, the owner of the property in question, I'm somewhat shooting at a moving target here in that these numbers were prepared from the documents that were submitted originally, so they've changed some but nothing else has changed, when I was a little guy I did this one time and I tripped over __ and all the lights went out; __ that again; okay, I'm, one of the things just to start, one of the things that Patricia, you said was that the original house is 1,516 feet, that is not correct, the original house was 1,110 feet, just a 337 percent difference __, the house that sits, is presently there, I'll get to that in a minute, let me first just say, there are 3 things that I've asked the Board to, 3 reasons to deny the application, first as Duke mentioned is the fresh water supply, the amount of freshwater that is there is very limited, number 2 is the approval would negatively affect the wetlands, well that was covered by the CAC, we don't need to go into that further and number 3 is the enormity of the project which has just come down slightly but I still consider is an enormous project, to start with, let me address the water issue, from everything that I've heard from the water experts here, water usage is governed by the number of bedrooms, the number of bedrooms of the __ house and the number of bedrooms of the new house, now I maintain that the original house here which was built in 1955 was 1,110 feet, I'll give you a timeline on this, that was 1955, building permits were required by the Town some time prior to the year 2,000, I'm not sure, when I tried to research it, I found out a couple of things but they definitely were required, in October 2004 the previous owner Vernel Behrke certified the project that the house still had 1,110 square feet and 2 bedrooms, I tried to find out if there was ever a building permit issued, somehow the house grew, and it grew by 37 percent, an additional 406 square foot was added, now I'm looking at the Town document and the County document, they all state that the house is 1,110 square feet, we don't know when it grew, it certainly didn't grow recently when Mr. Lapham had it but the only documentation that we have is that in the year 2004 after building permits were required, the house was still 1,110 square feet, so with all that it seems that there was work done without a building permit, again my interest here is not to take anything away from the house but to use as

the starting point, the original house, not the original house plus what you could say is an illegal addition and I'd like to use as a starting point the 2 bedrooms that were in the original house, after all when the new house came to being, when the addition came to being, whoever put that addition in and again we're not sure who it was, we're not blaming anybody but we don't know if they put it in as a bedroom, a playroom, a sewing room, a television room, an exercising room, it was a room, so all I'm asking the Board to realize and to judge this by is to that this living area, that this addition is counted as living area, not as a bedroom and the reason for that is bedrooms are so important in looking at issuing new permits and the whole project, lastly the size of the house that seems to be quite out of line, again I haven't had the opportunity to work on the new numbers that were given to us today so I'm working on the documents that were given to me prior to this and given to the committees that looked at this and gave their report, it did, it was a 45 percent increase in the footprint and that's over the, 45 percent increase over the existing nonconforming undocumented addition, now I call that addition undocumented because there are no documents on it, kind of like an undocumented that somebody took; so Peter you've been in the house, you told us that you were in there; not recently; how many bedrooms were in there __; when we talk about bedrooms, we talk about rooms with a closet because we've had people calling rooms media rooms when they're gonna be a bedroom after the CO is issued so if anybody wants it, it's a bedroom; I didn't mean to interrupt I'm sorry; no go ahead; Peter remembers being there and how many bedrooms were there, at what point do you __ when the house got bigger; I would really not have Peter testify, we have other people that will testify; the house __ the old lady; yeah oh yeah I was just a little guy; we had, no the house was almost identical to our house, with 2 bedrooms, the 3 houses were built almost identical with 2 bedrooms, I have no idea when this addition came, honestly; your house ___ ; that is correct, my parents lived there for many years; and nobody knows ___; I have never occupied the house myself; okay; so I don't, the living area has increased tremendously, if you know, it's even, when you look at the numbers it's even a lot greater if you were not considering this undocumented addition, what I'm trying to get across is this undocumented addition, should be look at separately, everything that we have here including what Patricia Moore said, starts from the 1500 square feet and I think that's wrong; well I don't know; that's true; I accept your opinion, I hear it; and that's what I asked the Board to look at; thank you; thank you Dan; may I respond or; would you like to speak; I'll let her respond and then; okay fine; okay, alright so that we don't get past too many of these comments, I believe that in our initial presentation we explained, we discussed at length the impact on the water supply and actually the process that we undertook at the Health Department to try to solve the water supply issues for both their house and the Levitsky's house, much to our frustration because no one wanted to cooperate and therefore we were, the board of review, the chairman of the board of review who I met with directly said alright, he said give me a letter that they're not cooperating and you know we're not gonna hold you captive which is exactly what happened, and we finally got to the point where I had to send a letter and said we tried, they hired me initially just to prepare a simple easement, here I am, all I initially started for, so the water issues, we have Health Department, they will deal with the Health Department as we did and I'm sure they will all get through the process in their time, as far as the pressure on the water supply, it's interesting the testimony regarding the size of the house, my client purchased the house, what it was when it was originally built and the Building Department as you very aptly pointed out it's 2 bedrooms, we all know that in the good old days you said 2 bedrooms so you wouldn't get taxed for 4 bedrooms but the reality was that you made a lot more bedrooms than were actually there and in fact is a house was built anticipating 2 bedrooms and the sanitary system was substantially insufficient given the fact that it is in fact 3 bedrooms, there are 3 bedrooms now and there will be 3 bedrooms with the new house, the house has not grown, it has been consistently the same size, the problem I think was the complexity of the plans, the plans because of the architectural design here, you know it's much easier because you have a box because you can measure 27 by 60, in this case there's a lot more difficulty in measuring because of the square footages of the architectural design, we brought to you today what we think is clarification of those numbers and I would ask that you rely on the numbers we've given you, another issue that was raised was the, what was it, Mr. Reich, Sr. Reich who is here; Dan; Dan, Dan was assessing house sizes and so on, we from Google earth and again this is not very scientific and we could be certainly corrected, the house, the Reich house, so the scale looks to be 27 by 70 so the house is 1960 square feet, that's the footprint, what part of it is a garage and not a garage, the existing house, we have, part of it is a garage, it depends on what numbers you want to use, we gave you a simple footprint on what the existing house size __ area and if you look at the setbacks of the aerial photograph that we showed you, you can't throw stones when you own a glass house, certainly, the Reich house is

only 38 feet from the wetlands, it is sitting in the vegetative buffer, now those were the old rules, they're not gonna make him remove it but the day comes that the property gets sold, you know, you pass away then the next generation is gonna say hey you know, you're never going anywhere, they're gonna kick you out and then, and then the new guy comes along and says I want my you know 6,000 square foot house, you'll see they'll have the hard task of pushing them back out of the regulated area and that's gonna be quite a task; thank you; I just want to respond to one issue, I don't want to say the issue if Google earth but our house is only 1,100 square feet; okay; thank you Dan; thank you; I stood up because I'm never sure how good my legs are gonna be, Bill Fleming representing Jon Levitsky and Sharon Herbstman, it's never an amusing moment to come in when you're representing a neighbor and you certainly realize that those who have come have an absolute right to build a new house but the real question is, is this the house that they have a right to build, the real question is depending on whose numbers you should take, is the 1,068 square foot larger or 1500 square foot larger; you represent the Reiches; no I'm sorry I represent Jon Levitsky and Sharon Herbstman, the neighbors to the immediate; I'm sorry to interrupt; no problem, the question is and I'll go back to Lloyd Cutler who said this once about a bungalow being built and he said they've got a button and they're trying to sew a coat onto it and one has to wonder, it's not about throwing stones, it's valid concerns over water usage, you know I was privileged at one time in my life to get an 8 by 14 bedroom and so I was so happy not to be with my brother, I couldn't believe it but if you have a bedroom that's 2 to 3 times larger than that, they're going to house more people in that bedroom and you're going to have greater usage, I'm not talking about the Health Department's calculation, 3 bedrooms equals 3 bedrooms equals 3 bedrooms at all times, that's not necessarily true, there is an alternative, it's going to be more conforming, the house was beautifully aesthetically designed to take advantage of water views and everything else but I don't know that there's a need to go into the regulated area, the Health Department did not find that the septic system was conforming to the Levitskys well, as a matter of fact the Health Department has stated that they must build the Levitskys and offer them a new well and see if they can find a new well and I don't think the Levitskys had turned that down but Ms. Moore said she got no cooperation from Levitskys, I didn't know about that, my last conversation with Jon, we will certainly cooperate in looking for a new well to get better water, the Levitskys did not have the trouble that the Reiches have but they did have increased salinization of the water and lost the use of it and said it was gray water, there's a couple of things and it is not the duty of this Board to grant a permit to provide windfall profits to someone who wants to build a very big house, the other houses in the area do not sit in this fragile zone so comparing it to all the other houses in the area isn't necessarily true, I would ask that you keep open the hearing so I could have a chance to review the floor plans that came in, as Mr. Reich has pointed out that the question is about 1,110 square feet which is 1516 square feet but I do know what the applicant said, you said they have an 1862 square foot footprint and a 2584 square foot house so if it's the applicant's statement that the existing house is 1516, that's a 67 percent increase, if the Reiches are correct, you're well over a hundred percent increase in size so there's some real significance here and again it's very tough when you're a neighbor, to come in and try and prevent the __ from building their dream house and I fully understand that but I don't know that this is a dream house for __ supply of this fragile neighborhood and so I do ask that the hearing be kept open and I can come to the Clerk and get a copy of the plans; we do have __ what you consider to be your clients' concerns, I mean I __; it's the lens of water; what; it's the lens of water and they've done a wonderful job seeking mitigation but one wonders why they have to be in the regulated area at all, there's alternatives, there's alternatives, you don't have to be in the regulated area, come back further, so these are, you know, I think they've done a, made a nice presentation and it's gorgeous and this and that and the other thing but the sheer size of the house _ water usage, Sandy reminded us how fragile we are when we move into the wetlands and don't get me wrong, when I was a kid, I remember people saying, we're filling wetlands to provide homes for people and I understand but things have changed and now it's important to pull back from intensive use of the coastal areas, thank you; thank you very much; well Mr. Fleming is a charming attorney, first time I've met him, he speaks very __ with me but I believe he's raising red herring so I'm going to ask; I am not a fish farmer; well something smells, I don't know, we we're going to address the fact as far as how the placement of the house, pardon me, how the placement of the house affects the water table or the lens, so pardon me, just answering; having the part of the house is not gonna change the lens or the amount of water being taken in; how do you substantiate that; it has nothing to do with anything, what it has to do with it; why did we come up with the regulated area; you're protecting the wetlands, you're not protecting the water lens, that's what he's asking for, you have a fragile water lens, that's not gonna change, the fragile lens is not

gonna change whether they build on that area, the house is bigger, it always comes down to the, again it is a 3 bedroom house now and a 3 bedroom that they are going to propose, it's not gonna change the Levitskys' lens or the amount of water that they take out of their lens because the wells are so far apart and the volume of the water, the general volume of the water coming out of the wells next to each other, you can't pull down just because, if the applicant draws down water more than required, let's say they double the amount of the drawdown, it's not gonna affect the wells further down cause the water is running from the upper, yes go ahead; do you have an eyeball on the lens depth where your well is; it's; where our well is; __; we have __; 5 feet depth, not __; __ lens; no; keep in mind here that we're discussing issues that are directly Health Department issues, there's the, and the Health Department that you know we dealt with the Health Department, we have Health Department approval and it's their charge to make sure that we protect the groundwater and that we don't exceed the amount of water that we're entitled to so that's something that I want to make sure that we have on the record because we're throwing issues that really have nothing to do with the proposed development; actually you could argue that but it's getting late, the fact of the matter that it is our job to go beyond what the Health Department has from time to time when it comes to making deals, we don't have to deal, okay, so that's the deal; are you saying they pre-empted us; well if I ended up in court, the Health Department would be deemed to pre-empt you in that issue; on that issue; yes; what I'm trying to find out here because we have the option of actually limiting the power of the pump and things like that, based on the depth of the lens and things like that, okay, we've done it before, we'll probably do it again because you know, to alleviate the concerns of neighbors; well how does, my client is building a 3 bedroom house for a 3 bedroom house, not asking to take more water than the Levitskys who have an inground pool that is within the regulated area and I'm sure that that pool actually draws down more water than any water consumption that the house draws so if we're comparing how one neighbor to another is affecting the aquifer in that area, look at the well, look at the size of the house, the Levitsky house is quite large so you know I don't want us, I don't, what we've seen so far is issues that have been brought up as hurdles whether they're legitimate issues or not, many of them we've addressed and I understand you know your responsibility to address all the issues that the neighbors raise but it is also your responsibility to sit through those issues and recognize those that are you know legitimate issues and certainly we will address all of them, we hope we've addressed all of them, I believe we have addressed the issue of the water by the fact that the Health Department and the extensive board of review hearing that took place, so the offer to relocate his well once it's been made, is open and is outstanding, what was being proposed was a, essentially a well field up at the north end and trenching the lines to the 3 homes, that was the universally recommended alternative to all the homes but that required Mr. Reich's consent because; we heard that already; you know that; you should listen to what __; __; and he was talking about the size of the pump which is relevant for mitigation that we use in our application and I _; I'm laying the ground work for subsequent discussions here; okay; don't panic, alright; well I always worry when; I understand but I'm really not a __, you have to trust me okay; alright; I know where we gotta go and I got to have the __ to do it; fine; ___; alright, that's fine; okay; did we address to your satisfaction; that's all I needed to know; okay; it was done long before you started; oh; thank you anyway; thank you; any other comments from anyone; our herring fisherman has asked that the public hearing remain open ___; ___; keep it open; there are no new drawings, these drawings have been on file; these are the same drawings; the same drawings, cleaned up, absolutely the same ones; no change; none, zero, so; I think we should keep it open; til your next meeting on April 17th; yes; that's fine, I think this is the first hearing, that's my full understanding of it; yes it is; and you know I don't think anyone has the right to tell this Board that the judge could force them to; yeah; their responsibility; I certainly don't think any of you took that in any other way; thank you; so we'll keep the hearing open.

The Supervisor declared the public hearing closed at 6:23 p. m. and reconvened the regular Town Board meeting.

On motion of Councilman Reich and seconded by Councilman Brown, the meeting was adjourned at 6:23 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 17, 2015

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 April, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd. Councilwoman N. Christine Lewis was absent. Town Attorney Laury L. Dowd, and Town Clerk Dorothy S. Ogar were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 3:45 p. m.

Councilman Shepherd moved and Councilman Reich seconded to go into executive session to discuss collective bargaining. This motion was carried.

Councilwoman N. Christine Lewis joined the meeting at 3:55 p. m.

On motion of Councilman Reich and seconded by Councilman Shepherd, the special meeting was adjourned at 4:05 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 17, 2015

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 April, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and fifteen 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 Suffolk County Department of Economic Development and Planning concerning the proposed amendment to Chapter 133 Near Shore, 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.
2. A letter from the West Neck Water District Board of Directors stating that William Hannabury has agreed to serve on said Board.

The Supervisor presented the following financial report for the month of March, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
MARCH 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	2,085,307.96	232,673.16	566,178.87	1,751,802.25	767,090.47
Hwy Checking	931,834.26	55,371.95	189,265.80	797,940.41	0.00
T&AChecking	90,457.88	281,063.96	281,263.54	90,258.30	15,339.61
T&A Savings	12,216.62	0.32	0.00	12,216.94	
Hwy Cap Res	234,371.73	17,506.44	0.00	251,878.17	
WNW Supply	66,388.34	1,723.59	1,651.28	66,460.65	10,617.99

Taylor's Island	39,615.43	0.33	0.00	39,615.76	
Comm Preserv	3,083,162.60	94,553.97	16,168.86	3,161,547.71	589,923.71
Waterways	243,421.53	2,804.05	0.00	246,225.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,726.43
Environ Fund	13,750.00	0.00	0.00	13,750.00	
Ambulance Re	304,048.23	12.82	0.00	304,061.05	
TOTALS	7,519,193.13	685,710.59	1,054,526.35	7,150,375.37	1,734,698.21

RESOLUTION NO. 179

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Philip O'Connell, 20A South Cartwright Road, has petitioned the Town of Shelter Island for permission to relocate mooring number D-2643 from Dering Harbor to a mooring location in Coecles Harbor off the Burns Road Town landing at a location designated as 41.075109° north and 72.315993° 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 4:45 p. m., prevailing time, on the 8th day of May, 2015, 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. 180

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Philip O'Connell, 20A South Cartwright Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor off the Burns Road Town landing at a location designated as latitude 41.074768° north and longitude 72.315876° 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 4:46 p. m., prevailing time, on the 8th day of May, 2015, 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. 181

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Ennio Stacchetti, 17 Merkel Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050842° north and longitude 72.316259° 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 4:47 p. m., prevailing time, on the 8th day of May, 2015, 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. 182

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

"Whereas", the term of Peter Grand as a member of the Water Advisory Committee expired on April 2, 2015, and

"Whereas", Peter Grand has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Peter Grand is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 183

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

"Whereas", a vacancy exists on the West Neck Water District Board of Directors, and

"Whereas", William Hannabury has expressed his willingness to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That William Hannabury is hereby appointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 25, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 184

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, 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 March 3, 2015, Debbie Strongin was appointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2018, and

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

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

BE IT RESOLVED, That Debbie Strongin is hereby appointed to serve as a member of the Community Preservation Fund Advisory Board for a term to expire on February 2, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 185

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, 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 December 30, 2014, Alfred Loreto was reappointed to serve as a member of the Waterways Management Advisory Council for a term to expire on February 1, 2018, and

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

"Whereas", the Town Board desires to have Mr. Loreto continue to serve the Town of Shelter Island 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, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 186

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Recreation Commission currently exists with 11 positions, and

"Whereas", the Town Board has indicated the desire to decrease the Recreation Commission to consist of only 7 members, now, Therefore

BE IT RESOLVED, That effective immediately, said Recreation Commission is hereby decreased to consist of 7 members from the present Commission, and

BE IT FURTHER RESOLVED, the following current members are hereby designated to be members of the new 7 member Commission for their existing term expiration dates as follows:

James J. Read, Jr. expiration date 12/31/2016

Joanne Calabro	expiration date	12/31/2017
George Kneeland	expiration date	12/31/2018
Quinn Karpeh	expiration date	12/31/2018
Kim Reilly	expiration date	12/31/2019
Betsy Martin	expiration date	12/31/2019, and
Mary Ellen Adipietro	expiration date	12/31/2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 187

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from Aflac in the amount of $76.05 to the Trust & Agency account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 188

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the first paragraph of Resolution No. 5 - 2015 is hereby amended to read as follows: BE IT RESOLVED, That Town officials and employees will be reimbursed, subject to audit, at the rate of $.575 per mile for their mileage on Town business for the year 2015, and

BE IT FURTHER RESOLVED, That said amendment is effective on April 17, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 189

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That due to the inactivity within the account of Patricia Quigley, former Town Justice, the Supervisor is hereby authorized to close out this account and transfer the balance of $277.02 from said account to general fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 190

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $168.00 from the following accounts: A6776.484 Silver Circle office and miscellaneous account, and A6777.484 Senior Center office and miscellaneous account to Advanced Imaging Systems, 946 West Main Street, Riverhead, New York 11901-2832, for the annual maintenance agreement for the Mita digital copier for the period April 15, 2015 through April 15, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 191

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $490.00 to the Postmaster from the 2015 A1330.414 Receiver of Taxes postage account for the purchase of first class stamps.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 192

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015 to March 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 193

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

"Whereas", sealed bids for the provision of feed corn for the year 2015 were received by the Town Clerk's Office until 3 p. m. on the 30th day of March, 2015, at which time they were publicly opened and read aloud as follows:

Neptune Farm Products, Inc. in the amount per 2,500 pound pallets:

six pallet increments delivered	$399.50
five pallet increments delivered	$425.00
four pallet increments delivered	$435.00
three pallet increments delivered	$445.00
two pallet increments delivered	$450.00, and
one pallet increments delivered	$455.00; and

Talmage Enterprises, LTD. in the amount per 2,500 pound pallets:

six pallet increments delivered	$415.00
five pallet increments delivered	$415.00
four pallet increments delivered	$425.00
three pallet increments delivered	$435.00
two pallet increments delivered	$460.00, and
one pallet increments delivered	$535.00, and

"Whereas", Jennifer C. Beresky, Police Clerk, and the Chief of Police have reviewed the bids 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 2015 is hereby awarded to Neptune Farm Products, Inc., the lowest responsible bidder, for the aforementioned prices.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 194

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Town Board hereby adopts the following:

Shelter Island Town
CodeRED Usage Policy

1. It is the policy of the Town of Shelter Island that the CodeRED system may be used for significant incidents and events where the timely notification of an effected population or geographic area of the Town is essential or highly desirable.

2. Some examples of the types of incidents or events where the CodeRED system may be highly effective in notifying our citizens includes the following:

Administration
* Priority government information for citizens

Man-Made Disasters
* Terrorism Threats
* Bomb Threats
* Nuclear Hazards
* Bio Terrorism Threats
* Chemical Spills
* HAZMAT Emergencies

Environmental Natural Disasters
* Coastal Storms
* Hurricanes
* Winter Weather Emergencies
* Shoreline Flooding

Search & Rescue
* Missing Children
* Missing Elderly
* Missing Disabled
* Evacuation Notices
* Evacuation Routes

Public Works	Crime
* Drinking Water Contamination	* Lockdown Situations
* Utility Outages	* Hostage Situations
* Street Closings	
* Public Notifications	

3. Requests for use of the CodeRED system will be processed through designated personnel in the Town Supervisor's Office or the Police Department.
4. In emergency situations, Police, Fire and EMS Emergency Incident Commanders (IC) are authorized to initiate usage of the CodeRED system when necessary and/or desirable in management of incidents occurring in and/or adjacent to the Town consistent with the foregoing.
5. In non-emergency situations, the Emergency Management Coordinator, the Town Supervisor, or their designees shall approve instances in which the system is used.
6. Authorized personnel shall complete a pre-launch review of non-emergency audio messages, geographical area affected by the CodeRED message, and the date/time that it is scheduled to be broadcast.
7. Citizen complaints regarding the use of the system shall be handled by the Emergency Management Coordinator or Town Supervisor.
8. System performance issues are the responsibility of the Police Department and shall be forwarded to the Chief of Police/Emergency Management Coordinator for resolution with the vendor.
9. CodeRED binders with operational instructions and forms will be maintained in both the Police Department and Town Hall (Supervisor's Office). Any modifications or changes to policy will be reflected in both binders.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 195

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Section 7 a of the agreement between the Town of Shelter Island and the Shelter Island Country Club, Inc., the Shelter Island Country Club must submit a schedule of fees and charges to be applied for the year, and

"Whereas", said schedule was submitted to the Town Board for the calendar year 2015 for their approval, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby approves said schedule of fees and charges for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 196

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to the agreement between the Town of Shelter Island and the Shelter Island

"Whereas", the Shelter Island Country Club has requested permission to extend their closing hour to 10 p. m. on Fridays and Saturdays, and Sundays of holiday weekends, for the 2015 season, now, Therefore

BE IT RESOLVED, That that the Town Board hereby approves the extension of the closing hour for the Shelter Island Country Club for 2015 with the proviso that there shall be no outdoor amplified music.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 197

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

BE IT RESOLVED, That the fifth paragraph of Resolution No. 169 dated March 27, 2015, concerning the purchase of one new ambulance, is hereby amended to read as follows: BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $41,558.00 from the Ambulance Capital Reserve Account to Specialty Vehicles,

60 Engineers Lane, East Farmingdale, New York 11735, for the required deposit for the 2015 Chevrolet G-4500 chassis, and the balance to be paid upon delivery of said vehicle.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 198

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

BE IT RESOLVED, That Jay L. Card, Jr., Superintendent of Highways/Commissioner of Public Works is hereby authorized and directed to execute the Memorandum of Agreement between the Town of Shelter Island and the Shelter Island Heights Property Owners' Corporation for the implementation of the Cornell Local Roads Program (CLRP) which provides for the assessment of the private roads owned by the Shelter Island Heights Property Owners' Corporation under the auspices of Cornell University; said agreement to be in effect for a period of one year from the time of signing.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 199

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Town Board hereby adopts the following program for day passes for Wade's Beach and Shell Beach, to wit:

PROGRAM FOR ONE-DAY
WADE'S AND SHELL BEACHES PARKING PASS

1. Parking at Wade's Beach and Shell Beach will be eligible for parking with a nonresident day pass. A sign at Wade's Beach and Shell Beach will advise where day passes can be acquired.
2. The Town Clerk's office sells the nonresident day parking pass, up to five per day, at a cost of $20 per pass. Passes can be sold in advance for a future date written on the pass (i.e. a Sunday).
3. The passes are dated and are valid for that date only. The pass is valid for any time during the calendar day. However, they are only valid for Wade's or Shell Beach—parking with a pass but in any other parking pass required area can result in a parking ticket.
4. The pass should be displayed on the inside front dashboard of the car, on the driver's side. Failure to properly display the pass can result in a parking ticket.
5. The day passes are valid only in the specified areas and only for the specified day.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 200

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute a Spyglass Snapshot Audit Agreement between the Town of Shelter Island and The SpyGlass Group, LLC, an Ohio limited liability company, to analyze the Town's primary telecommunications service accounts which includes local voice, long distance, voice, data, internet and wireless and make recommendations to the Town concerning said services and fees.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 201

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board of the Town of Shelter Island does hereby approve the Service Award Program list of all 2014 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. 202

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

"Whereas", Leonard A. Genovese and Geraldine Genovese Revocable Trusts, 5 East Brander Parkway, have petitioned the Town of Shelter Island for a wetlands permit for permission to remove approximately 993 square feet of existing bluestone driveway from within 100' regulated area (including 62 square feet from within vegetative buffer) and install 10 square feet of new bluestone driveway within adjacent vegetative buffer, construct a 24' by 24' one story garage with attached 3' by 8' storage shed, construct a 4.5' by +/- 27' trellis over existing patio, and relocate pool equipment, 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 8th day of May, 2015, 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. 203

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

"Whereas", Jackie Black, 54 North Cartwright Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to remove existing deck and replace with a reconfigured wooden deck, install a cedar hot tub, 6' by 3.5', improve traffic flow between 2 story garage and back of main house, and create a 325 square foot permeable terrace for dining, 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 8th day of May, 2015, 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. 204

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Scott L. Murphy, 8 Chequit Avenue, has petitioned the Town of Shelter Island for a wetlands permit for permission to construct an approximately 600 square foot one bedroom, one bathroom addition and new front entrance to existing residence, within the 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 4:54 p. m., prevailing time, on the 8th day of May, 2015, 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. 205

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$600.00 from the A1490.114 Public Works personal services account,
$500.00 from the DM5130.146 Highway Machinery mechanic personal services account,
$500.00 from the DS5140.150 Highway Brush & Weeds personal services account,
$1,000.00 from the DS5140.153 Highway Brush & Weeds personal services account,
$1,000.00 from the DS5140.154 Highway Brush & Weeds personal services account, and
$300.00 from the DS5140.156 Highway Brush & Weeds personal services account to the DS5142.147 Highway Snow Removal personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 206

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That general claims numbered 376 through 515 in the amount of $51,651.55, highway claims numbered 73 through 100 in the amount of $32,631.52, and West Neck Water claims numbered 7 through 12 in the amount of $3,687.13 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 4:53 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Kristin Kehrberg, 8 Clinton Avenue, for permission to install a row of 2 to 3 ton stone at toe of existing slope, fill area landward of new stone, and vegetate.

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: they met on this on March 2nd and were in favor 4 zero, the neighbors have stuff there so it seems like a logical thing there, personally there's not that much wave action but it is better to have stone than a bulkhead.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Mr. Supervisor and members of the Board, my name is Jeff Butler, engineer, here on behalf of the applicant, and Councilman your analysis was exactly why we are proposing this, where the property sits sandwiched between 2 properties which have bulkheads on them and over the last few years there has been a little bit of erosion with reflective energy from those bulkheads, the proposal here is to set back slightly from those bulkheads and install a row of stone and fill that with sand and plant it with native grasses to make it look as natural as possible and not impact where the tidal wetlands has migrated to over the past few years, start at that point and go back so that is the application before you and I'm here for any questions that you may have; thank you; the grasses are what, 12 inches on center; yes.

The 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 Jan Sudol, 18 Little Ram Island Drive, to replace existing 132' by 5' fixed dock and 11' by 8' fixed "L" platform, and add a 12' by 3' wooden ramp leading to a 10' by 20' float.

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: they met on this and it was a lengthy discussion with Mr. Sudol, what he was asking for exceeded the Code and none of them felt comfortable voting on it with exceeding Code and since he has come back with a modified suggestion which I think they would be a lot more in favor of __ see what they are asking for and we'll let Mr. Sudol who is here.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: identify yourself; thank you; so everyone will know who you are; I know who I am, Patricia Moore on behalf of Mr. Sudol, I wanted to yes correct direct that the original application was for a ramp and float and after the WMAC meeting the recommendation at least what he heard spoken at the meeting was that in kind in place would not be an issue so he did resubmit the application and filed it with the Town Clerk to amend his application for in kind in place, in support of that application I did want to give you for your record the fact that every structure that is there on the property has CO's, the dock itself that is present there has a certificate of occupancy so I thought that that would be important for you to have in your file as for in kind in place you don't have public hearing process generally for an in kind in place and I know my client would like to have it forwarded as quickly as possible given that the season is beginning; and there are a couple of things, he's gonna have to amend the DEC permit; well; which is pretty easy because it's a lesser; oh absolutely, the fact is the DEC permit allows you, since it is

in kind in place, the DEC allows you to place in kind in place with the fact that it is a permitted structure, at some point he can amend the application but I believe he wants to get the five year permit and keep it in place to consider the alternative that the Board was suggesting but at this point he's prepared to just; the other thing I asked him, well 2 things, I had asked him if he was gonna have; __; no, no, if he was gonna have a contractor picked out by the time of the hearing tonight and he said no, because that's something on the application and we typically don't act on applications without the contractor, knowing the contractor; well um; and if he was in such a rush he should get on the list with the contractor because believe me they are all busy; I understand, I think that ultimately that the choice of the contractor before a building permit is issued; dock permit; dock permit, he'll have that contractor selected; they have to submit their insurance; exactly they have to provide all their insurance so that's not a problem, it's just he doesn't want to delay the permit; the other thing that I had asked for which I didn't see in the revised paperwork was what's the length of the dock, even though it's in kind, it's being totally rebuilt, from mean high water, it is not indicated on here, it's 132 feet from the bulkhead and it shows mean high water but there's no, there was no, and our resolutions all reference dock length from mean high water so Dottie is gonna need that to be able to do the resolution; you have the, the only drawing that shows 17 feet from the bulkhead to the high water and then 132 feet, am I reading it correctly; yes; 17 feet; 17; oh just the 17, okay; okay so it's 132 minus the 17, I have not seen that on; it's the top of the structure to the north; show me; alright, sorry about that, apparently one of the drawings had it but not; okay, and the other thing, I know the existing dock I don't believe had stairs for the, and that's something we always ask for, that was on the proposed; right; but it's not on the existing one; right; so that's one thing we want to get; you can certainly condition the permit on that, there's no problem with that, Mr. __ ; even if it not on the permit, it is required by Code; so it will be installed yes; okay; let me give you copies of all the permits so you can have them for your records __ condition permit so it includes the bulkhead as well, it's all the marine structures, just for your file, the dock, the dock, c.o. permit is the last two documents, it's the building permit and the c of o; are we closing the hearing; yes; okay.

The Supervisor declared the public hearing closed at 5:04 p. m. and called to order the public hearing to be held as advertised on the application of Thilo Semmelbauer, 125 Ram Island Drive, for permission to install a mooring in Coecles Harbor at a location designated as 41.079744° north and 72.297318° west; said mooring location was formerly occupied by the C 2773 Skibelli 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: they discussed this on April 6th and it was in favor 6 - zero; okay.

The 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 5:06 p. m. and called to order the public hearing to be held as advertised on the application of Eva Gayer, 167 Ram Island Drive, for permission to construct 211' of 2 to 3 ton rock low profile rock revetment, fill void areas landward of revetment with approximately 200 cubic yards of clean trucked in fill, regrade areas and revegetate with native plantings to match existing, construct 4' by 4' platform and 3' wide access stairway over revetment down to beach level, provide a 3' wide mulched pathway from existing landward pathway through vegetated area to new stairway, and construct a 24' jetty extension south from landward end of existing jetty at west property line.

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: this wasn't discussed recently by the WMAC, they discussed it several months ago, I'm trying to remember when but it was a different contractor involved with it and I'm pretty sure they didn't have any issues with it; well they moved it around to the point where they didn't; right; and a lot of us were on site multiple times.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jack Costello, I'm here on behalf of the applicant, it was more that the DEC that actually took objection to the project cause it was kind of streamlined after

Hurricane Sandy; right; and it never got done and the contractor subsequently moved on; yeah; it sounds like all those things that went bad __, the DEC forced us to do rocks so with them it is all said and done __, like I said I don't think anybody had any problem with it but I'm here to answer any questions.

The Supervisor declared the public hearing closed at 5:08 p. m. and called to order the public hearing to be held as advertised on the application of Louis and Jana Sheinker, 24 Margaret's Drive, for a wetlands permit to construct approximately 598 square feet of covered porch/ second story deck addition to existing dwelling (approximately 469 square feet of new coverage), abandon existing sanitary system (to be filled with approximately 40 cubic yards soil material) located partially within vegetative buffer (new sanitary system to be located outside regulated area), and establish approximately 2,675 square feet of native plantings on and within 5 feet of embankment adjacent to tidal wetlands boundary.

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

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

The Planning Board reported as follows:

17 April 2015

Re: **Sheinker Wetlands Application**

Sheinker Residence, 24 Margaret's Drive, Shelter Island, NY 11964

SCTM # 700-18-2-45

Zone A Residential, Near Shore and Peninsular Overlay District

This acre and a quarter property on West Neck Creek rises from the Creek with an 11 foot bank and then plateaus. The lot was developed back in 1979 before the Town's Wetlands Regulations.

As stated in the Justification For Permit, "Portions of the existing dwelling, swimming pool, and waterside decks are already located inside the Regulated area both within the 75' Vegetative buffer and Adjacent buffer areas."

At first, this was to be a reconstruction, but then it was determined that it would be structurally better to tear the existing house down to the foundation. The swimming pool which is half in the vegetative buffer will remain and all new construction will be behind it.

There is a **DEC Letter of Non Jurisdiction** # 1-4732-01027/00001 dated May 7, 2014 as the elevation of the top of the bank is above 11 feet.

There is a **Health Dept. permit # RO7-14-0017** for up to 8 bedrooms.

Planning Board members visited the site and considered all submittals while on site.

The Planning Board makes the following observations:

Since the biggest concern with a tear down to the foundation is the condition of the existing foundation. We quote the owner's agent Rob Herrmann. *"The existing foundation is poured concrete. It is reported to be sound and free of any major settling crack, splitting or other separation or compromise that would necessitate its replacement. It has been determined to be structurally sound and does not leak or show signs of any other compromises. The new foundation areas include the new crawlspace; new garage foundation (slab and frost depth footings/stem walls) and the footing for the new deck areas wrapping around the back of the house."*

The new building height is approximately 27 feet above average existing grade, the existing building is approximately 25 feet above grade. The Architect noted the roof was a shed roof with a single 4/12 pitch draining to one side. The present one car garage will be demolished and a new two car garage will be constructed on the North side of the driveway. The present septic system to be removed does have a septic tank followed by two inline cesspools, all located in the regulated area.

The pool equipment is to be relocated, but we don't see a drywell designated for the pool backwash. The current pool fence is hidden under the bluff so as not to interfere with the view. There are gates on the dock. There are fence sections that need attention. The new decking is specified a composite (engineered) with concealed fasteners. Depending on the type of fastener used, the deck boards may be installed so tightly that the deck becomes impervious. We would recommend 1/2 inch gaps. Is the wood decking around the pool to be replaced?

It remains unclear on how much fill is being brought in and/or removed from the site. Will soil excavated for the new foundations, septic system and drywells remain on site? Will

clean sand need to be brought in to install the sanitary system per code beyond that needed for abandoning the existing system?

The drywells beneath the driveway need to be traffic bearing.

A Plantings plan has been furnished as mitigation.

Planning Board makes the following recommendations: For us, it is the new compliant septic system, located outside the regulated area, that offsets the new construction in the regulated area required by the complete tear-down project.

If our various concerns are addressed, the Planning Board recommends approval.

By:
Emory Breiner, Planning Board member, John Kerr, Planning Board member, for the Planning Board.

The Conservation Advisory Council has not submitted a report.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob, you have the floor; good evening, Rob Herrmann of En-Consultants on behalf of the applicants, _ to describe and I know the Board has looked at this project in its work sessions, the project entails a significant renovation with addition to the dwelling and __ to the accessory sleeping quarters and driveway but most of this project is actually located more than a hundred feet from wetlands associated with West Neck Creek and outside of the Town Board's jurisdiction, some portion of project is inevitably within the regulated area because the seaward portion of the existing house is currently located within a hundred feet as is the existing attached deck on the seaward side of the house and the existing swimming pool _ which is to remain, specifically the portion of the proposed work as it was originally presented with our application as is located within a hundred feet of the wetlands boundary, there is a proposed wraparound porch with second story deck above it on the water side of the house, the total footprint of the new porch is 598 square feet, there will be a 129 square foot overlap of the existing deck that is to be removed in favor of the new porch, the porch introduces only 469 square feet new coverage to the regulated area, included in that 469 square feet are 97 square feet located within the 75 foot vegetated buffer, at the time that the design was introduced to me, I did discuss with the architects and with the applicant, the fact that typically the Town Board tries when possible to eliminate any new square foot coverage within the 75 foot buffer of less than a hundred square feet as that is ordinarily allowed without permit by the Code so if the Board will look at the north side of the proposed wraparound porch, there's actually a notch designed in that porch where there will be a planter installed, the reason for that notch there is to limit some of the coverage that was originally proposed and again this was done with the specific purpose of keeping our square footage within 75 feet to below a hundred square feet, you can see the 97 square feet is proposed, as part of the proposal and project mitigation as the Planning Board report noted, there is an existing sanitary system now that is located partially within the 75 foot setback and the rest of it is located within the hundred foot setback, that septic system will be completely removed and abandoned and replaced with a septic system that's up on the southwest side of the property to the southwest proposed two story addition and well outside the wetlands regulated area, what we are also proposing as we have done with other projects in the past is for a site like this where the 75 foot vegetative is in fact really 75 feet of lawn that has been historically maintained since prior to the Town passage of the Wetlands Law, we are proposing to establish a native plantings buffer that would extend 25 to 40 feet landward of the wetlands boundary and that would include 5 feet landward of the existing top of the bank where all the existing lawn in that area would be removed and replaced with native plantings, as we examined the site we also realized there are various parts of the existing slope that are currently in need of vegetation and as part of this buffer we would replant all those areas on the existing slope up to that 5 foot setback from the top of the bank with native vegetation, one of the things the Board had requested as part of this, comments after your initial review at the work session was to provide in addition to the building plans and elevations which we already submitted one of your last couple of work sessions, was to provide the plantings plan that would go, that would provide specific information on that so I can hand these up to Dottie, I don't know if you want to look at these right now but basically it is a native plantings plan that shows that entire area to be vegetated with native vegetation with specific plantings with container size and spacing etc. which I know the Town has been asking of us, also proposed is a drainage system consisting of leaders, gutters and drywells, the drywells and drainage calculations are presented on the site plan by Mike Hemmer, I know there was a question about a pool drywell, Ed Fusco, our architect is here, I think Ed, did we, I

think we figured there is no dedicated drywell currently for the pool but certainly if that is something that the Board is looking to see consistent with the Planning Board recommendation, that would not be difficult; yeah our Code requires one now for new pools, I don't know where it's going; it's not a problem to provide that; __ squeeze it in there; so really, I mean it's really a straight forward project, you know, what makes it perhaps a bit more extensive is as the applicant and the project architect have reached the stage of getting some preliminary cost assessments from various builders, they have been told what we are starting to hear more frequently with these kinds of jobs that even though the original intention is to keep everything exactly as it is and just expand the house with the proposed additions is that by the time you were done changing the framing, the insulation, the windows, meeting energy code and everything else, it becomes actually more expensive, more time consuming, more difficult to try to maintain some vestige of the walls that are there and convert them into something that meets Code and so I think from speaking to Ed, he's gotten a couple of different opinions now that really the first two story walls should be taken down to the existing foundation, the existing foundation would remain, that was a couple of questions that you heard addressed, I think Emory, he is here and he can speak more to it and Ed is here to answer any questions but there was some preliminary concerns from the Planning Board to say you know is this, are you really gonna keep the existing foundation, is the existing foundation in fact in tact and capable of taking on the new construction and Ed can testify this if you wish but his answer to me which I relayed to the Planning Board was unequivocally yes the existing foundation, it's a poured foundation, it is in good repair, it's not cracking, leaking etc., this is not a bait and switch job, in fact we tried to be very forthright with the Board by coming in with this information ahead of this hearing to say this is new information that the project architect has been getting so instead of standing here and trying to hoodwink you into thinking that this is just an addition, we're trying to be very forthright and say it looks like these walls will probably gonna have to be more significant and taken apart; __ and solid, the previous owner before the Sheinkers bought it had done work in there without a permit and had to, in order to get the c of o for the sale, they had to put in an egress window from the one basement and we cut that through and it was definitely poured and solid and a very good solid foundation; on the other hand I would point out that this house is intruding marginally into the 75 foot, if the foundation could be used it would require the slightest tweaking in terms of putting up this new house, to keep it entirely outside the vegetative buffer, if the foundation is worth saving, the if that's not practical and you're not gonna be using that foundation then it's an easy, easy fix; right, I'm saying, the foundation, there is nothing wrong with it from when I, you know I saw it intimately you know, right before the Sheinkers bought it, probably two years ago when we did work there, in my opinion, the foundation is very structural, serviceable; yeah and I do think it's important to note that in terms of the scope of the project, whether this training comes down, you know, comes down in part and is reconfigured to meet Code or comes down completely and is rebuilt completely, the end result, the end footprint of what is presented here tonight and what is on the survey and what is on the site plan, is precisely what will remain so all of the figures that I quoted to you in terms of new coverage, new intrusion, and so forth and so on hold because the end product is identical to what's presented here; what's the square footage of the current house, first and second story; is it the footprint Laury you are asking for or the floor area; the floor area; I'll have to defer, Ed do you have; I think we're at 2,000 right now and it's increased to 3800; 3800; yeah this is of course, again, this is not a special permit application, we are well under the size allowance, I mean I know you know that but just making a note and again the other components of the project, the proposed garage, the driveway and so forth are located entirely outside the regulated area; and what's the square footage of the proposed accessory sleeping; that is the second floor number; __; I think Mary Wilson looked at that, I know we had to meet a minimum floor area for that; well ultimately it would count towards; yes I know that; so that's on top of the 36; 38; yeah; if the Board has other questions, I'm happy to answer them and if you have other questions related to the specific construction or any of the items that were put in the Planning Board report, I would ask Ed to step up and respond to those; any other areas that the Planning Board brought up that we missed, we might not have caught at all; something that the Zoning Board has frequently required on these rebuild on old foundation kind of thing would be a clause saying that if you end up having to take out the foundation for any reason, you would come back, do you have any problem with that; no; no, not at all; you mean as a condition of the permit, they were asking about the decking around the pool, that's gonna be replaced probably right; yeah as soon as, it's pretty far gone; toast; it is toast; alright, the __ of the __ are taken care of at some point, there's a question about fill or; Paul that's on the plan, I'm surprised you had that question cause I mean it does say on here; oh okay, thank you, everybody misses something; yeah; except for you

obviously, drywells __ the driveways ___; of course; understood; um um; __ the foundation that's going to remain; yeah; not a guarantee, right; to respond the fill, Ed, did we, I thought we had discussed that with, I think what ended up happening there is if you look at the top of the Hemmer site plan, we did come up with some earthwork volumes but it was earthwork volumes specific to what was in the regulated area and where we got into sort of excruciating detail there is that with the foundation for the porch there was gonna be some excavation there but we were gonna need some fill to abandon the existing septic system so if you notice in Hemmer's earthwork volumes, he's got a net foundation excavation of minus 15 yards of material and then 40 yards of material needed for the sanitary system so basically we're saying from what's going outside your purview, we're gonna pull in 25 yards of that material to fill the septic system and again this is not fill that's changing the grade or the slope, this is to fill the holes that would be created; right, same thing with a new septic system, there's no fill to be trucked in from off site but I don't know of any septic systems put in on Shelter Island that haven't had fill brought in; __ septic system for drainage, I doubt we're gonna find that on; and Peter that is on that, on the left side of the site plan on the proposed sanitary system notes, it says unsuitable materials to be removed and replaced with sand and gravel as per Health Department regs; right; I've tried to wrestle with this a little bit on a few applications before you guys where we've got a project that part in and part out and we want to show you everything that's happening but I don't want to end up putting into the application; right; activities that are happening upland because it creates the appearance that more is going on in the regulated area than really is; __ be more specific in saying that it's in or it's not in or it's the total lot or it's in the regulated area; right and that's what I've tried to do on the application; a question of height, we're 2 feet over the existing structure to the height of our new structure, that's one of the question; that was a Planning Board question; okay thank you, thanks Rob; thank you all, thank you; thank you.

The Supervisor declared the public hearing closed at 5:26 p. m. and reconvened the recessed public hearing to be held as advertised on the application of David Lapham, 4D Peconic Avenue, for a wetlands permit to demolish the existing single family residence covering roughly 1,516 square feet located 117.6' from the wetlands boundary, and replace it with a two story single family dwelling with a footprint of 2,190 square feet, and attached deck covering roughly 1,050 square feet located roughly 82' from the wetlands boundary which includes a 5' by 5' soaking tub, within the regulated area.

Correspondence included the following:

1. Two letters from Patricia Moore providing the following:

Written response to questions presented by the Board and Town Attorney dated April 16, 2015.

Updated site plan prepared by the Architects, Gohlin Cywinski Jackson, last dated April 15, 2015 and reduced size copy of elevations showing height of dwelling as 24' 10 and 3/4".

Application and shore EAF with corrections.

LIPA easement and covenant and restrictions.

Memorandum from Patricia Moore revised with correction to square footage of the "regulated area".

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Patricia Moore, we're continuing as you said, the Lapham application, thank you, the Board, ___, the Town Attorney, submitted questions that you asked us to address and I hope that you had an opportunity to review those, the questions and the answers, I'm certain you can read so I don't need to read them to you back, I'm sure you have a busy evening and don't want to hear me speak endlessly, the only other thing that I did answer in the set of questions but at the time Mr. Fischetti was involved in a trial so he wasn't able to provide this document in time for the Board so I have here specific answers to the extent that the amount of fill which in listening to the hearing right before this one, it's very similar in that we believe that the fill that can be generated on site from the excavation on site is sufficient but there's always the possibility of leaving open the need for some fill for the sanitary system so we, we estimate 75 cubic yards at maximum and with the likelihood that no fill will be needed, you did ask specifically that the pumping rate of the well which we did respond, let me give this to you so it will be in front of you when I go over it, our engineer Mr. Fischetti feels and provided the answers which with respect to the pumping would have to be, our groundwater well depth 14 feet which I had put in our response but here he's certified to it, um with respect to the hot tub we did move

the hot tub out of the Board's jurisdiction further up on the deck out of the regulated area, um the size of the hot tub is, it keeps changing, we apologize for that, originally it was 5 by 5 but my client was advised by contractors that that would require a customized very expensive hot tub versus the standard prefab with is 6, 8 by 6, 8 so we modified our plans to reflect the standard and um and again the answer with respect to the filling it which was will do with a tanker, won't be from our well and if you need Mr. Fischetti to provide any answers to any further questions you might have on this, he's here and would be happy to address other questions, do you have specific questions because I have everything here and I have Mr. Fischetti and; I have a question about the stakes; I asked my client, he believes the staking is the corners of the house, it's where the deck is; where would that be, down here, up here, I, I think; Laury they've been in, they sort of been; you've got to come up to get it on the record so they can hear you; no I mean; although she can hear; Laury they were originally; give your name please; oh sorry David Lapham and I'm the owner of 4D Peconic Avenue, they were used just to show the boundaries of the corners of the various components of the house so that; it looks like __ the lawn; they've been kind of moved around a little bit while we haven't been there; I went there and I just want to know what was I seeing when I was looking at these stakes, you're saying I was looking at the house because it didn't look like the shape of a house to me; right; __; it's just the boundaries of different portions of the house; probably the closest boundary is typically what the surveyors provide, I can, we can answer that but they've been there for quite a while so without my client being there on site all the time, I would be concerned with; I thought maybe it would be the hundred foot boundary, maybe it was the 75 foot, I don't know; I don't know; so let us know; we'll find out what the surveyor originally did so; and I also wanted to ask if it would be possible to rotate, rotate the house 90 degrees because I thought it might fit better into the available building envelope which it being so close into the vegetative buffer, is that an option; no, yeah Joe, if you can answer that, I don't believe so but you can tell them; this was very difficult, Joseph Fischetti, Professional Engineer, the layout of this sanitary system was so difficult because we had so many restrictions and constrictions all around it, you can't move this house, there's no way to do that cause it affects the sanitary system and the setbacks, we'd have to go back to the Board of Review and it won't work; I really wanted to ask, I did go out to the site and to me it's very limited, that road is very narrow and if people are parking on that road, I can't imagine how anybody is gonna get by, so what's the plan for during construction so that road isn't all blocked; um we have actually last hearing, we have contractors here as well to give their opinion but we promised that it was, that all activity would remain on site including the contractors, also keep in mind that my client agreed to start construction after the season so I believe that the road is gonna be less traveled working during the week, this is I believe a seasonal area so, there's certainly enough room on site, we're not talking about all the contractors being there at one time so generally the staggering of construction on the site can accommodate a parcel that's much smaller than this; on this map here; yes; from the garage to the roadway, how much foot, feet do you have there; the garage to the roadway, well to the roadway is actually, are you talking about the property line or the roadway because; property line; property line, okay, I don't have, I think we have just over 26 feet; that's all; it's more than, yeah 26 to the deck which is the narrowest point so it's close to; you __ more; no it's more than that; the reason I ask is how much that allows, can be pushed back out of wetlands, I'm not specific to that but I was just wondering; are you, let me see if I understand your question; so if you moved the house back, you'd be further out of the wetlands; true but then we'd be encroaching on the front yard setback; that's why I asked; yeah, yeah, I believe the Building Department recognized certain setbacks on this project that there was some discussion about possibly redefining what front yard setbacks are from a flagged, from the right of way so this, this setback that we have I believe is as close as you want to be, leaving the access around the property and staying far enough away, remember we also have a utility easement that runs along the north side of this property, we want to maintain adequate distance as well, so; how long do you anticipate the construction taking, will it run into the next season like next summer; no, standard construction is; 6 months; 6 months; _ standard; 12 months, the idea of starting in the fall is to eliminate the heavy work; right; even when you will need to do the finish work; the interior, once you've build the outside, the interior is custom, you know, the; I hear you but it's the interior when you got the cabinet maker and the heating guy and the finishing guy, that's when the whole cars seem to be athandicap the house; all the cars will be off the road, there is enough, there is enough area on the, which way is north, on the northwest side for parking, there's more than enough staging area to do all the parking, the roadway will be reconstructed after construction is done, Mr. Lapham said he would make the effort to go back and repair the road, the access road if there's any problems with that road; I have a question from the last time just as, maybe not for you but maybe

Mr. Reich, I believe you said Mr. Fischetti that there had been a thought of putting a communal well in that right of way that would serve the Reich property on the end, the people on the other end as well as Lapham in the middle but that that had been turned down but I know the Board of Health or Suffolk County Board of Health Services apparently liked the idea but I guess Mr. Reich, the owner of the right of way did not like it, I'm just interested to know why something that seemed to me would benefit everybody on the road so I don't know; it wasn't a communal; __; __; a lot of people __ cause they thought it was a good idea; no but I; is that a question; it's not a question for you; I need to clarify one thing that you said, it wasn't a communal well; no; we were going to move the well more and to get into the deeper aquifer and as long as those wells were separated they wouldn't interfere with each other, they could be set up in the right of way and that's a normal procedure, you can keep the wells within 30 feet apart and they won't impact each other; so they __ individual wells; _ ; __ and talk about it and __, now ask Mr. Reich whatever question you want; I don't know what was wrong with that, that's what I wanted to ask him but; can I answer them; yes sure; __ Mr. Reich; sure any Mr. Reich; hi, Duke Reich, I'm a tenant of the property, we looked into this, putting the wells further down, Mr. Fischetti has said numerous times that they have good water at the site so would we allow putting a well on our property I don't quite understand, we have water issues that are getting better, our chlorides are finally now below standards so we're thinking that now we can put filters in, again this is all caused by Sandy but because they have good water, our water is getting better, we did meet with a well company as well as an engineer, the well company, North Shore or I think North Sea Well Drilling told us that it would be extremely cost prohibitive to put the well way at the end of Hidden Path towards Peconic Avenue, it would cost 10 to 15 thousand dollars of trenching plus the electric and if there's a leak, it just didn't seem to make sense to us; thank you; you're welcome; I had offered to share the expense; we had offered to do the trenching and all the wells going to the same trenching, there is a possibility of a leak but the trenching is expensive so we said we'd all do the trenching together and we would __; I'm just trying to understand, it seemed like a good idea but; it was a good idea; I now understand so; so we have a confirmed lens depth of 14 feet, the last time we met it was __; __, I'm sorry Bruce said that and I didn't have the information cause I didn't have the well driller certificate, I wanted to clarify; 5 isn't really very much; no, not a lot; you could miss that __; well Bruce said it and I didn't have the ability to give an answer, I wanted to get back to you; thank you __; the well goes down to 18 but it is brought up to 14; are you planning, are you planning to do any tree topping to improve your view; no, I'm sorry Laury, excuse me, aside from the trees that are in the new footprint, no; okay; William Fleming of Fleming and Darrell on behalf of the Levitskys, Mr. Shepherd I would like to clarify, the well depth of 14 feet, would you say that is 14 feet of freshwater then; I'm not saying anything, I was curious, I was told that or someone read that it was a 14 foot lens, the end of the freshwater would be 14 feet; is that the statement of the applicant that there's a 14 foot lens of water there; no; do you know what a lens; I understand, sitting upon saltwater; __; right understand, I'm just trying; I have a well drill- er's certificate that uses that data, I don't' know that, I'm taking it right from the well driller's certificate, the start of the freshwater lens and the depth of the well that was put in here, it might be a few feet deeper; thank you; because the depth of the well couldn't be the depth of the lens, groundwater is 4.9 feet away according to __ so I just, there's a few things to clarify I guess and it's very hard, you're coming from a 1500 square foot house to a 2500 square foot house, 740 square feet of this residence is in the wetlands and 500 square feet are within a hundred feet of the wetlands, 500 of the other improvements are within wetlands, the house is very peculiarly designed, it has one long appendage so you know which would then jut out into the front yard, a long appendage, move it back, I mean you know it's, it's a very individually designed house and when the applicant was asked on his form and given to you by __, it's because it fits the needs of the applicant, why is it located in the wetlands, cause it fits the need of the applicant, this is kind of like a style, the Kardashian standard you know, it fits my needs and my style points and this is the way I'd like it so I think that's kind of; can you clarify that; well that it just fits the need of the applicant is not the typical standard for why you would grant a variance so that's the reason that they gave, I just, I talked to Jeff Gregor who is a well driller who is going to do the Levitsky's, he thinks that you know there's five and on a good day there might be 10 feet of lens there and that large house isn't going to dissipate the lens so, there are alternatives to this particular location, it is imperative that scaled floor plans be given, at the last meeting someone for the applicant stated where the _ height standard, well the height standard for a flat roof is 25 feet and it's 24 feet and 10 and something inches so it's not 10 feet below the height standard, it's a couple of inches below the height standard, there was a statement and I went back to John Levitsky, the Levitskys had not been approached about moving their well by the applicant recently but they

will be moving their well and it should be known that the Suffolk County Department of Health Services is not giving this project it's __ saying we're varying just about everything we've ever had to do, you have a 5 foot setback for a retaining wall for the septic system, you're, you know this is 10 pounds of potatoes in a 5 pound bag and I don't think that they've proven that there are, that there aren't alternatives, if one is concerned about cost of the hot tub, building a two story house, one floor above the other is still the least expensive way and the old footprint is there for it and that all conforms so again I don't know that the Board has plans of the house to be able to make a reasonable judgment about it, I wonder why 740 square feet of the residence has to be within the hundred feet of the wetlands by 500 square feet or other improvements have to be in that area when there are alternatives so I ask the Board to either require floor plans or perhaps turn the application down in its current state, any questions, thank you; I'm Dan Reich, owner of the property on the westerly side of the Lapham property, simply put, as I see the proposal, it adversely affects the character of the neighborhood both physically and environmentally, they're proposing to significantly increase the living area of what is now an existing two bedroom legal non-conforming house plus an addition that was built without permit, all of this on a slightly less than one half acre lot located in an environmentally fragile area, in the interest of supporting both the intent and the integrity of our zoning laws, building laws and everything else that we've got going here to protect us, I ask that any structure built not exceed the living area of the existing structure and that includes the structure that was the part of it that was built without the permit, I also request that no water consuming devices like hot tubs be using groundwater, I was interested to hear that they were going to fill this hot tub with a tanker, I don't know how you're gonna get a tanker in there, we've got a big turn around in our property and we can't get a tanker in there, they've got a straight run, I don't know how you get a tanker in there, in any event that's my comments; wait; yes; I want to ask you, when you say it hurts the character of the neighborhood physically, what specifically do you mean by the character of the neighborhood and how will it hurt; okay, physically the look of it, the size of it on such a small area, I guess proportionality; you're saying no other house in the neighborhood has that; that is my understanding; but there is a large house, the Levitskys have a large house do they not; yes they have a large piece of property, any other questions; the Levitskys are a direct neighbor to this; they are the neighbor on the other side so you've heard from both adjoining neighbors; it looks like it's a ranch that they expanded with a two story thing at the end of it __ move it up to the far end, is that right; that's correct; I don't think they expanded it, it was the previous owner; the previous owners expanded it __, that would not be allowed today __ permit before; okay; we asked for; forgive me, just briefly, the Levitskys parcel is more than twice the size of this parcel as well, I think that goes with the character of this neighborhood as well so I just want that pointed, this is a self created hardship, the neighbors are opposing this in the current state, the neighbors speak __ to the character of the neighborhood, it is a substantial variance where alternatives are available, no attempt has been made to answer the questions that are in the statute as to why you should get this variance; well I would certainly dispute the conclusiary statement that has been presented to you with respect to our argument that you received a great deal of documentation and support for our application, sitting here on two different meeting occasions the encroachment into the vegetative area, it's a very, it's I would say standard application given the size of properties on Shelter Island and the requirements that have been adopted since __, the amount of encroachment in this instance is minimal, we've provided all the square footages for you, we've, and I think you accurately pointed out that as far as the character of the neighborhood, my client is somewhat taken, taken back by the conclusion that this architectural style somehow or another is not within the character, it is not a, we don't have architectural review, it's very possible that the Levitskys could sell tomorrow and the buyer would look at this house and say my got that's beautiful and want to change it so the Levitsky home is quite large, you can also see that it has a large pool, the way that this house has been designed was to try to mitigate the activity on the Levitsky property which in the summertime the pool is right in their living area so there was a great deal of thought given to this design and nobody is asking the Levitskys to close their pool or do anything so it just, understanding that we have presented to you I believe a very compelling application with many aspects of mitigation that far exceed any one else's reasonable offers so with respect to the Reich's property I would and the Board is well aware that the Reich house is about 25 feet from the wetlands, the water; we're not applying for anything; why do you keep telling us; it's my opportunity to speak thank you, so when they are pointing out that there are objections to our clientele, my clientele, this project is um, it is not affecting the wetlands at all and it is mitigating what is an existing non-conforming situation, primarily the sanitary system so weighing all the pros and cons on this application, an approval of this would certainly be warranted so I don't want to rehash all the

previous arguments, it's unnecessary and I think we've given you plenty of documents; I have a question; yes; regarding the floor plan, we don't have one right; I think that one, was one provided publicly early, very early; well it was very hard to read; oh there were some supplied; but very small; it's impossible to read; not impossible; it's a modest house, it's not a large house; we didn't get an expanded version; I don't know, I don't know if it was provided earlier or not, if you'd like one I can certainly get one to you; it would be a good thing to see what's going on, I mean I understand the idea behind it is the incursion of it into the 5 foot; yeah it's primarily; I see that; the living space; it's bigger than __ I mean so that's the kind of __ some type of fences or plantings rather than a house __ a neighbor; __; no but the way it is designed is looking towards the water, not; right; yeah; so that's the living area but I don't know what so I; okay I know that I have one in there in my files and I would have to find it, I know the extended version, I just don't want to keep this hearing continually open one month after another; we don't like that any more than you do; __: ah very ___; ___; I had done that when I was; come on up; I'm sorry, I needed to evaluate the bedroom count when I was designing the sanitary and I needed to blow it up a little bit on my machine so we can provide you with a full print of it but you can see that the only bedrooms up in that area are the same; okay so there's 2 bedrooms in that area; that's right, yes; and the den on the first floor I imagine, and the deck is made out of wood, have we talked about that yet; it's a standard deck, whatever standard decking is Paul; yeah; well some times it's composite, some times it's wood; wood, probably wood; permeable wood deck; we'd be looking for spacing, you know what I mean; 3, 16th, quarter inch spacing; we can take that as a determination; I submit a copy of the plans that I was able to get from the Town Clerk, she tried __ to make them but this is what; that's a wee one right; yeah and it doesn't tell you where bedrooms are, it doesn't say anything, I don't know, I can't even read the scale on the other one; right; is this in scale now, is this by an architect, what is this for, it would be good to be able to have the public, the Reiches and the Levitskys to review that as well; with all due respect that has been available for the past two meetings, the unofficial meeting and this meeting, it's not generally required when we're complying with code height and setbacks to have the elevations and fortunately because Joe had done the sanitary, the Health Department has used the elevation so I, another reason to try to prolong and postpone, penalize my client so; I don't like those kind of motivations; no, I don't like those; we do like, I personally do like to see what the place is going to look like, what it's going to be, it's not an architectural review necessarily but in this particular venue we do things in context; I understand but again we're not asking for any variances; I understand; Emory; I just wanted to point out when you look at the sheer size of this house, you see two guest bedrooms, you will see they are like 10 by 10; right; which is almost __ so you can't declare this house as large; the ___ is twice as large as the __; its' just two people; any further comments; oh yeah; again David Lapham here, the owner of 4D Peconic Avenue, I know it's late and I wanted to thank you all for your time tonight, I just wanted to say just a couple of things to reference what Mr. Fleming and Mr. Reich said about the look of the house, I come from a family of conservationists and wildlife enthusiasts and we knew from the very beginning that Crab Creek was a very delicate and special place, one of the things that __ and our number one priority in hiring an architect was that that architect understood how sensitive this area is so we were lucky enough to get a man named Peter Bolin who in 2010 won the gold medal of the American Institute of Architects, that is literally the highest honor that any American architect can win and he has made an entire career on designing houses that take into consideration the people living there and surrounding, that was our most important priority with designing this house and we think that it actually compliments Crab Creek in a very, very special way so I just wanted to leave you on that note as to how important that area is to us and how sensitive we know the environment is, thank you very much again; thank you; any other comments, we happy to hear so we have as complete a record as possible; I still did not get an answer to how this truck is gonna deliver the water; well they have what 800 feet of hose or something right; yes; okay; they do that at other places _; thank you; they offered to truck in the water and I don't know, it might be only 400 gallons, it simply may not be worth it, they offered to do this but it might not be practicable, I don't think we have any laws about hot tubs on the Island that require trucking the water; well I think it said initial too; well it is __ but I didn't want to get into it but you know; but you might not be in need of a Town __ to truck in water; yeah ___ by that; it's relatively small and it's a one time fill and hot tubs are traditionally closed up most of the time, they put a cover on them, not left open like pools for safety and other reasons, we should not get freaked out by a 7 foot by 7 foot hot tub.

The Supervisor declared the public hearing closed at 6:02 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 207

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Kristin Kehrberg, 8 Clinton Avenue, has petitioned the Town of Shelter Island for permission to install a row of 2 to 3 ton stone at toe of existing slope, fill area landward of new stone, and vegetate, and

"Whereas", a public hearing was duly held on the 17th day of April, 2015, 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 row of stone:

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. 208

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Thilo Semmelbauer, 125 Ram Island Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as 41.079744° north and 72.297318° west; said mooring location was formerly occupied by the C 2773 Skibelli mooring, and

"Whereas", a public hearing was duly held on the 17th day of April, 2015, 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. 209

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Eva Gayer, 167 Ram Island Drive, has petitioned the Town of Shelter Island for permission to construct 211' of 2 to 3 ton rock low profile rock revetment, fill void areas landward of revetment with approximately 200 cubic yards of clean trucked in fill, regrade areas and revegetate with native plantings to match existing, construct 4' by 4' platform and 3' wide access stairway over revetment down to beach level, provide a 3' wide mulched pathway from existing landward pathway through vegetated area to new stairway, and construct a 24' jetty extension south from landward end of existing jetty at west property line, and

"Whereas", a public hearing was duly held on the 17th day of April, 2015, 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 rock revetment:

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 Reich and seconded by Councilman Shepherd, the meeting was adjourned at 6:17 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

April 28, 2015

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 28th day of April, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. 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 2:14 p. m.

RESOLUTION NO. 210

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That James D. Dougherty, Supervisor of the Town of Shelter Island, is hereby authorized and directed to execute an application with the New York State Office of Parks, Recreation and Historic Preservation for funding assistance under the National Park Service Funded Hurricane Sandy Disaster Relief Assistance Grant Program for Historic Properties, granted in accordance with the provisions of Public Law 113-2, in an amount not to exceed $350,000.00, and upon approval of said request, to enter into and execute a project agreement under terms agreeable to the Town, with the New York State Office of Parks, Recreation and Historic Preservation for such financial assistance to the Town of Shelter Island for Taylor's Island's South Bulkhead Project and, if appropriate, a preservation covenant to the deed of the assisted property, and

BE IT FURTHER RESOLVED, That pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 60 of the Shelter Island Town Code, the Town 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 a "Type I" action which will not result in any significant adverse impacts on the environment based on the analysis set forth in the EAF and the negative declaration.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 211

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the New York Unified Court System requires the Town Justice Court to annually file their court records and dockets with the Town auditing Board to be examined or audited, and

"Whereas", in November 2014, an internal audit was performed by 3 employees of the Town of Shelter Island, now, Therefore

BE IT RESOLVED, That pursuant to requirement of Section 2019-a of the Uniform Justice Court Act, the Supervisor is hereby authorized and directed to file a copy of the Town of Shelter Island, New York, Town Justice Court, Statement of Cash Receipts, Cash Disbursements and Cash Balances report for the year ended December 31, 2013 with Joan Casazza, Internal Control Liaison, NYS Office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 212

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

"Whereas", Jan Sudol, 18 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to replace existing 132' by 5' fixed dock and 11' by 8' fixed "L" platform, and add a 12' by 3' wooden ramp leading to a 10' by 20' float, and

"Whereas", a public hearing was duly held on the 17th day of April, 2014, for all interested persons to be heard in favor of or in opposition, and

"Whereas", on April 7, 2015, Mr. Sudol presented a letter to the Town Clerk's office revising his application for a dock and float to eliminate the float and ramp connecting it with the dock, therefore his application now is limited to rebuilding the existing dock (including four existing mooring piles, and

"Whereas", the inclusion of four existing pilings was not included on the original application, and

"Whereas", the Town Board has requested information concerning the length of the dock from the mean high water, and

"Whereas", information has been provided by the Town Dock Inspector by producing a certificate of completion for the original dock showing the dock to be as follows: a 5' x 40' catwalk extending over the wetlands, a 5' by 85' fixed timber dock with a 6' by 16' "L" extension, and

"Whereas", Mr. Sudol has presented hydrographic map by Robert H. Fox, Licensed Land Surveyor, dated 06-11-14 and amended on 04-10-15, 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 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 replacement of a 5' x 40' catwalk extending over the wetlands, a 5' by 85' fixed timber dock with a 6' by 16' "L" extension, 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.

After a short discussion, Councilman Brown moved and Councilman Reich seconded to table Resolution No. 212 for further deliberations of the Board. This motion was carried.

On motion of Councilman Shepherd and seconded by Councilman Reich, the special meeting was adjourned at 2:30 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 8, 2015

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 8th day of May, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and seven 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 BarbaraJean Ianfolla requesting that she be considered for appointment to the Water Advisory Committee.
2. A letter from Gregory Toner stating his interest in serving as a member of the Water Advisory Committee.

The Supervisor read a PROCLAMATION honoring Mr. Wade Badger for his exemplary volunteerism for the Town. (A copy of the proclamation is attached to these minutes.)

RESOLUTION NO. 213

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Peter Levenson, 23 Winthrop Road, has petitioned the Town of Shelter Island for permission to remove existing in-shore "T" dock section including 12 existing singe piling and four 2-pile dolphins, install a 4' by 12' access ramp leading onto an 8' by 23' floating dock secured by two 8 inch diameter single piling and two 2-pile dolphins, install an 1800 pound pile mounted davit, construct a 10' return on the west end of the existing face bulkhead, and backfill area of new return with approximately 10 cubic yards of trucked in clean fill; bulkhead return to match existing bulkhead construction, 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 29th day of May, 2015, 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. 214

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Russell Glover, 20E Winthrop Road, has petitioned the Town of Shelter Island for permission to construct a 4' by 32' 6" catwalk with a removable stair into Gardiner's 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 29th day of May, 2015, 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. 215

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Karen Brush, 60 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay approximately 170 feet northeast of applicant's dock at a location designated as latitude 41.061901° north and 72.363471° 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 4:47 p. m., prevailing time, on the 29th day of May, 2015, 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. 216

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

"Whereas", Nancy and John Sommi, 9 Nostrand Parkway, have petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound within dock line off applicants' property at a location designated as latitude 41.062056° north and 72.376045° 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 29th day of May, 2015, 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. 217

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

"Whereas", Primrose Cottage, LLC, 9 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as 41.063511° north and 72.358127° 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 4:49 p. m., prevailing time, on the 29th day of May, 2015, 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. 218

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", J. Christian Stevens, 40 North Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as 41.03.021° north and 72.19.022° 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 4:50 p. m., prevailing time, on the 29th day of May, 2015, 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. 219

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Hirsch & Co., LLC has petitioned the Town of Shelter Island for permission to construct a fixed and floating dock with stairs and walkway approach into 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 4:51 p. m., prevailing time, on the 29th day of May, 2015, 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. 220

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

BE IT RESOLVED, That Michael Arnone is hereby appointed to serve as Traffic Control Officer for the year 2015 at the rate of $14.50 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 221

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from Aflac in the amount of $4.10 to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 222

Councilwoman Lewis 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 $5,375.00 from the Police Department A3120.491 contracts account to Admit Computer Services, Inc., 500 Bi-County Blvd., Suite 122, Farmingdale, NY 11735, for the annual Impact software maintenance for the Police Department for the term June 1, 2015 through May 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 223

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed the expend the sum of $490.00 from the 2015 A1110.484 Justice Court office and miscellaneous account to United States Postmaster for the purchase of 1,000 $.49 first class stamps for the Justice Court office.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 224

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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 24, 2015 through May 24, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 225

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town of Shelter Island hereby establishes the following as standard work days for part time employees of the Town:

JOB TITLE	STANDARD WORK DAY
Therapeutic Activity Aide	6 hour day
Sr. Citizens Aide II	6 hour day
Asst. Sr. Citizen Center Manager	6 hour day
Clerk, Sr. Citizens	6 hour day
Cook	6 hour day
Food Service Worker	6 hour day
Custodial Worker I	6 hour day
Recreation Specialist	6 hour day
Recreation Aide	6 hour day
Laborer	8 hour day

Maintenance Mechanic I	8 hour day
Town Historian	6 hour day
Town Engineer	8 hour day
School Crossing Guard	8 hour day
Minibus Driver	6 hour day
Justice Court Clerk	8 hour day
Detention Attendant	8 hour day
Bay Constable	8 hour day
Animal Control Officer	8 hour day
Ambulance Services Consultant	6 hour day.

Vote: 5 in favor 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 226

Councilman Shepherd the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Superintendent of Highways has requested permission to purchase one used 2001 Tiger Boom Mower for the Highway Department, and

"Whereas", the Town Board wishes to expend an amount not to exceed $25,000.00 from the Highway Capital Reserve Fund for full payment for said purchase, now, Therefore

BE IT RESOLVED, That the Town Board approves the proposed purchase, and

BE IT FURTHER RESOLVED, That within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law §90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum, upon such approval. This resolution is adopted subject to a permissive referendum pursuant to General Municipal Law 6-C, and shall not take effect until 30 days from the date of adoption.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 227

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

BE IT RESOLVED, That Resolution No. 30 - 2015, dated January 6, 2015, is hereby amended to read as follows: BE IT RESOLVED, That part time laborers of the Shelter Island Highway Department/Public Works Department shall be paid at the rate of $20.00 per hour for the year 2015 and may work up to 40 hours per week, as determined by the Superintendent of Hiighways/Commissioner of Public Works and as permitted by the Suffolk County Civil Service Labor Law.

Vote: 5 in favor 0

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 228

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the contract for 2014 audit of Community Preservation funds between the Town of Shelter Island and George R. Rehn, CPA, 286 Main Street, East Setauket, New York 11733, for an amount not to exceed $4,000.00; said fee to be paid after audit from the Community Preservation Fund.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 229

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $3,000.00 to the Coecles Harbor Marina and Boatyard, Inc. from the Police Department A3120.479 boat maintenance account for the 2015 seasonal dockage for the Police boat.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO 230

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Jan Sudol, 18 Little Ram Island Drive, has petitioned the Town of Shelter Island for permission to replace existing 132' by 5' fixed dock and 11' by 8' fixed "L" platform, and add a 12' by 3' wooden ramp leading to a 10' by 20' float, and

"Whereas", a public hearing was duly held on the 17th day of April, 2015, for all interested persons to be heard in favor of or in opposition, and

"Whereas", on April 7, 2015, Mr. Sudol presented a letter to the Town Clerk's office revising his application for a dock and float to eliminate the float and ramp connecting it with the dock, therefore his application now is limited to rebuilding the existing dock (including four existing mooring piles), and

"Whereas", the inclusion of four existing pilings was not included on the original application, and

"Whereas", the Town Board has requested information concerning the length of the dock from the mean high water, and

"Whereas", information has been provided by the Town Dock Inspector by producing a certificate of completion for the original dock showing the dock to be as follows: a 5' x 40' catwalk extending over the wetlands, a 5' by 85' fixed timber dock with a 8' by 16' "L" extension, and

"Whereas", Mr. Sudol has presented hydrographic map by Robert H. Fox, Licensed Land Surveyor, dated 06-11-14 and amended on 04-10-15, 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 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 replacement (duplicate as built) of existing catwalk, dock and 8' by 16' "L" with an extension, in kind, in place, to a maximum of 132 feet from bulkhead, as per hydrographic map, surveyed 06-11-2014 and amended on 04-10-2015 by Robert H. Fox, NYS PLS#50197, P. O. Box 366, Aquebogue, New York 11931, 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. 231

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

"Whereas", Louis and Jana Sheinker have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 24 Margaret's Drive, Shelter Island, New York and zoned A-Residential/Near Shore and Peninsula Overlay District, designated as Suffolk County Tax Map 0700-018-02-045; and

"Whereas", the applicants seek a wetlands permit to demolish the existing dwelling, construct a new dwelling over the existing foundation, construct a second story addition and construct a new detached garage with accessory sleeping quarters, a substantial portion of which is within the regulated area, all as shown on a Proposed Plot Plan by F. Michael Hemmer last dated March 30, 2015, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 5/7/14 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on April 17, 2015, 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) The parcel is a 50,276 square foot. property bordering West Neck Creek on the north; and

2) The parcel currently has a pre-existing, nonconforming two story house set back approximately 66' from the wetlands and a deck and a swimming pool set back 51.3' from the wetlands; and

3) Applicant proposes to replace the existing 2,000 square foot house with a 3,800 square foot house, with a detached garage and 857 square feet of sleeping quarters, while adding 1,414 square feet of decks; and

4) Applicants have an engineering assessment saying that the existing poured concrete foundation is structurally sound and propose to reconstruct the house upon it, so that it cannot be moved out of the vegetative buffer. However, it was agreed that if for any reason replacement of the foundation is required, the new house and foundation can be shifted a few feet to allow all the new construction to take place outside the vegetative buffer; and

5) Applicants propose to add 501 square feet of new construction in the adjacent regulated area and 97 square feet of new construction in the vegetative buffer; and

6) As mitigation, applicants have offered to upgrade the septic system as required by the SCHD, establish 2,676 square feet of native plantings, install leaders, gutters and drywells as required by law, and install a wire-backed silt fence, all as shown on the Proposed Plot Plan by F. Michael Hemmer last dated March 30, 2015; and

7) The Conservation Advisory Council noted that applicants' hedge is located on the Town right of way along Margaret's Drive and calls for it to be removed to reduce any traffic safety issues; and

BE IT FURTHER RESOLVED**,** That the wetlands permit to demolish the existing dwelling and construct a new house, addition and garage as shown on a Proposed Plot Plan by F. Michael Hemmer last dated March 30, 2015, for the premises located at 24 Margaret's Drive, Shelter Island, NY, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the Proposed Plot Plan by F. Michael Hemmer last dated March 30, 2015; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) abandon the old septic and replace with new septic, (2) establish 2,676 square feet of native plantings; (3) applicants shall remove the hedge currently located on the Town right of way, and (4) install leaders, gutters and drywells as required by law; and

3) This permit is approved subject to the following conditions: (1) that any removal of the old foundation will require applicants to return to the Town Board for a modification of this wetlands permit approval to shift the new construction outside the vegetative buffer; and (2) that the deck shall be constructed with minimum 3/16 inch spacing of the deck boards to ensure on-going stormwater permeability;

4) During construction of the mitigation measures, wire-backed silt fences shall be securely placed to prevent stormwater runoff. Soil disturbance should be minimized where possible, and construction materials shall be stored outside the regulated area; and

5) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to 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 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 232

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

BE IT RESOLVED, That the following is a list of Planning Board fees effective May 8, 2015:

FEE TITLE	CURRENT FEE	NEW FEE
Lot line change	$1,500.	$1,000.
Capital Improvement engineering review	6%	6%
Minor Subdivision (4 lots or less)		
Sketch Plan application	$100.	$120.
Additional per lot	$400.	$490.
Final application	$100.	$120.
Additional per lot	$400.	$490.
SEQRA review	$500.	$600.
Cap Imp Eng. Rev. (if applicable)	6%	6%
Request for extension (no charge for first)		$150.
Major Subdivision (5 or more lots)		
Sketch plan application	$100.	$120.
Additional per lot	$300.	$360.
Preliminary application	$100.	$120.
Additional per lot	$300	$360.
SEQRA review	$500.	$600.
Cap Imp Eng. Rev. (if applicable)	50% of 6% est.	50% of 6% est.
Final application	$100.	$120.
Additional per lot	$300.	$360.
Site inspection fee	$500.	$600.
Cap Imp Eng. Rev. (if applicable)	Bal of 6% est.	Bal of 6% est.
Request for extension (no charge for first)		$150.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 233

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$879.39 from the A3120.487-9 Police Department part time uniforms account to the A3120.273 Police Department firearms and ammunition account;

$50.00 from the A6775.256 Residential Repair equipment account to the A6775.439 Residential Repair supplies account; and

$1,660.00 from the A8160.442 Landfill purchase of bags account to the DS5142.447 Highway Snow Removal sand/salt account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO 234

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 516 through 634 in the amount of $60,413.50, highway claims numbered 101 through 113 in the amount of $7,650.43, and West Neck Water claims numbered 13 through 14 in the amount of $625.68 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 4:57 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Philip O'Connell, 20A South Cartwright Road, for permission to relocate mooring number D-2643 from Dering Harbor to a mooring location in Coecles Harbor off the Burns Road Town landing at a location designated as latitude 41.075109° north and longitude 72.315993° west.

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: this was discussed at the April 6th meeting, there were no coordinates or maps with the application but that is what we came up with, those are the coordinates Dottie read and the WMAC was in favor of that.

The 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 4:58 p. m. and called to order the public hearing to be held as advertised on the application of Philip O'Connell, 20A South Cartwright Road, for permission to install a mooring in Coecles Harbor off the Burns Road Town landing at a location designated as latitude 41.074768° north and longitude 72.315876° west.

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 thing, it didn't have coordinates, that's what we put in, it was 6 - 0 in favor.

The 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 Ennio Stacchetti, 17 Merkel Lane, for permission to install a mooring in Smith's Cove at a location designated as latitude 41.050842° north and longitude 72.316259° west.

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: again, WMAC got that at Monday's meeting which I was not at and because I wasn't there, they asked me to come up with the coordinates, which I did and the coordinates Dottie read puts it right there and the vote was 5 in favor, 0 against and 1 recused.

The 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 5:01 p. m. and called to order the public hearing to be held as advertised on the application of Leonard A. Genovese and Geraldine Genovese Revocable Trusts, 5 East Brander Parkway, for a wetlands permit for permission to remove approximately 993 square feet of existing bluestone driveway from within

100' regulated area (including 62 square feet from within vegetative buffer) and install 10 square feet of new bluestone driveway within adjacent vegetative buffer, construct a 24' by 24' one story garage with attached 3' by 8' storage shed, construct a 4.5' by +/- 27' trellis over existing patio, and relocate pool equipment.

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

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council. Councilman Shepherd gave said reports, as follows:

The Conservation Advisory Council reported as follows: The CAC voted unanimously to approve the application, but they suggested the applicant should install 150 square feet of native marine plantings between the bulkhead and Silver Beach harbor.

The Planning Board reported as follows:

Re: **Genovese Wetlands Application**
SCTM # 700-22-1-52
5 East Brander Parkway, Shelter Island
Zone A Residential; within the Near Shore Overlay District

The previous owner, Silver Beach Partners II LLC, had applied for and was granted a wetlands permit to build a swimming pool and patio, back in 2006.

This application, from a new owner, is to build a garage, relocate swimming pool equipment and hang a trellis in the regulated area.

As the physical conditions of this bulkheaded parcel have not changed, the same **DEC Letter of No Jurisdiction, issued April 21, 2006,** to previous owner is still effective.

Planning Board members visited the site, reviewed the surveys while on site and considered all submittals provided to the Planning Board.

We submit the following observations:

While the placement of the garage in the regulated area makes sense for the applicant in allowing the circular drive to remain, it is also beneficial to the neighborhood. This is the north end of East Brander Parkway which dead ends into the Silver Beach Lagoon. There is no Cul-de-sac for vehicles to turn around. The ideal situation is not to have any cars parked in front of this house. Keeping the circular drive should provide that.

As part of this review, we pulled out the pervious application and the Town Resolution. Immediately, we note that a 10 foot wide buffer was to be installed along the bulkhead, which has not been done.

The pool patio bricks appear to be permeable as they are set in sand with no mortar joints.

The previous 2006 site plan shows the placement of the then proposed pool backwash drywell. The current site plan does not indicate any pool drywell. A check with the Building Dept. shows that there is a passed inspection of the 2006 drywell. So it does appear that one was installed.

However, since the garage is proposed to be built in the same general area as the pool drywell, the exact location is needed. It may be that this drywell will need to be relocated along with the other pool equipment.

The house has gutters and downpipes that lead below grade. It should be verified that they lead to an underground collection system and that any such system is not located in the area of the proposed garage.

The trellis is a non issue as it is decorative in natural, and hung from the house over the pool patio.

The attached garage has already been turned into a family room. We assume the necessary building permits were secured. We understand there is an issue with a generator being installed without the needed variance, but they are working on correcting this.

As we often see on site inspections, the north pool gate is inoperable and in the open position. The pool presently does have a tight fitting winter cover.

We make the following recommendations:

With the installation of the previously required 10 foot wide vegetative buffer along the bulkhead and the exact location of the pool drywell and its relocation if necessary, the Planning Board recommends approval of this application.

By: Emory Breiner and John Kerr, Planning Board Members, For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good evening Board members, I'm Rob Herrmann, En-Consultants on behalf of the application, for a change of pace, this is a fairly simple project located at the north end of East Brander Parkway where the owners are seeking to construct a detached garage in a location on the property that will allow them to maintain their existing circular driveway as was described in the Planning Board report, but doing so places the driveway within the hundred foot regulated area but notably not within the 75 foot vegetative buffer, in fact as the project incorporates the removal and replacement of the gravel driveway, the project actually calls for the permanent removal of 62 square foot of driveway from within the 75 foot buffer and a total removal of almost a thousand square feet of driveway from within the hundred foot regulated area so even after the construction of the 516 square foot garage with the attached storage shed and 10 square feet only of new driveway that's going between the 75 and hundred foot setback, the project will still result in a net decrease of coverage within the regulated area of 467 square feet, and that again is not necessarily impervious surface area but just developed surface area either structured or driveway that's within the regulated area, as additional mitigation, a drainage system of leaders, gutters and a drywell to be located outside the hundred foot setback or incorporated into the plan to capture and recharge roof runoff from the garage and as typically required now by the Board, wire backed filtration fence is to be installed to contain site disturbance during construction, there were a couple of issues that were raised in the Planning Board report that Paul just read and one of them feeds into the CAC's request about plantings, we have not proposed any native plantings here, I wasn't exactly sure how to approach that because given the limited scope of the project and the extensive scope of the applicant's shoreline, I wasn't going to propose a uniform 10 foot buffer along the bulkhead but it was brought to our attention that the prior owner had apparently obtained a wetlands permit from the Town Board a number of years ago for the swimming pool and as a condition of that permit, a 10 foot wide row of plantings was supposed to be installed along the back of the bulkhead and that was never done, there is also a driveway that for some reason lead from the parking area down to the dock that was supposed to be removed and that was removed by the predecessor and the plantings were not installed so certainly the applicants understand at this point as a condition of this permit, the Board wants the prior conditions met but that's now their burden to bear, the other item the Planning Board raised just related to the pool drywell, there was a drywell that was proposed in connection with the pool and we understand that it passed inspection by the Building Department so presumably the drywell is about where it is supposed to be and that is generally in the area of where the garage is proposed so we also understand that we would have to identify where exactly the pool drywell is and if necessary to move it, we'll have to move it but we'd like to reserve the right to move it outside the regulated area so that we don't have to spend time trying to get an exact pool drywell location with the Board's understanding that we wouldn't be able to get the c of o until that pool drywell was contained either in its current location or in a new location, I think those were the only issues that were raised by the two reports but obviously I'm here, Pam Pospisil the architect is here if the Board has any other questions for us about the design; thank you; I did a little research on my own but _ the Planning Board but I don't have to ask you because they already asked you; there you go, we were made aware of it, thank you; and the other thing that I noticed is there is quite a bit of drip irrigation out there right now, with any kind of planting and there would be even more; um um; but that should probably, that should be under the __ and above the mulch generally, it's not really here nor there but I happened to be looking at it and __ using it as a soaking of everything that's there before it gets to the roots; right; it's better if __ or something; that was would be the correct way to install it; my guess is whoever is in charge needs to know that; understood; and they may be looking to check to see where their system is going to end up as far as meeting coverage in that particular area; as far as the irrigation code is concerned; okay; and that's based on the number of emitters, at least at the moment it is so _ it out you'll be thinking along the lines __ connectors wherever they need __ you know, get the most out of __ I can't recall the number right now; it's gonna be small __ ; so Rob, assuming that, worst case scenario the drywell, the pool drywell is in the way, where, can you just point where you think you would be locating it outside of the hundred foot, you have say, I think it's 10 foot from roof drywells and also I think 10 foot from septic or is it more, I forget; I think it's 20 from septic; so; and a hundred from the well; __ I know we talked about this a little bit, did you; is there a place __ without; I don't think that there is since the setback from the you know all the other requirements, the only thing I can see is shifting it north from the current location so it's no closer to the wetlands but it would be between the house and the garage; so potentially we're gonna regulated area; yeah; okay, however the Board wants to handle it; you might be too close

to that one cesspool, it's tight; it's a tight fit, I mean I think it's something inevitably we would have to square away with the Building Department, I guess it's just a question of whether the Board can as a condition of the permit, allow for the pool drywell to be removed and, scratch that, to allow the pool drywell to be relocated to an acceptable location by the Building Department if needed; I guess, but my point is, and that's great it if you can locate it out but if worst case scenario, you can't as Pam said, then maybe it would make it better if all closed ___ 95 feet; right; it would be better to incorporate that into the; well that's what I just said, in other words if it's outside the hundred foot regulated area it's not your concern but you could condition the permit that would allow that within the regulated area in a location acceptable to the Building Department, in other words it meets all the different setbacks, I mean unless you think the Board cares about the exact location of the drywell; no as long as it would be in regulated area; no it's not in the 75 foot; that's what I want to make sure that it's not in the 75; yeah it would seem that that would be easy enough, I mean Laury, she's not here but it would seem it would be easy enough for Laury to write that language into the resolution; okay; just to make sure, give the leeway for us to deal with it; right; but makes it easier to get it done in other words; __; we don't have any problem with that; is it possible that they might want to do with, I'm not married to the idea of the __, say if they wanted to do ___, that type of thing ___ a possibility __; yeah I've always _ that _; certainly for part of that, I mean again, like I said it was kind of funny, after I talked with Pam and I said well how many hundreds and hundreds and hundreds and hundreds of feet of bulkhead are here and how many thousands of square feet of plants are we gonna plant for a garage that's located you know in the existing driveway so you know if you wanted to require, I mean I would think, again Laury's not here but I would think that the Board since that permit has long expired, the Board can set its own conditions currently but if you wanted to require just a 10 foot non-lawn, non-turf buffer adjacent to the bulkhead, perhaps with some plantings directly between West Neck Creek and the garage, that might make sense; right; so it's some mitigation without going nuts on it; that's right cause the non-turf thing works for me in a general way as well; that's just sand or whatever __; it serves the purpose of keeping the fertilizers further from the creek, that's the purpose of __ without drawing down the water table; we don't want to block their view so some kind of plant; okay, do you want to see some plantings between the garage and the creek; I don't really care, whatever they feel looks better you know what I mean, whatever works; do we have the option to do either or; yeah, or a combination; we can come up with; non-turf would be, it doesn't preclude you from putting something; right, of course, if they want to plant beach grass in that area, they can still do it; if they use a non-turf thing, the gravel should be a significant size to be stable and not small __; personally I would use sand but; sand is fluid, that's the only thing; yeah; it kind of drains out of the __ I guess __ a couple of places __; okay; you can wrestle with that; yeah we can come up with something the Board can ___; if they use sand they can do beachgrass; that's what I was thinking; it ___ needs watering, something that's pretty tough; it's an area that's pretty exposed down there and there's plenty of sunlight; __; they may want to make it look natural; __ the better, that's my concern; okay; on the previous owner's application, they do indicate where this pool drywell is supposed to be, maybe that, I'll give you this; we have that; oh you do; and thanks Emory, it's just one of those things where we know the past so presumably it's exactly where it was shown but it would also not be unusual for a Building Inspector to come out and say okay you move it over here, they're not gonna fail you on the inspection for that, they're gonna say it's still good, it's still there so when I was speaking to Pam about it, she wants to actually field check where this thing is because if we don't have to move it, that's the easiest solution; thank you; thank you all.

The Supervisor 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 Jackie Black, 54 North Cartwright Road, for a wetlands permit for permission to remove existing deck and replace with a reconfigured wooden deck, install a cedar hot tub, 6' by 3.5', improve traffic flow between 2 story garage and back of main house, and create a 325 square foot permeable terrace for dining.

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

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council. Councilman Shepherd reported as follows:

The Conservation Advisory Council reported as follows:

Ms. Black requests a wetlands permit to remove an existing deck and replace with a reconfigured wood deck; install a cedar hot tub 6 feet by 3.5 feet; improve traffic flow between a 2

story garage and back of main house; and create a 325 square foot permeable terrace for dining and pool equipment.

The CAC reviewed this application at the March 20, 2015 meeting. It was noted that this applicant was doing a minor change with minimal impact to the environment.

The CAC voted unanimously to approve this application as presented.

The CAC suggested plantings for the project could include low bush blueberries, native ferns and grasses.

The Planning Board reported as follows:

Re: Jackie Black **Wetlands permit application** **SCTM # 700-08-03-68**
54 North Cartwright Rd., Shelter Island, NY

Project description summary: Applicant wishes to replace and reconfigure decking, install a hot tub, remove an existing raised patio and install a permeable dining terrace on grade. A wetlands permit was determined to be necessary because the project involves regulated activities within the regulated area as specified in Town Code Chapter 129, Section 2.

Submittals: (copies of)

1. A letter from the Town Building Permits Coordinator rejecting a building permit application until a wetlands permit is granted dated 02/26/15.
2. Completed Wetlands application dated 01/28/15.
3. A Survey dated 11/18/04 and updated 2/3/05, 1/29/14, & 4/25/14.
4. 2 site plans (existing and proposed) dated 12/4/14.
5. NYS DEC letter of non jurisdiction dated 1/20/15.
6. Completed Short Environmental Assessment Form dated 1/28/15.
7. Town Board Certification dated 1/29/15.

A SCDHS permit is not required.

Observations (from submittals):

1. The project lies in Zone "C" (Residential).
2. The existing layout is non-conforming to the zone bulk regulations with regard to lot area, front yard and side yard setbacks. These non-conformities existed prior to the current zoning regulations and are therefore grandfathered.
3. The proposed layout does not create any new or increase any existing non-conformities.
4. The proposed use complies with the zone <u>use</u> regulations.
5. The proposed structure is more critically restricted by the Wetlands Ordinance (Chapter 129). The project intrudes into the 100 foot Wetlands regulated area by 24 feet by the ground level terrace and by a portion of the deck.
6. Chapter 129-3-H limits structure footprint in the vegetative buffer area to 100 square feet. The proposal shows no intrusion into the vegetative buffer area.
7. A vegetation plan should be waived in this case. (Chapter 129-4-A-4 0
8. There is no indication on the site plans or on the survey of the location of septic systems or of dry wells.
9. There is no indication on the site plans as to who developed them. Responsibility should be attributed to whomever calculated the square foot figures. Contractor?, Surveyor?, Applicant?
10. Some mitigation measures are proposed. (see below)
11. The project construction will be within the 100 foot regulated area but does not intrude on the 75 foot vegetative buffer area.

Observations (from site field inspection by both of undersigned Planning Board members on 4/8/15):

1. Site inspection shows that the existing layout is as indicated on the "Existing" Site Plan except that a temporary greenhouse structure is shown on the survey but not on the Site Plans. Perhaps applicant intends to remove this structure.
2. There are two other very small structures on the property that will have no impact on the proposed project.
3. There are rain gutters on the back of the main house and on the accessory building. Leaders are piped into the ground, which may lead into one or more dry wells. See "Observations (from submittals)" #8 above.
4. It appears that the proposed project will have no significant environmental impact on the wetlands or on neighboring properties.

Mitigation proposals:

1. Native vegetation to be planted in the buffer area.

Recommendations:

Installation of a hot tub is proposed and it is normal practice to drain them at intervals for cleaning and wintering. We suggest that the drain from the hot tub be piped into a drywell (perhaps into a roof runoff drywell if it exists) to avoid discharge on the ground.

Applicant should locate the septic system and take precautions that proposed operations do not impact that system. Applicant should have his surveyor indicate septic and drywell locations on the survey. This information would be necessary for future improvements on this and neighboring properties.

The usual precautions to prevent runoff during construction and site preparation should be observed.

Considering these suggestions, we recommend that the Wetlands Permit be granted.

by: John D'Amato and Paul E. Mobius Jr., for the Planning Board.

Councilman Shepherd reported as follows: I should probably do some extra stuff here, I'm sorry and there's no indication on the site plans or the survey of the location of the septic system or drywells, that's why he mentions it later, there is no indication on the site plans as to who developed them, responsibility should be attributed to whomever calculated the square footage figures, contractor, surveyor, applicant, project construction will be within the 100 foot regulated area but does not intrude on the 75 foot vegetative buffer.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I have some more information that relates to that whole, I have a little marked up detail on the survey that should show you the septic and the well and it gives you all the information of who are the people who are designing the project, I think it was noted in our application that we had a new septic installed in I believe it was July of last year; you want to go over this real quick; sure, yeah; no legend; __; I guessed that; there's 2 __; okay; actually what those are called, so that's the new septic and then way up here in the front yard is the well; alright; and also I should just state that we are very much into the need of vegetation and definitely not the use of anything that would require a lot of water; do you have a plan, cause it's gonna be part of the resolution, there's gonna be some specificity required so the Building Department knows; right; in terms of what plan; __; that's gonna __ in terms of what plan; the plants and the spacing __ the landscape architects __; that's the kind of thing you want to have before the resolution is written, so she can write it in; for the permitting; okay; although the spacing and things like that may not be part of that but we may refer to it __ so the sooner the better; okay, is that something I would get for the Board or for the Building Department; it should be a sketch type of thing, basically describing the species and the spacing, she'll know what to do; we need it too cause Laury has to write it in, Laury has to reference it and I don't know if they actually call out the species in the resolution or not; I think these refer to the list the CAC has; it's incorporated; and sometimes they include the plants; so there's a CAC list of recommended or; it's recommended; drought resistant, not requiring much __; we have that in our office, we can get you one; okay thanks; thank you.

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 Scott L. Murphy, 8 Chequit Avenue, for a wetlands permit for permission to construct an approximately 600 square foot one bedroom, one bathroom addition and new front entrance to existing residence, within the regulated area.

On motion of Councilman Reich and seconded by Councilwoman Lewis, the Murphy hearing was recessed until the next meeting date of May 29, 2015, due to the fact that all the requirements for said application had not been met. This motion was carried.

The Supervisor recessed the public hearing at 5:25 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 235

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Philip O'Connell, 20A South Cartwright Road, has petitioned the Town of Shelter Island for permission to relocate mooring number D-2643 from Dering Harbor to a

mooring location in Coecles Harbor off the Burns Road Town landing at a location designated as 41.075109° north and 72.315993° west, and

"Whereas", a public hearing was duly held on the 8th day of May, 2015, 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. 236

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

"Whereas", Philip O'Connell, 20A South Cartwright Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor off the Burns Road Town landing at a location designated as latitude 41.074768° north and longitude 72.315876° west, and

"Whereas", a public hearing was duly held on the 8th day of May, 2015, 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. 237

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Ennio Stacchetti, 17 Merkel Lane, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as latitude 41.05084° north and longitude 72.31626° west, and

"Whereas", a public hearing was duly held on the 8th day of May, 2015, 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 Reich and seconded by Councilwoman Lewis, the meeting was adjourned at 5:30 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

May 29, 2015

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 29th day of May, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, 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. An e-mail from Dan Reich replying to opinions of David Lapham which were presented to the Board at two recent work sessions after the hearing was closed.
2. A letter from David Lapham stating he is willing to move his deck from the 100 foot area.
3. A memorandum from the Town Clerk informing the Town Board that Patricia Lenzer has been hired as part time Deputy Town Clerk effective May 18, 2015.
4. A letter from Henry Amann requesting to be considered as a member of the Deer and Tick Committee.
5. An e-mail from Margaret Pisani concerning seaplanes landing at Crescent Beach.
6. An e-mail from Emory Breiner concerning the Lapham wetlands application.
7. A letter from the Superintendent of Highways stating that effective June 1, 2015, Robert Gorcoff will be advanced to the Crew Leader position.

The Supervisor presented the following financial report for the month of April, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
APRIL 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen Checking	1,751,802.25	309,151.56	437,814.22	1,623,139.59	767,112.67
Hwy Checking	797,940.41	3,024.00	113,775.43	687,188.98	0.00
T&AChecking	90,258.30	176,249.92	172,841.95	93,666.27	15,340.17
T&A Savings	12,216.94	0.30	0.00	12,217.24	
Hwy Cap Res	251,878.17	6.21	0.00	251,884.38	
WNW Supply	66,460.65	1,921.76	3,687.13	64,695.28	40,619.19
Taylor's Island	39,615.76	0.32	0.00	9,616.08	
Comm Preserv	3,161,547.71	53,870.23	0.00	3,215,417.94	589,940.81
Waterways	246,225.58	5,560.00	0.00	251,785.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,736.63
Environ Fund	13,750.00	0.00	0.00	13,750.00	
AmbulanceRes	304,061.05	12.41	0.00	304,073.46	
TOTALS	7,150,375.37	549,796.71	728,118.73	6,972,053.35	1,764,749.47

The Supervisor reported the following Proclamations which have been presented:
1. Jack Monaghan as Lions Club Citizen of the year for 2015.
2. Andrew J. Steinmuller for 60 years as a Fireman.
3. Stephen Lenox for 50 years as a Fireman.
4. Richard Surozenski for 50 years as a Fireman.
5. Frederick C. Ogar for 60 years as a Fireman.
6. James R. Reeves for 50 years as a Fireman.
7. Warren Baker for being selected Fireman of the Year 2015.

(A copy of these proclamations are attached to these minutes.)

RESOLUTION NO. 238

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Benjamin Dyett, 19 Burns Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 85 feet east of the Town landing at Burns Road, halfway between the Lehr mooring number C 1488 and the Prince mooring number D 1389; said mooring was formerly occupied by the C 2433 Dyett mooring; said mooring location is designated as latitude 41.07492° north and longitude 72.31587, 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 4:45 p. m., prevailing time, on the 19th day of June, 2015, 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. 239

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Joseph W. Tyree, 47M South Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor off applicant's property at a location designated as latitude 41.067017° north and 72.298500° west; said mooring location was formerly occupied by the C 1750 Reilly 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 19th day of June, 2015, 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. 240

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", JMO Environmental Consulting Services, as agent for William Derrough, 56 Ram Island Road, has petitioned the Town of Shelter Island for permission to replace the existing 4" by 4" posts securing an existing 4' by 112' fixed dock with 8" piles, to construct a cantilevered kayak rack off of the fixed dock, to remove existing 6' by 20' float and install a new 6' by 30' float and to realign it in an east to west direction in Coecles Harbor, 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 4:47 p. m., prevailing time, on the 19th day of June, 2015, 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. 241

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

"Whereas", Brad Goldfarb, 21A Shore Road, Village of Dering Harbor, has petitioned the Town of Shelter Island for permission to construct a 5' by 130' fixed dock with a 4' by 40' lower platform at offshore end, construct a 3' wide set of crossover stairs to beach at in-shore end of dock, install two 2-pile mooring dolphins, provide water and electric service to offshore end of dock, remove existing stairway from top of bank to beach, and construct new 3' by 5' platform at top of bank and new 3' wide stairway down bank to top of existing seawall; 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 19th day of June, 2015, 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. 242

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Kathryn Costello, 4 Clinton Avenue, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08489° north and longitude 72.35281° west; said mooring location was formerly occupied by the D2643 O'Connell 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 4:49 p. m., prevailing time, on the 19th day of June, 2015, 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. 243

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Pandion Acquisitions, LLC, 64 Burns Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as 41.073397° north and 72.313552° 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 4:50 p. m., prevailing time, on the 19th day of June, 2015, 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. 244

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from The Nature Conservancy in the amount of $1,217.00 as follows: $850.00 to the A4010.422 Deer and Tick corn account, and $367.00 to the A4010.491 Deer and Tick 4 poster maintenance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 245

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Samantha Sessa is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.30 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 246

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

BE IT RESOLVED, That John Sturges is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.30 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 247

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Christopher Doyle is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.30 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 248

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Saverina Chicka is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.30 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 249

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That Morgan McCarthy is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.30 per hour.

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

RESOLUTION NO. 250

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Jonathan L. LiCausi is hereby appointed to serve as Recreation/ FIT Aide for the year 2015.

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

RESOLUTION NO. 251

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

BE IT RESOLVED, That Brian J. Marzo is hereby appointed to serve as Traffic Control Officer for the year 2015 at the rate of $13.00 per hour.

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

RESOLUTION NO. 252

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Henry Read is hereby appointed to serve as Student Intern II for the year 2015 at the rate of $18.00 per hour; said appointment is retroactive to May 25, 2015.

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

RESOLUTION NO. 253

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 March 27, 2015, Dan Halsted was appointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 27, 2020, and

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

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

BE IT RESOLVED, That Dan Halsted is hereby appointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 27, 2020.

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

RESOLUTION NO. 254

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", a vacancy exists on the Water Advisory Committee, and

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

"Whereas", Albert Dickson has expressed his willingness to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Albert Dickson is hereby appointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2017.

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

RESOLUTION NO. 255

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit

"Whereas", the term of Huson B. Sherman as a member of the Water Advisory Committee expired on April 2, 2015, and

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

BE IT RESOLVED, That Huson B. Sherman is hereby reappointed to serve as a member of the Water Advisory Committee, for a term to expire on April 2, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 256

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

"Whereas", the term of William A. Anderson, Jr. as a member of the Water Advisory Committee expired on April 2, 2015, and

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

BE IT RESOLVED, That William A. Anderson, Jr. is hereby reappointed to serve as a member of the Water Advisory Committee for a term to expire on April 2, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 257

Councilwoman Lewis offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", the existing Water Advisory Committee consists of five members, and

"Whereas", the Town Board desires to increase said membership to seven members, now, Therefore

BE IT RESOLVED, That effective immediately said Water Advisory Committee is hereby increased to seven members by adding two new members, and

BE IT FURTHER RESOLVED, That Barbara Jean Ianfolla is hereby appointed to serve as a member of said committee for a term to expire on April 2, 2107, and

BE IT FURTHER RESOLVED, That Gregory Toner is hereby appointed to serve as a member of said committee for a term to expire on April 2, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 258

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Town of Shelter Island is always desirous to improve the economy and quality of life within the Town of Shelter Island, and

"Whereas", through the Suffolk County Downtown Revitalization Program, the County of Suffolk participates with local governments in the development, support and funding of projects located in Suffolk County that will have an important and sustainable impact on downtowns and business districts, and

"Whereas", as part of the application process in conformity with Suffolk County Resolution No. 808-1998, the County of Suffolk requires a resolution of the Town Board showing local support for the proposed project, and

"Whereas", upon the County's approval of the project, the Town would be required to enter into an intermunicipal agreement with the County under Article 5-G of the General Municipal Law pursuant to which the Town of Shelter Island would be required to undertake and complete the project, and the County would be responsible for providing financing for all or part of the cost of the project, and

"Whereas", in order to provide County financing for all or part of the project, the County of Suffolk must obtain a leasehold, easement or other real property interest in the site of the project, and

"Whereas", the Chamber of Commerce is desirous of proposing that the Town of Shelter Island participate in such program in connection with the proposed construction of a bathroom facility, and the Town is applying for $65,000.00 under the program, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby states its support of the proposed construction of a bathroom facility by the Chamber of Commerce

pursuant to the Suffolk County Downtown Revitalization Program through the Town of Shelter Island, and

BE IT FURTHER RESOLVED, That the Town Board hereby authorizes the Supervisor to execute any and all documents, including but not limited to the required easement/lease documents and an intermunicipal agreement, subject to review and approval of the Town Attorney, to participate in the above referenced program.

After a short discussion, Councilman Brown moved and Councilman Reich seconded to amend Resolution No. 258 to read as follows:

"Whereas", the Town of Shelter Island is always desirous to improve the economy and quality of life within the Town of Shelter Island, and

"Whereas", through the Suffolk County Downtown Revitalization Program, the County of Suffolk participates with local governments in the development, support and funding of projects located in Suffolk County that will have an important and sustainable impact on downtowns and business districts, and

"Whereas", as part of the application process in conformity with Suffolk County Resolution No. 808-1998, the County of Suffolk requires a resolution of the Town Board showing local support for the proposed project, and

"Whereas", upon the County's approval of the project, the Town would be required to enter into an intermunicipal agreement with the County under Article 5-G of the General Municipal Law pursuant to which the Town of Shelter Island would be required to undertake and complete the project and the County would be responsible for providing financing for all or part of the cost of the project, and

"Whereas", in order to provide County financing for all or part of the project, the County of Suffolk must obtain a leasehold, easement or other real property interest in the site of the project, and

"Whereas", the Chamber of Commerce proposes that the Town of Shelter Island participate in such program in connection with the proposed construction of a bathroom facility, and is applying for an amount not to exceed $100,000.00 under the program, now, Therefore

BE IT RESOLVED, That the Town Board of the Town of Shelter Island hereby states its support of the proposed construction of a bathroom facility by the Chamber of Commerce pursuant to the Suffolk County Downtown Revitalization Program through the Town of Shelter Island, and

BE IT FURTHER RESOLVED, That the Town Board hereby authorizes the Supervisor to execute any and all documents, including but not limited to the required easement/lease documents and an intermunicipal agreement, subject to review and approval of the Town Attorney, to participate in the above referenced program.

Vote on amended resolution: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 259

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,035.00 from the A1110.415 Justice Court software account to Service Education Inc., 790 Canning Parkway Suite 1, Victor, New York 14564, for the courtroom program annual maintenance agreement for the period June 2015 through May 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 260

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", PSEG has approached the Town Board of the Town of Shelter Island regarding electric service reliability issues related to a cable failure and to accommodate anticipated future load growth; and

"Whereas", PSEG submitted a proposal to the Town Board on May 26, 2015 to acquire property rights from the Town in order to construct an electrical substation on Town owned property at 12 South Ferry Road to address the electric service issues; and

"Whereas", both the residents of the Town of Shelter Island and the Town Board agree that a substation is industrial in nature and is not compatible with the residential nature of the proposed location; and

"Whereas", PSEG has previously recommended replacement of the underwater cable as a good solution to the electric service reliability issues, and the Town of Shelter Island fully supported such a solution, although the initial effort was unsuccessful; now, Therefore

BE IT RESOLVED, That the Town Board firmly rejects the PSEG proposal, and strongly urges PSEG to pursue replacement of the underwater cable as the solution to provide reliable electric power to the Town of Shelter Island and its residents.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 261

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $572.00 from the A3120.491 Police Department service contracts account to Carr Business Systems, P. O. Box 28330, New York, New York 11747-3502 for the annual maintenance contract for the period May 23, 2015 through May 22, 2016, for the copy machine in the Police Department.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 262

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Commissioner of Public Works of the Town of Shelter Island is applying to the Department of Environmental Conservation for a permit concerning the Silver Beach Lagoon dredging and piling project, and

"Whereas", a fee is required for the filing of said application for said project, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $200.00 from the Public Works A1490.422 dredging account to the Department of Environmental Conservation for said application fee.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 263

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the agreement between the State of New York and the Town of Shelter Island to extend the Municipal Snow and Ice Agreement and extension for the 2015/2016 season.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 264

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $239.40 to Chase Card Services from the A1015.400 media office and miscellaneous account for the annual maintenance charge for the Town website.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 265

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $38.55 from the A1620.476 buildings computers account to Microsoft Corporation, One Microsoft Way, Redmond, WA 98052, for the annual fee for one additional e-mail license.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 266

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,860.00 from the A4540.428 EMS communications account to Fisch Solutions, 1070 Route 9, Suite 208, Fishkill, New York 12564 for the annual volunteer response check-in system text emergency paging and mapping for the period April 29, 2015 through April 28, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 267

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", pursuant to New York Code of Rules and Regulations Part 1.24, adopted according to Section 11-0903 of the Environmental Conservation Law, persons who hunt during the January shotgun season were required to obtain a Special Deer Season Permit to hunt within the Town of Shelter Island, and

"Whereas", the cost of said permit was set at $1.00, and

"Whereas", it has been determined that said permit may be waived by resolution of the Town Board, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the waiving of said permit.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 268

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 36th annual Shelter Island Run and the Five Kilometer Fun Walk on Shelter Island on Saturday, June 20, 2015, and

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

"Whereas", the Town of Shelter Island wants to take reasonable steps to ensure the safety of the residents and visitors who will be attending this race, especially in light of the dangers illustrated by the Boston bombing in April of 2013, 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

"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 Shelter Island Police Department is authorized to take reasonable security precautions especially at the race start and finish areas to protect the runners, residents, and visitors to the 36th annual Shelter Island 10K Run and the 5K Fun Walk, 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.

RESOLUTION NO. 269

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, 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 7, 2015, 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

"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. 270

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute a license agreement between the Town of Shelter Island and the Shelter Island Historical Society concerning the parking for Historical Society events.

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

RESOLUTION NO. 271

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

"Whereas", the Superintendent of Highways has requested permission to purchase one medium sized dump truck with plow, and

"Whereas", the Superintendent of Highways wishes to expend funds from the Town Board Capital Reserve Fund for said equipment in the amount not to exceed $47,000, and

"Whereas", the equipment exceeds the period of probable usefulness as defined in the Local Finance Law Section 11.00, making the withdrawal from the Capital Reserve Fund subject to a permissive referendum pursuant to GML 6-c, now, Therefore

BE IT RESOLVED, That the Town Board hereby approves the aforementioned expenditure for the sum not to exceed $47,000.00, and

BE IT FURTHER RESOLVED, That within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law §90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum, upon such approval. This resolution is adopted subject to a permissive referendum pursuant to General Municipal Law 6-C, and shall not take effect until 30 days from the date of publication in the official newspaper of the Town.

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

RESOLUTION NO. 272

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, 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, 2015 through April 30, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 273

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Town Board establishes the following Zoning Board of Appeals application fees pursuant to Section 133-34 of the Town Code:

Variances for mechanicals such as air conditioners, generators, and work under $5000	$100
Variances for projects <$20,000	$375 (this fee shall cover up to two variance requests per application, but if the applicant requests further variances there shall be an additional $375 fee per additional requested variance)
Variances for projects >$20,000	$750 (this fee shall cover up to two variance requests per application, but if the applicant requests further variances there shall be an additional $750 fee per additional requested variance)
Special Permit	$1,000

Applications for both a special permit and variances shall pay separate fee(s) for each, per above schedule

Variance or special permit extension fee	50% of original fee
Variances for work done without permit	Double the fee pursuant to the above schedule

Vote: 3 in favor 2 opposed (Councilmen Brown and Shepherd opposed)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 274

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Peter Levenson, 23 Winthrop Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to demolish and remove existing in-ground pool located 53' 3" from bulkhead, regrade lawn and construct small retaining wall (39' 8" from bulkhead) on northeast side of property to prevent runoff down bank, construct new in-ground pool (52' 9" from bulkhead), permeable patio made of pavers set in sand and grass joints, new stairs to existing second floor terrace (outside of vegetative buffer), and install yard drains and drywells to recharge stormwater from yard 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 19th day of June, 2015, 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. 275

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Leonard A. Genovese and Geraldine Genovese Revocable Trusts have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 5 East Brander Parkway, Shelter Island, New York and zoned A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-022-01-152; and

"Whereas", the applicants seek a wetlands permit to remove approximately 993 square feet of existing bluestone driveway from within the 100' regulated area and install 10 square feet of new bluestone driveway within adjacent vegetative buffer, construct a 24' by 24' one story garage, construct a trellis over existing patio, and relocate pool equipment within the regulated area, all as shown on a survey by Nathan Taft Corwin last dated December 16, 2014 (subsequently modified), so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 4/21/06 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on April 17, 2015, 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) The parcel is a 1.028 acre property bordering West Neck Creek and Silver Beach Lagoon; and

2) The parcel currently has a two story house and attached garage; and

3) In August 2006, this property received a wetlands permit under the name of Silver Beach Partners to construct a swimming pool 75' from the wetlands; and

4) Applicants propose to build a new detached garage, add a trellis over the patio and relocate the pool equipment, all within the regulated area but outside the vegetative buffer; and

5) As mitigation, applicants have offered to remove 62 square feet of driveway within the vegetative buffer, remove 993 square feet of driveway, install gutters and drywells outside of the regulated area and use silt fencing during construction all as shown on the survey by Nathan Taft Corwin last dated May 26, 2015; and

BE IT FURTHER RESOLVED, That the wetlands permit to modify the driveway, construct a garage, construct a trellis over existing patio and relocate pool equipment within the regulated area for the premises located at 5 East Brander Parkway, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the survey by Nathan Taft Corwin last dated May 26, 2015; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) removal of the driveway as specified in the plans; (2) install leaders, gutters and drywells as required by law, and (3) install pool drywell and buffer along bulkhead as shown on the survey last dated May 26, 2015; and

3) During construction of the mitigation measures, wire-backed silt fences shall be securely placed to prevent stormwater runoff in the area identified on the approved plan. Soil disturbance should be minimized where possible, and construction materials shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; and

5) 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 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 276

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

"Whereas, Jackie Black has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 54 North Cartwright Road, Shelter Island, New York and zoned C-Residential/Near Shore Overlay, designated as Suffolk County Tax Map 0700-8-3-68; and

"Whereas", the applicant seeks a wetlands permit to remove existing deck and replace with a re-configured wooden deck, install a cedar hot tub and create a 325 square foot permeable terrace for dining within the regulated area, all as shown on a Proposed Plan by *designprojects* last dated December 4, 2014, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 1/20/15 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on May 8, 2015, 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) The parcel is a 20,279 square foot property with regulated wetlands on the east; and

2) The parcel currently has a pre-existing, nonconforming one and a half story house with a garage and cottage which are less than 100' from the wetlands; and

3) Applicant proposes to remove 385 square feet of existing wood decks, stairs and patio and add 264 square feet of new wood deck and stairs and a 325 square feet on-grade, permeable terrace; and

4) As mitigation, applicant has offered to add vegetative plantings to offset the additional construction in the regulated area, as shown on a plan submitted on May 28, 2015; and

BE IT FURTHER RESOLVED, That the wetlands permit to remove existing deck and replace with a re-configured wooden deck, install a cedar hot tub and create a 325 square foot permeable terrace for dining within the regulated area, all as shown on a Proposed Plan by *designprojects* last dated December 4, 2014, for the premises located at 54 North Cartwright Road, Shelter Island, New York, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the Proposed Plan by *designprojects* last dated December 4, 2014; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) installation of vegetative plantings as shown on a plan submitted on May 28, 2015;

3) During construction of the mitigation measures, a wire-backed silt fence shall be securely placed along the 75' vegetative buffer line to prevent stormwater runoff. Soil disturbance should be minimized where possible, and construction materials shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; 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 a 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 277

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

"Whereas", David Lapham has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 4D Peconic 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 0700/021/01/006; and

"Whereas", the applicant applied to demolish the existing single family residence covering roughly 1,516 square feet located 117.6 feet from the wetlands boundary, and replace it with a two-story single family dwelling with a footprint of 2,213 square feet and attached deck covering roughly 1,150 square feet located 82' from the wetlands boundary which includes a 5' by 5' soaking tub, within the regulated area, all as depicted on a survey by John Ehlers last dated March 10, 2014, so that the project is subject to Chapter 129 of the Code of the Town of Shelter Island; 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 permit ID 1-4732-00997/00001 dated 1/28/14 for this project; and

"Whereas", this Board considered the proposed action at public hearings, held pursuant to notice, on March 27 and April 17, 2015 (it is noted that there was a hearing on February 13, 2015 that is discounted on the grounds that it was improperly noticed), 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 by definition 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) The parcel is 21,994 square feet in size, with Crab Creek on the south, so that it is a nonconforming lot in meeting the 1 acre size and lot frontage required in the A zone; and

2) The property is on a narrow, private dirt right of way, use of which is shared by several adjacent owners so that the required setback under current Town policies is the side yard setback of 25'; and

3) The property is currently developed with a 1,563 square foot house and garage set back 117' from the regulated wetlands, which applicant proposes to demolish; and

4) Applicant proposes to construct a 2,584 square foot house, 351 square foot garage and 1,150 deck with hot tub. 396 square feet of the new house and 486 square foot new deck will be in the regulated area, which will change the amount of construction in the regulated area from 0 square feet to 882 square feet; and

5) In order to reduce the risk of impairing the function and value of the wetlands and buffer, during the hearing process applicant has revised his proposal to eliminate construction of any deck within the regulated area, leaving only a proposed 396 square feet of house footprint in the regulated area as shown on the Wetlands Site Plan from Bohlin Cywinski Jackson dated 5/18/15. This intrusion eliminates the one-time 100 square foot exemption for new construction in the regulated area; and

6) Applicant says that this configuration is the best alternative because the house serves as a privacy barrier between applicant and the house to the south, and the location of the approved septic system limits reconfiguration of the house; but in light of this, <u>the Town Board advises</u>

applicant and any future owners that approval of further construction in the regulated area is unlikely and should not be anticipated; and

7) As mitigation for the new construction in the regulated area, applicant proposes to update the old septic system and move it outside the regulated area, to install drywells and to place silt fence to catch stormwater runoff, to eliminate any intrusion of the deck and hot tub into the regulated area, to limit steps intruding into the regulated area, and to maintain the existing vegetative buffer and plantings as shown on the Wetlands Site Plan last dated May 18, 2015; and

8) During the hearing, issues were raised about whether the proposed project would have a negative impact on the quantity and quality of groundwater. Neighbors testified that they currently had problems with their water quality and that the increase in size and capacity of the proposed house would further threaten theirs and the applicant's drinking water quality; and

9) Applicant's engineer, Joseph Fischetti, testified that the water lens thickness was 14' at applicant's site, however to reduce the potential salting of the aquifer by over-use, the well pump size shall be limited to ½ horsepower; and

10) Applicant has a Suffolk County Health Department authorization for a three bedroom house, with an approved new well with potable water; and

11) The Suffolk County Department of Health requires the new septic system to be raised to maintain a two foot separation from the aquifer, so that applicant will bring in a maximum 75 cubic yards of fill and will have an 18" retaining wall to hold it in place; and

12) Applicant proposes to install drywells for the pool and roof runoff so that the project will not create a net increase in runoff; and

13) During the hearing, applicant submitted a site plan by Bohlin Cywinski Jackson last dated March 27, 2015, another dated April 15, 2015, and a final site plan dated May 18, 2015; and

14) Applicant has proposed to install a 6.8' x 6.8' hot tub on the property, but proposes to mitigate adverse water impacts by locating the hot tub outside the regulated area and to perform the initial filling with trucked-in water; and

15) Applicant has proposed the following measures to ensure that construction parking and traffic on this private dirt road will not negatively impact the neighbors who also use the road: (1) Construction parking will be limited to applicant's property; (2) Construction shall not commence until the summer season is over, i.e. after Labor Day; and (3) The road shall be graded and maintained during construction to keep it passable to neighbors and emergency vehicles; and

16) The Town Board feels that applicant's intrusion into the regulated area requires enhanced protection of the wetlands, so it will impose an additional post-construction mitigation of requiring applicant to leave the vegetation within 25' of the wetlands undisturbed, including no trimming or topping, with the exception of the existing path to the water; and

17) The Town Board finds that there is no practicable alternative which allow the project to be constructed outside the regulated area because the lot has a very limited building envelope, the existing house is very small and applicant needs more room for living space, the new house will still be modest in size with the same number of bedrooms as now exists, the water has been approved by the Suffolk County Health Department, and the location of the sanitary system prevents any rotation of the new structure to keep it out of the regulated area; and

BE IT FURTHER RESOLVED, That the wetlands permit for the premises located at 4D Peconic Avenue, Shelter Island, New York, is hereby granted as to the proposed demolition and construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on site plan by Bohlin Cywinski Jackson last dated May 18, 2015; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) abandon the old septic and replace with new septic, (2) install leaders, gutters and drywells as required by law, (3) there will be no intrusion of the deck and hot tub into the regulated area, (4) the well pump size shall be limited to ½ horsepower and (5) Applicant shall install and maintain the existing vegetative buffer and plantings as shown on the Wetlands Site Plan last dated May 18, 2015; and

3) During construction of the mitigation measures, wire-backed silt fences shall be securely placed to prevent stormwater runoff in the location identified on the site plan. Soil disturbance should be minimized where possible, and construction materials shall be stored outside the regulated area; and

4) Construction materials and equipment shall be staged outside the regulated area during construction; and

5) During the entire construction period, the following measures shall be taken to ensure that construction parking and traffic on this narrow, private dirt road will not negatively impact the

neighbors who also use the road: (1) Construction parking will be limited to applicant's property; (2) Construction shall not commence until the summer season is over, i.e. after Labor Day; and (3) The road shall be graded and maintained during construction to keep it passable to neighbors and emergency vehicles. Failure to adhere to these conditions shall be grounds for issuance of a stop work order until the conditions are met; and

6) Post-construction, applicant must leave the vegetation within 25' of the wetlands undisturbed, including no trimming or topping, with the exception of the existing path to the water; and

7) The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; and

8) 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

9) 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 and the Building Permits Coordinator.

Vote: 4 in favor 1 opposed (Councilman Reich opposed)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 278

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$1,000.00 from the A8160.451 Landfill C&D Hauling account to the A5010.492 Superintendent of Highways travel and mileage account;

$200.00 from the A8160.434 Landfill hazardous waste carting fees account to the DS5142.447 Highway Snow Removal contractual account; and

$15,000.00 from the A8160.200 Landfill miscellaneous equipment account,

$5,000.00 from the A8160.408 Landfill repairs and maintenance account, and

$5,000.00 from the A8160.433 Landfill solid waste carting fees account to the DM5130.246 Highway Machinery miscellaneous equipment account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 279

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 635 through 749 in the amount of $85,547.06, highway claims numbered 114 through 134 in the amount of $57,735.00, and West Neck Water claims numbered 15 through 16 in the amount of $2,890.44 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 5:11 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Peter Levenson, 23 Winthrop Road, for permission to remove existing in-shore "T" dock section including 12 existing single piling and four 2-pile dolphins, install a 4' by 12' access ramp leading onto an 8' by 23' floating dock secured by two 8 inch diameter single piling and two 2-pile dolphins, install an 1800 pound pile mounted davit, construct a 10' return on the west end of the existing face bulkhead, backfill area of new return with approximately 10 cubic yards of trucked in clean fill; bulkhead return to match existing bulkhead construction.

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

Councilman Reich recused himself from participating in this public hearing.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: the last WMAC meeting they wanted more info and unfortunately their next meeting will be Monday, so no decision can be made today, it's a little more involved than just a pre-existing mooring but we can talk about it as that goes on, just he's in Dering Harbor, in their modification to a pre-existing non-conforming and I'll let Jack take it.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Jack Costello on behalf of the applicant; Jack who, Jack Costello; what's your name; Jack Costello; yes sir, I know you but you said it quickly __: I'd like to submit new plans to everybody and I'll be at the committee meeting tomorrow night; Monday night; Monday; Monday, not tomorrow; and that's an hour earlier I believe now, it's at 6 Jack, check with Danielle about that, right Peter isn't it 6; I wasn't at the meeting, but I just looked at the minutes; thank you; I'd also like to ask the Board to leave the hearing open; okay; and hopefully we can resolve this on Monday night at 6 o'clock, but I would like to mention that this is a major, major reduction in a pre-existing, non-conforming, 22 piles; is this getting rid of the original now, should I throw it out; you should throw it out; the new set of plans is a little bit more descript; alright; I guess there were some certain measurements that they were concerned about or just had, in these certain applications for comfort reasons so I don't know this if there is anything the Board would like to ask of me but it seems like a pretty simple project and like I said it's a, what I consider a major reduction; yeah, much; and like I say it's a pre-existing permitted non-conforming so any reduction seems like it's a home run for the Town I mean realistically; thank you; there is one other article I would like to submit to you guys, I only have one copy of it, but basically Mr. Levenson did a, photoshopped it and show what the structure would look like, this is what is existing, and this is what it would like after, he removed the piles in the photograph, and you can see that it's a huge reduction in the amount of pilings; yeah; it includes cutting the piles down and removing; yeah; this is what it would look like afterwards, so I mean it's a major, major reduction; yeah; I can have more sent to you, but those are the only ones I had; thank you; what's the net reduction of the square footage; it's only two feet in square footage but it's actually a mass of piles, we were minus 22 on piling, so it actually becomes less and less of an eyesore, Chris you want to see; any comments on this past application isn't necessary, so we'll just let you go forward to the WMAC; okay; if they have any questions; okay, so we'll leave the hearing open; okay, thank you very much; thank you.

The Supervisor declared the public hearing recessed at 5:16 p. m. and called to order the public hearing to be held as advertised on the application of Russell Glover, 20E Winthrop Road, for permission to construct a 4' by 32' 6" catwalk with a removable stair into Gardiner's 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: I was not at the May 4th WMAC meeting but they discussed it, and they were in favor six, 0, it's actually a very small structure, similar to others in Gardiner's Creek, and I don't have any problem with it, it's a fitting, very low key area.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Russell Glover, I had a permit for this and it expired, so this is a renewal, that's it; okay; yeah; thank you very much.

The Supervisor declared the public hearing closed at 5:17 p. m. and called to order the public hearing to be held as advertised on the application of Karen Brush, 60 Westmoreland Drive, for permission to install a mooring in West Neck Bay approximately 170' northeast of applicant's dock at a location designated as latitude 41.061901° north and 72.363471° west.

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: again, the WMAC discussed this at that meeting and they were five in favor, zero against and one abstain, and it's just a riparian mooring in there, there's plenty of room for it, not an issue.

The 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 5:19 p. m. and called to order the public hearing to be held as advertised on the application of Nancy and John Sommi, 9 Nostrand Parkway, for permission to install a mooring in Shelter Island Sound within dock line off applicants' property at a location designated as latitude 41.062056° north and 72.376045° west.

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: again, it was discussed at the May fourth meeting and there was five in favor, zero against and one abstain, it's in outside waters and there is plenty of room for it.

The 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 5:20 p. m. and called to order the public hearing to be held as advertised on the application of Primrose Cottage, LLC, 9 Westmoreland Drive, for permission to install a mooring in West Neck Bay at a location designated as 41.063511° north and 72.358127° west.

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: this was, if you look here the way it was proposed, it would have put it right out in the middle, I was not at the meeting, but they did ask that I kind of help locate because they, the WMAC was not in favor of it being out in the middle, so we located it in the northwest corner, it's inside that, the West Neck Bay mooring field, it's actually, the field is up here so it's way over here now, it's, Dotty has a picture if you want to see it, of where it is, so it's in the field, if you recall we kind of created that field and trying to keep the center open for water-skiing and sailing and not having moorings all haphazardly, we let, like the Brush mooring, we let a riparian mooring go in in front of their house, but we didn't want anything in the middle, the applicant lives up the creek here, so we put it in, it's inside the field, so they voted on that five in favor, zero against, one abstain.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Peter, what's going on with the abstention; well if the person is the mooring contractor; oh, alright.

The Supervisor declared the public hearing closed at 5:22 p. m. and called to order the public hearing to be held as advertised on the application of J. Christian Stevens, 40 North Ferry Road, for permission to install a mooring in Smith's Cove at a location designated as 41.03.021° north and 72.19.022° west.

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 WMAC has not seen this, this is on their agenda for Monday night, the coordinates were a little screwy, they were in the wrong format, I kind of corrected them and gave them to Dotty, I spoke with WMAC chairman John Needham today and asked if they had, he felt that the committee would not have any issue with this, it's a mooring, it's out in Smith's Cove, there's plenty of room there, so they didn't feel that they necessarily needed to review it and they were okay with it if we decided to act on it.

The 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 5:23 p. m. and called to order the public hearing to be held as advertised on the application of Hirsch & Co., LLC, 24 Hilo Drive, for permission to construct a fixed and floating dock with stairs and walkway approach into West Neck Bay.

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: again, the WMAC, this is on their agenda for Monday, and they would want to weigh in on this, he felt, and they have all taken a cursory look at it, there's a little, it's a little confusing, again showing the length from mean high water, exactly the overall length from mean high water was one concern and it's hard to read the depth where the floating dock starts and it doesn't seem like, this depth at the end of the floating dock, I see the agents are here.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: hi, Sean Heaney, Tim Heaney, the float, I don't know if whatever matters but the float, we went to stake the dock at low tide, at least the float was over my head so I think it's, something might have misprinted, but I think it's at 3.5, it should be like 5.5; it looks like it says here, maybe 5.5, it's just very; it was over my head; okay, well that brings me to the next issue because Code, 53-11 C 2 in our dock code says a private dock may not extend either more than a hundred feet offshore from mean high water mark on the owner's upland property or beyond the point where low water depth reaches four feet, whichever of these two conditions occurs sooner; okay, so you would want us; I think yeah we're gonna need a better, something a little clearer showing the depths and where the four foot depth line is; okay; and what the length is from; do you have a copy of the hydrographic survey; no we have; maybe we could bring one; all we have is, yeah that would be great ___ or something; yes, the secretary ___; yeah, cause we didn't get that; maybe we could bring one on Monday then; yeah, that would be great; okay; yeah so if you could get that to the; absolutely; so the committee could have that for Monday, that would be a big help in their discussion; okay; and then just, like for future stuff, just, so we see here, okay so you can come up, okay so here's high water is right at this point, but our Code, we need to, we always need a measurement from where high water is to the end of the dock, and it's not, you know to the end, yeah, because it's not really, what I'm saying is it's going to different points; yeah; so it's hard to; we always like to see one dimension from mean high water, because our Code is mean high water to a hundred feet, so it's, this is hard trying to add and subtract, it's much easier; oh I definitely understand ___; yeah; okay, if we could get Fox's survey because it's nice and clear; absolutely; that would be great; thank you; thank you, so I would recommend that we hold this open for comments from the WMAC on this one.

The Supervisor declared the public hearing held open at 5:26 p. m. and reconvened the recessed public hearing to be held as advertised on the application of Scott L. Murphy, 8 Chequit Avenue, for a wetlands permit for permission to construct an approximately 600 square foot one bedroom, one bathroom addition and new front entrance to existing residence, within the regulated area.

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

The Supervisor called for a report from the Planing Board and Conservation Advisory Council, which were as follows:

Councilman Shepherd presented the Planning Board report as follows:

Re: **Murphy Wetlands Application,** 8 Chequit Avenue, Shelter Island Heights
SCTM # 0700-005-03-003, Zone AA Residential; within Near Shore Peninsular Overlay District

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by the applicant, Scott Murphy, dated 28 February 2015, to construct an approximately 600 square foot one bedroom, one bathroom addition and a new front entrance to the existing residence, all within the Regulated Area.

A NYSDEC Letter of Non-Jurisdiction # 1-4732-00193/00003 was issued on 14 July 2006 based on the existing bulkhead which pre-dates 20 August 1977.

A Shelter Island Building Department Letter of Denial was issued on 23 February 2015 as the entire property is within the Regulated Area and the proposed improvements are fully within the Vegetative Buffer. Project drawings, dated 25 March 2014, note Joseph Fischetti, P.E. as the Design Professional.

The submitted survey, dating 10 November 2014, was produced by Peconic Surveyors P.C. The Shelter Island ZBA has issued relief of 8’-0” from the 50’-0” front yard setback on 22 April 2015. This was partly due to the applicant agreeing never to construct a second story on the property.

The property is serviced by the Shelter Island Heights Property Owner's Corporation Water and Sewer District. No SCDHS permit is required.

Planning Board members visited the site on 6 May 2015 and considered all submittals.

We submit the following observations:

The circa 1939 house predates Shelter Island Town Zoning and Wetlands Codes. The property at 14,913 square feet does not conform to the current 80,000 square foot requirement of the AA zoning. Likewise, the existing house and shed do not conform to zoning front, side and rear yard setbacks. The house which extends over the bulkhead into Dering Harbor, does not conform to Town wetlands setbacks. The third-of-an-acre property does not have a building envelope that conforms to today's codes.

The property is split within the FEMA AE (el 8) and VE (el 8) flood plains. The property predates the Town's adoption of the Flood Insurance Rate Map (FIRM) and continuation of the original finished floor elevation may be permitted. If not, per NYS Code, a freeboard of 2'-0" is required so that the bottom of the floor structure must be above elevation 10'-0". For this reason, the proposed addition is being set higher than the rest of the existing house.

The house mostly sits on a block foundation that is generally in good repair. A few structural cracks were observed that may have to be addressed.

A crawl space exists under the house with a floor (rat slab) set on what appears to be original grade. This differs from the crawl space depicted in the Design Drawing Sections where it extends below elevation 0'-0", and into the water table which rises to elevation 0'-11" per the test hole data.

The house spans over the property bulkhead and sits on a series of piles. The bulkhead has been re-sheathed in vinyl in the past and appears to be in good condition. The portion of the house extending over the harbor appears to be set on new girders, but the condition of the girder supporting piles is uncertain. The house's mechanical equipment is fueled with LPG, and no signs of a buried oil tank were visible. Though outside of our typical review, we note that the electrical service is in old braided conduit and should be upgraded.

There is an existing narrow cantilevered deck that partly wraps around the west, south, and east sides of this house. It does not have a guardrail, and it remains in the proposed drawings without one.

From Mr. Fischetti's drawings it is apparent that the new addition is to be set on piles and the renovated portions of the house are to remain on the existing foundation. They also indicate that the entire house roof structure (framing, sheathing, and roofing) is to be replaced.

An Airstream is stored on the property. We noted that the Airstream is connected to the house water and electrical supplies, and to the property sewer line. It is potentially being used as an unpermitted cottage. Also on the property, when we visited the site, was a trailered boat.

Conclusions:

This is a generally small renovation of a small house but on a third-of-an-acre lot. Construction will affect close to, if not exceed, fifty percent of the structure. The house is in need of improvements (electrical service, roofing, decking, etc.) but otherwise has been maintained.

The house currently has two bedrooms with a third provided by the Airstream. The proposal is for a three bedroom house.

Access to the site is along the narrow and hedged Chequit Avenue. This road is heavily used from Memorial through Columbus Days. The third-of-an-acre property is very small and will have limited area to stage materials, equipment, and trade vehicles, not to mention receive deliveries. A plan should be submitted to show how and when this site's limitation will be addressed. Has off-site storage been considered and/or coordinated for materials and vehicles?

As has been the issue with other applications, confirmation that the existing block foundation is not to be replaced may be appropriate.

It is unclear if the Airstream is to remain after construction. Will the property likewise store the homeowner's two boats in the off season?

Though closer to the harbor, and partly over it, the house remains similar in alignment to neighboring properties. The house immediately to the east is likewise constructed mostly within the Regulated Area and that to the north is partly within it.

The Planning Board is supportive of improving the property but more logistical information is needed before its recommendation for approval would be issued.

By: Emory Breiner, Planning Board Member; Ian McDonald, Architect, Planning Board Member

Councilman Shepherd presented the Conservation Advisory Council report as follows:

March 20, 2015

Re: Scott Murphy, 8 Chequit Avenue, Shelter Island Heights.

Mr. Murphy requests a wetlands permit to construct an approximately 600 square foot one bedroom one bathroom addition and a new front entrance to the existing residence within the regulated area.

It was noted that the property is bulkheaded and the sewer is attached to the Shelter Island Heights Sewage Treatment facility.

The CAC reviewed this request at the March 20, 2015 meeting.

The CAC voted unanimously to accept the application with the following recommendations:

1. The silt fence should circle the entire construction area with the exception of the entrance to the property.
2. No plantings were recommended because the bulkhead interfaces with approximately 4 feet of water.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: hi, Scott Murphy, if you want me to address any concerns or questions, I certainly do plan on removing the airstream; okay; and removing the boat, not storing either on the property any more, this addition would certainly, that's going to alleviate any need for that quote unquote extra room, so my end game here is to completely clean up the property, bring the new addition to current flood elevation and make dire repairs to my roof that is leaking in various locations and also to upgrade the current electric which is old to a new two hundred amp service located not where it currently comes into the house, but on the north section of the house, I'll remain, I'll keep the propane, above ground propane and I guess that's about it and I'm happy to stage construction material in an area that's I guess least visible which is noted on the survey, which is where the airstream sits now or the airstream sits in the driveway here, but the boat is sitting where the construction material would be staged, so that would all disappear and allow room for construction material to come in and I plan on doing this very quickly, in the fall, if permitted so that this isn't a long drawn out construction project; so you'll be starting kind of after the craziness at the Yacht Club; I would plan on the end of October; okay; just so that it allows me to get framed up and drywall in before the real cold kicks in and then my focus would be turning to the inside of the house for the winter, and I didn't come up with a very detailed watershed plan because I know, based on the testing, the hole testing, I don't know that I would be able to get a drywell in, I'm happy to have some sort of a cistern; a French drain type of thing, almost; sure, I'm happy to do that, I think it would make sense; water ___ driveway; yeah, currently the water doesn't pool, it doesn't seem to really, it is sand just a few feet down, it doesn't seem to dissipate, it doesn't seem to travel anywhere on the property but I'm happy to take any professional opinion on how to divert the water and perhaps put it in a cistern; yeah, I think it would be wise to not start during the summer, when there are regattas there, you have trouble getting a pickup down there let alone trying to get a lumber delivery or a; yeah, as it is I had to cut my hedge just to inch out, it's just always a little dangerous this time of year; yeah; I know the speed bumps go in which helps, but people really do travel quickly along that road, so I have no interest in starting until end of October, and just so you know, I do have an industrial space in Wainscott where my office is and that's where the airstream and the boat would be stored off-site and if need be, I don't need to, I can store immediately needed construction material here, I don't need to load the job with future construction material, I have a facility off-site and I can do that; sounds like you've thought it through, it's a tough area; I have and I'm sensitive to the location and everything nonconforming and the type of circumstances; you should really take a look at the propane, did you have it, where was the water like during Sandy, any issue with the propane tanks floating, I mean part of our application, just as you're going through with all this work, you might; John hadn't, I mean I was here during the hurricane and if John, they were floating while John was taking them off, I was able to just barely get my airstream out, tow it up to the top of the hill, and then by the time I got back down, I was sort of waist deep in water getting my pictures and precious items, and then was sitting up top, up above, you know the Dory and like that, thinking the water was coming up to the deck, that was the highest point at which I thought, oh I'm going to wake up in the morning and my house was gonna be gone, luckily it didn't even, it didn't come up to the house, but it certainly came up almost to the deck level, so all those, taking that into consideration, what I wanted to do was take, leave the old portion of the house, I did see the structural cracks in the block foundation and I was going to address those when I do this, if and when we do this addition by just whatever is recommended you know for structure, I may need to fill in some block there or reblock a portion of the foundation, when Dick Driscoll owned the house, he picked up the house and poured new foundation on what is now the kitchen area which is

what I'm now proposing to bring up to level from with framing to the new addition level, so that whole side of the house, the east facing side of the house would be at current flood zone but I just don't have the budget to do the entire house, that would be quite involved and probably impact a lot of other sensitive nature things here, so I'm trying to do the minimum amount but in a quick expeditious sort of way; okay, yes Emory; the only thing I'm gonna say is when you're talking about the drywells is it's almost pointless; yeah; well I mean, when we're talking drywells as much as, you know; well even if you say anything, it's, one it's very flat, I don't think there's a runoff problem, it's just; ___; where is it gonna go, even if it goes down there, it's on a peninsula, there's no aquifer, we don't use that, it's serviced by; it wouldn't be a recharge issue, it would be just stopping a dead runoff issue; ___; you're supposed to have the two foot from the bottom of the drywell; I can see that now; the water, and this is only three point three feet, so your drywell would be this deep; right; I thought we ruled out the drywell long ago; we did but; I don't know why we're talking about it; we're talking about the other thing; no I'm talking about just a hole in the ground, put some gravel in it, put some of the stuff in there __; like what North Ferry has at the parking lot against the, just inside the seawall or the seawall when you come across the bridge; right; that seawall has gravel; um hm; inside that; right; you could do that, I mean I would just ___ and dump it into a spackle size bucket, I don't think ___ just run it overboard, we're fighting with that all the time, let me put it this way, if that, you would be getting off with a lot less involved stuff than we put other people through ___ just about; right; you could; if we ask it, I don't know why this is, I mean I'm just helping you; you could just do the perforated pipe, the black corrugated pipe coming off the leaders into a two foot by two foot trench of gravel; just a typical French drain; put sand and fill over it; right, no issue with that, yeah; unless Mr. Breiner has some; no that' fine, but I'm just saying, you can't; I want to work with you now; you can't do much there; I know, I'm aware; I've given it a lot of thought and I didn't really come up with much of a solution, it's never seemed, the runoff has never seemed to be an issue so; I did notice that you're working on the lawn there; I did after Sandy I lost all the topsoil and the elevation so I did put the hay bales in after and; ___; well, that I realize is not okay so I cut that out; okay; I was just noticing there's evidence of a struggle there so I was thinking that maybe we back that away a little, but that's what makes me want to keep ___ off, I don't know if you're a ___ guy or not; no I'm not; nobody confesses it, by the way; yeah; except Scotty on TV; yeah, no I'm surprised that my lawn is as green as it is, usually it's brown, usually it's a Shelter Island lawn and I just let it go; there is also some drip that runs across the driveway ___ some plant; that's inactive if it even; ___ because otherwise your driveway will be the only thing growing because it's; right, well that was also in an effort to, after Sandy save the hundred year old hedge that's there, it was, I thought it was dead; storm damage as well; yeah so the summer after Sandy, it was brown; yeah; but I thought it was completely brown and I, that hedge is like a landmark at this point, so that was in an effort to, I was told that I really needed to sort of wash it out and it came back and, but since then I haven't had to water it I just mulch it; unless ___ all the way to the hedge there; yeah, oh it was a river; the hedge; ____ good; so I mean the property looks great right now, I mean it's green, I'm lucky; it's not August yet; yeah, no it will be brown in August, I realize that; thank you sir; okay, thank you.

The Supervisor declared the public hearing closed at 5:43 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 280

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Russell Glover, 20E Winthrop Road, has petitioned the Town of Shelter Island for permission to construct a 4' by 32' 6" catwalk with a removable stair into Gardiner's Creek, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, 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. 281

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Karen Brush, 60 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay approximately 170' northeast of applicant's dock at a location designated as latitude 41.061901° north and 72.363471° west, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, 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. 282

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Nancy and John Sommi, 9 Nostrand Parkway, have petitioned the Town of Shelter Island for permission to install a mooring in Shelter Island Sound within dock line off applicants' property at a location designated as latitude 41.062056° north and 72.376045° west, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, 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. 283

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

"Whereas", Primrose Cottage, LLC, 9 Westmoreland Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as 41.063511° north and 72.358127° west, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, 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. 284

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", J. Christian Stevens, 40 North Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Smith's Cove at a location designated as 41.03.021° north and 72.19.022° west, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, 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 Reich and seconded by Councilwoman Lewis, the meeting was adjourned at 5:50 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 2, 2015

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 2nd day of June, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, 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 2:38 p. m.

RESOLUTION NO. 285

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Hanna Andersson, 1010 NW Flanders Avenue, Portland, OR 97209, has filed an application for a filming permit to film at the Ed Clark Preserve on June 3 and 4, 2015, and

"Whereas", the Shelter Island Police Department has determined that there is no need for assistance and or traffic control during the filming, and

"Whereas", the Superintendent of Highways has determined that there is no problem with said application, and

"Whereas", said filming involves approximately 20 persons and up to 10 vehicles, now, Therefore

BE IT RESOLVED, That pursuant to Section 65-E of the Town Code, the Town Board hereby authorized the Town Clerk to issue said permit, subject to receipt of the required fees, as follows:

$500.00 application,
$500.00 rush fee,
$2,000.00 filing fees of two day's filming,
$1,000.00 clean up deposit.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilwoman Lewis and seconded by Councilman Reich, the special meeting was adjourned at 2:40 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 16, 2015

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 June, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd. Councilwoman N. Christine Lewis was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and one person were present. All Town Board members present signed a waiver of notice.

The Supervisor called the special meeting to order at 1:43 p. m.

RESOLUTION NO. 286

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Conde Nast//Glamour, 1 World Trade Center, New York, New York 10007, has requested a filming permit for June 19, 2015, for filming at 60 North Cartwright Road, and

"Whereas", the filming crew consists of 20 people, 1 cube, 1 cargo van, 3 SUVs and 3 cars, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas" the Police Department has responded that there is no need for additional fees for police personnel, and

"Whereas", the Highway Department had no problem with the application, 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
Rush filming fee	$500.00
One day filming fee $1,000 per day	$1,000.00
Clean up deposit	$1,000.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Reich and seconded by Councilman Shepherd, the special meeting was adjourned at 1:46 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

June 19, 2015

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 June, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, 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 memorandum from the Town Clerk informing the Town Board that on May 8, 2015, the Town Board duly adopted a resolution concerning the purchase of one used 2001 Tiger Boom Mower, subject to permissive referendum, and no petition has been received to call for a referendum, therefore said mower can be purchased and the claim for same can be paid.
2. An e-mail from Dan Reich concerning the Lapham wetlands application.
3. E-mails from Paul Bang, Martin Levenstein, Katherine Lewis, and 2 e-mails from Gail Donnenfeld concerning the filming permit issued for the property located at 60 North Cartwright Road.

The Supervisor presented the following financial report for the month of May 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
MAY 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	1,623,139.59	1,842,390.06	560,589.14	2,904,940.51	767,135.61
Hwy Checking	687,188.98	195,244.48	136,733.95	745,699.51	
T&AChecking	93,666.27	3,644,238.21	3,646,220.97	91,683.51	15,340.73
T&A Savings	12,217.24	0.29	0.00	12,217.53	
Hwy Cap Res	251,884.38	5.63	41,533.00	210,357.01	
WNW Supply	64,695.28	1,154.76	3,516.12	62,333.92	40,620.43
Taylor's Island	39,616.08	84.93	0.00	39,701.01	
Comm Preserv	3,215,417.94	394,323.36	3,849.71	3,605,891.59	589,958.48
Waterways	251,785.58	3,120.00	0.00	254,905.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,747.17
Environmental	13,750.00	0.00	0.00	13,750.00	
Ambul Reserv	304,073.46	11.07	41,558.00	262,526.53	
TOTALS	6,972,053.35	6,080,572.79	4,434,000.89	8,618,625.25	1,764,802.42

The Supervisor read a PROCLAMATION which was presented to Mr. Thomas E. Murray for being honored for his exceptional commitment to Eastern Long Island Hospital. (A copy of this proclamation is attached to these minutes.)

RESOLUTION NO. 287

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Joseph Lavin, 5 South Midway Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system off the Town landing at Lesser Street in Menantic Creek at a location designated as latitude 41.003489° north and 72.020464° 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 4:45 p. m., prevailing time, on the 10th day of July, 2015, 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. 288

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Nelson Bogart, 82 Smith Street, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system in West Neck Bay at the West Neck Road Town landing, on the south side extending approximately 80 feet into the Bay; said stake, mooring and pulley location was formerly occupied by the Seymour W-2528 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 4:46 p. m., prevailing time, on the 10th day of July, 2015, 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. 289

Supervisor Dougherty 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 funds received in two checks in the amount of $50.00 each to the Community Preservation Fund account.

Vote: 5 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 Brown, to wit:

"Whereas", the term of James Colligan as a member of the Deer and Tick Committee will expire on June 24, 2015, and

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

BE IT RESOLVED, That James Colligan is hereby reappointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2018.

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

RESOLUTION NO. 291

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

"Whereas", the term of Marc Wein as a member of the Deer and Tick Committee will expire on June 24, 2015, 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 Deer and Tick Committee for a term to expire on June 24, 2018.

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

RESOLUTION NO. 292

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 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, 2015 through September 30, 2015.

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

RESOLUTION NO. 293

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to the Affordable Care Act (ACA), the Town of Shelter Island is required to perform certain human resources reporting, and

"Whereas", ADP has submitted a proposal to provide the Town with their Workforce Now coverage which includes filing the new 1094-c and 1095 forms; managing and tracking vacation and leave times, FMLA tracking and more, and

"Whereas", the Board agrees to the terms of said contract, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the contract for services with ADP retroactive to June 17, 2015; the fees for same to be paid after audit.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 294

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015, in the amount of $199.97, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $199.97 from the Trust and Agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 295

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

"Whereas", pursuant to Resolution No. 209 - 2014, dated April 17, 2014, the Town Clerk's Office was authorized to sell up to five day pass parking permits for Shell and Wade's Beaches per day, now, Therefore

BE IT RESOLVED, That effective immediately, the Town Clerk's Office is hereby authorized to sell up to ten day pass parking permits for Shell and Wade's Beaches per day.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 296

Councilwoman Lewis 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 $83.00 from the A1490.484 Public Works office and miscellaneous account, $83.00 from the A5010.400 Superintendent of Highways office and miscellaneous account, and $83.00 from the A8160.484 Landfill office and miscellaneous account to Qqest, P. O. Box 860, Sandy, Utah 84091 for a one year service agreement for payroll software for the Highway, Landfill and Public Works departments for the period May 27, 2015 through May 27, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 297

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $30.50 from the A1620.476 buildings computer maintenance account to Microsoft, P. O. Box 842103, Dallas, Texas 5284-2103 for one new e-mail address for the Traffic Control Officer.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 298

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Shelter Island Fireworks, Inc., 4 Hudson Avenue, P. O. Box 452, Shelter Island, New York 11964, has requested permission pursuant to letter of application dated May 13, 2015, to have a fireworks display at Crescent Beach on Saturday, July 11, 2015 at 9:30 p. m., rain date Sunday, July 12, 2015 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 no comments or recommendations, but did state the following: 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 done 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, U. S. Coast Guard for this marine event, and provision of the name and insurance certificate for the company providing the barge for said display, 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. 299

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

"Whereas", Moxie Productions, 222 Purchase Street #159, Rye, New York 10580, has requested a filming permit for June 23, 24, 25, and 26, 2015, for filming at 28 Tuthill Drive and 29 Nostrand Parkway, and

"Whereas", the filming crew consists of 25 persons, 3 cube trucks, 1 van and 5 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 these events, and all garbage must be picked up in the area, and

"Whereas", the Police Department has determined the need to keep the clear majority of the vehicles on the location property, especially large commercial type vehicles; vehicles parked off of location property on the public roadway shall be parked on the shoulder of the road in the direction of travel and will 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
Late filing fee	$1,500.00
Four days filming fees $2,000 per day	$8,000.00,

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 300

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, 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 May 6, 2015, to hold a 'Drums Under the Tent Concert' event on Friday, July 10, 2015, 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 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 anticipated need for 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. 301

Councilwoman Lewis 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 May 6, 2015, to hold an annual 'Music Under the Tent Concert' event on Wednesday, July 8, 2015, 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 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 anticipated need for 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. 302

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, William S. Baldwin of the Great Peconic Race has requested permission as per application, to hold a stand up paddle boat and kayak race on Sunday, September 19, 2015, and

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

"Whereas", the Shelter Island Police Department will patrol the waters surrounding the Island and provide emergency response when and if needed, and there will be no need for additional police services, and EMS Director Jack Thilberg advised that there will be no need for additional EMS staffing and that they will respond on an as needed basis, and

"Whereas", the Shelter Island Highway Department recommended that applicants be sure to remove any garbage/debris left at any of the three legs along the course and at Wade's Beach, 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. 303

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Suffolk Bicycle Riders Association, Inc. paid a compliance fee of $100.00 for the Bike-Boat-Bike event on June 7, 2015, 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., 19 Old Neck Road, Center Moriches, New York 11934.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 304

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $400.00 from the A3120.491 Police Department contracts account to Magloclen, Attn.: Fiscal Department, Suite 100, 140 Terry Drive, Newtown, Pennsylvania 18940, for the annual user fee effective July 1, 2015 through June 30, 2016, for the crime law enforcement network.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 305

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

"Whereas", the Town Board of the Town of Shelter Island has assessed the potential environmental impacts of constructing a restroom at Bridge Street Park as part of a grant proposal by the Chamber of Commerce, now, Therefore

BE IT RESOLVED, That pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 60 of the Shelter Island Town Code, the Town Board has deemed this to be an Unlisted action, that it will not have an adverse effect on the environment and that a Negative Declaration is hereby adopted.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 306

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

"Whereas", the Town has received revenue in the amount of $1,280.00 from the Shelter Island Heights Property Owners Corporation for cost sharing of the Cornell Local Roads Program and has incurred a related expense that was unknown during the 2015 budgeting process, now, Therefore

BE IT RESOLVED, That the following budget revision is hereby approved:

$1,280.00 increase to the new DB5110.163 Highway Repair & Improvements intern personal services account and the new DB2705 revenue account funded by the cost sharing revenue received.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 307

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas" Scott L. Murphy has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 8 Chequit Avenue, Shelter Island Heights, New York and zoned AA-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-005-03-003; and

"Whereas", the applicant seeks a wetlands permit to construct an addition and deck on the landward side of the existing home, within the regulated area, as shown on a survey by Peconic Surveyors last dated November 10, 2014, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 7/14/06 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on May 29, 2015, 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) The parcel is a 14,913 square foot property with regulated wetlands on the south and all of which lies within the regulated area; and

2) The parcel currently has a pre-existing nonconforming one story house with a shed, all of which are less than 100' from the wetlands; and

3) Applicant proposes to add an approximately 600 square foot addition and 100 quare foot deck to the northerly, landward side of the existing house; and

4) As mitigation, applicant has offered to include hay bales and silt fence and to stage construction vehicles and materials far from the wetlands, as shown on a survey stamped received by the Town Clerk's office on May 28, 2015; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct an addition and deck on the landward side of the existing home, within the regulated area, as shown on a survey by Peconic Surveyors last dated November 10, 2014, for the premises located at 8 Chequit Avenue, Shelter Island Heights, New York, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the plans on file in the Building Department from Isaac Rae last dated 12/10/13; and

2) The following mitigation measures shall be implemented as part of this project: (1) the construction supplies shall be stored near the road, and the construction equipment shall be stored on the driveway, all as shown on the Survey filed with the Town Clerk's office on May 28, 2015; (2) outdoor construction work shall only be performed between September 15 and June 15 to avoid disruption to the neighborhood; (3) applicant shall install French drains to recharge runoff from gutters of the existing house and new addition; and

3) During construction of the mitigation measures, a debris-catchment system, wire-backed silt fence and hay bales shall be placed on the property in the locations shown on the survey filed with the Town Clerk's office on May 28, 2015. Soil disturbance should be minimized where possible, and construction materials shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 308

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", in 2012 American Direct LLC, located at 1 Shorewood Court, Shelter Island, New York, zoned A-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-026-01-001.9, received a special permit to construct a two-story dwelling and a detached garage with accessory sleeping quarters with a total SFLA of 7,524; and

"Whereas", said special permit approval stated that "prior to issuance of a certificate of occupancy, applicant shall install an 8,000 gallon cistern to be used as the source of water for

topping off the swimming pool or possibly outdoor irrigation if appropriate permits are obtained. The cistern must only be filled with trucked-in water from an off-island source"; and

"Whereas", American Direct LLC has requested that it be allowed to use the existing water tower, filled with trucked-in water from an off-island source, as the source of water for topping the swimming pool or for use by an irrigation system, instead of a cistern; and

"Whereas", the Town Board has determined that using an existing trucked-in water source will be less environmentally disruptive and will serve the same goals as intended in the original resolution, now, Therefore

BE IT RESOLVED, That this Board hereby amends special permit Resolution No. 324 - 2012, dated June 19, 2012, to allow the existing water tower, filled with trucked-in water from an off-island source, to be used as the source of water for topping the swimming pool or for use by an irrigation system, instead of a cistern, and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be filed with the Building Inspector.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 309

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Gary Baddeley, 133 South Ferry Road, has petitioned the Town of Shelter Island for a wetlands permit for permission to modify an approved wetlands permit; the existing permit allows for two waterside sand based stone terraces; construction included one larger sand based stone terrace of larger size and including two areas with covered roof; the new roof extensions are located 72.1 feet varying to 72.8 feet from the edge of the wetlands boundary and the vegetative buffer, 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 10th day of July, 2015, 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. 310

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

"Whereas", Erin Callan and Anthony Montella, Jr., 24 South Midway Road, have petitioned the Town of Shelter Island for permission to construct a 447 square foot one story addition onto landward side of existing one story three bedroom dwelling (number of bedrooms to remain unchanged), convert existing +/- 90 square foot roofed over screened porch on waterside of house to heated, livable space by replacing existing screen walls with sliding glass doors (existing roof to remain), install leaders and gutters on proposed addition to be connected to existing drainage system of drywells, and install additional "French drain" style drainage system along front side of addition, establish 5' wide, approximately 52 square foot and 105 square foot non-turf buffer areas to be planted with native vegetation adjacent to top of bank on north and south sides of existing deck, and supplement face of naturally vegetated embankment with additional native plantings, 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 5:05 p. m., prevailing time, on the 10th day of July, 2015, 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. 311

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

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$32.65 from the A1356.484 Board of Assessment Review office and miscellaneous account to the A1355.484 Assessors office and miscellaneous account;

$79.00 from the A1410.418 Town Clerk records repair account to the A1410.200 Town Clerk equipment account;
$346.00 from the A3120.274 Police Department radio equipment account, and
$3.00 from the A3120.481 Police Department radio maintenance account to the A3120.480 Police Department radio contract account;
$587.87 from the A3120.487-9 Police Department part time uniform account to the A3120.272 Police Department new car account;
$3,000.00 from the A8160.433 Landfill solid waste carting fees account to the A8160.484 Landfill office and miscellaneous account;
$1,920.00 from the B1990.400 Part Town Contingent account to the B3620.484 Building Inspector office and miscellaneous account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 312

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 750 through 893 in the amount of $110,310.68, Community Preservation Fund claim number 3 in the amount of $3,300.00, highway claims numbered 135 through 149 in the amount of $17,364.78, and West Neck Water claims numbered 17 through 18 in the amount of $372.33 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 4:59 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Benjamin Dyett, 19 Burns Road, for permission to install a mooring in Coecles Harbor approximately 85 feet east of the Town landing at Burns Road, halfway between the Lehr mooring number C 1488 and the Prince mooring number C 1389; said mooring was formerly occupied by the C 2433 Dyett mooring; said mooring location is designated as latitude 41.07492° north and longitude 72.31587° west.

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: WMAC reviewed this at the June 1st meeting, the applicant let this mooring lapse and wants it renewed at the same place but we gave it out and there is somebody else there so they have to move it slightly but other than that it's fine, it pays to renew it on time.

The 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 Joseph W. Tyree, 47M South Ferry Road, for permission to install a mooring in Coecles Harbor off applicant's property at a location designated as latitude 41.067017° north and longitude 72.298500° west; said mooring location was formerly occupied by the C-1750 Reilly 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: WMAC met on June 1st and reviewed this, 6 in favor and 0 against and 1 abstain.

The 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 5:01 p. m. and called to order the public hearing to be held as advertised on the application of JMO Environmental Consulting Services, as agent for William Derrough, 56 Ram Island Road, for permission to replace the existing 4" by 4" posts securing an existing 4' by 112' fixed dock with 8" piles, and to construct a cantilevered kayak rack off of the fixed dock, in Coecles Harbor.

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: again WMAC again, June 1st meeting reviewed, 7 in favor 0 against, with a couple of provisions, well they were happy to see the 8" piles but they really felt that the floating dock, they wanted to see it basically rebuilt in-place, in-kind, this is one destroyed by the ice so therefore the 4 by 4 pilings, the applicant wants to put the floating dock out east/west so it's sticking out, and they kind of felt that it did not need to, that's going past the hundred foot and they kind of felt it should be north/south, the way it was, if it were north/south the way it was, they would be fine with the application, otherwise most of them seemed not.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Glenn Just of JMO Consulting, agent on the application, just a clarification, I believe that the most latest revision did return that float back to the original location; oh maybe, yeah, okay, sorry about that, okay good, here it is, we've got so much paperwork, yeah okay, good, so here it is; is that what would essentially satisfy; right, right, right.

The Supervisor declared the public hearing closed at 5:04 p. m. and called to order the public hearing to be held as advertised on the application of Brad Goldfarb, 21A Shore Road, Village of Dering Harbor, for permission to construct a 5' by 130' fixed dock with a 4' by 40' lower platform at offshore end, construct a 3' wide set of crossover stairs to beach at in-shore end of dock, install two 2-pile mooring dolphins, provide water and electric service to offshore end of dock, remove existing stairway from top of bank to beach, and construct new 3' by 5' platform at top of bank and new 3' wide stairway down bank to top of existing seawall.

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: again, they were in favor 7 - 0, this dock, it exceeds the height limit and it is technically in inside waters, but they feel between Tim Hogue's house on the point is where the line starts, demarcation from the outside and inside waters, and this would be the first dock going to the south, it would be inside waters and it is exposed there so they didn't have a problem with that, however, and not really related to this, there was a lot of discussion well what if the dock comes out, this one is an exception, but the dock to the south, where do you, if you're gonna veer to the norm, how far do you do that but I'll guess we'll cross that bridge when we get there but they felt this one because it was right at the, it was the northernmost dock, property that fell in inside waters, it was very close to the line I mean you know, the boat wakes going by don't know where that line is, the wakes continue to cross that line, obviously so they felt it was okay.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Jane Costello from Costello Marine, I am the agent for the applicant and I just want to just open up that the client is looking for that 18 foot extra because he has a sailboat that he'd like to cater to, we feel that that location is a perfect location to put a boat of that size, I know it's right on the dividing factor you know, line, inside waters, the overall length of the dock is still way in the existing dock line, it doesn't go further than the ones on the other side, the adjacent properties, so it is reasonable, it is consistent with the adjoining properties' docks and you know it's kind of like with a boat like this, where else would you want it, where would you put it, I know it's just a few extra inches of water but it makes a huge difference and we're not asking to go out any further and impede into the waterway any more, we're just trying to get you know, a usable dock for him, you know some things that, you know that it's just not a structure that can't be used, I mean __ and we want to build it and we want to get it built as soon as possible, so I am asking the Board to you know make a decision on this application if possible and if there's any other questions of course I'm here to answer that; you'd like us to vote on it tonight; I would like it, yeah if you could; I mean I don't have any problems; I don't know if this question is pertinent to the issue of the 18" but I'm interested to know if the client get the boat after he got the house or got the house after he got the boat; no, no, the boat first; sometimes you need to plan; yeah; if you need a certain amount of water; don't start with a plan; alright, that's who I am; okay and even their, in this location versus inside water, this is the perfect location for a boat that needs that kind of extra draft; the waves from the passing boats going east and

west going through the Greenport Channel, the waves in that, the waves in that location are kind of like full tilt out there; okay; thank you, thanks Jane.

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 Kathryn Costello, 4 Clinton Avenue, for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08489° north and longitude 72.35281° west; said mooring location was formerly occupied by the D2643 O'Connell 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: the WMAC reviewed this and they were fine with it, it's a take over.

The 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 5:08 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 install a mooring in Coecles Harbor at a location designated as 41.073397° north and 72.313552° west.

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: WMAC discussed and felt it couldn't be a riparian mooring because the applicant already has a mooring in the WA grid, and our Code says that if you have more than one mooring, both have to be boat specific, so they did not, that was really their only problem with the application, one was concerned it was a little far out depending on the boat but the applicant has two boats and will be going kind of back and forth from one to the other and wanted to be able to keep a 30 foot sailboat, to be able to keep it there so he needed enough water for that, I got the, the applicant did submit a registration and photo of the boat so I believe Dottie you have everything that you needed to make it boat specific; right; and that was really the WMAC's only concern so I'm fine with this as is modified.

The 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 5:11 p. m. and called to order the public hearing to be held as advertised on the application of Peter Levenson, 23 Winthrop Road, for a wetlands permit for permission to demolish and remove existing in-ground pool located 53' 3" from bulkhead, regrade lawn and construct small retaining wall (39' 8" from bulkhead) on northeast side of property to prevent runoff down bank, construct new in-ground pool (52' 9" from bulkhead), permeable patio made of pavers set in sand and grass joints, new stairs to existing second floor terrace (outside of vegetative buffer), and install yard drains and drywells to recharge stormwater from yard area.

Councilman Reich recused himself from participating in this public hearing.

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

The Supervisor called for the reports from the Planning Board and Conservation Advisory Council, which were as follows:

Councilman Shepherd presented the Conservation Advisory Council report as follows:

Date: May 18, 2015

Re: Peter Levenson, 23 Winthrop Rd

Sherman Engineering, agent for Peter Levenson, 23 Winthrop Rd, requests a wetlands permit to demolish and remove existing in-ground pool located 53’3” from bulkhead, re-grade lawn and build a small retaining wall (39’ 8" from the bulkhead) on northeast side of property to prevent runoff down bank; construct new in-ground pool (52’9” from bulkhead), permeable patio made of pavers set in sand and grass joints, new stairs to existing second floor terrace (outside of vegetative buffer); install yard drains and drywells to recharge storm water from yard area.

The CAC reviewed this request at the May 18, 2015 meeting. The CAC voted unanimously to deny the application as presented.

The swimming pool is pre-existing non-conforming within the 75 foot regulated area. It lies in front of the house overlooking Dering Harbor. The CAC states the edges of the new swimming pool should not break the current northern boundary and the spa/pool total area should remain at the original pool dimensions. No net increase in size.

There should be no increase in hardened surfaces within the 75 foot regulated area. The retaining wall is considered a "hardened surface". Drains and drywells are adequate.

The 22 plantings, landward of the bulkhead, of Clethra alnifolia variety-'hummingbird', one gallon pots is not ordinarily used for Marine locations. *Clethra alnifolia L.* or *Myrica pennsylvanica* are Marine plants.

Councilman Shepherd presented the Planning Board report as follows:

Shelter Island Planning Board Memorandum

Date: May 11, 2015
To: Shelter Island Town Board
From: Shelter Island Planning Board
Re**:** Levenson Wetlands permit application SCTM # 700-07-04014.3
23 Winthrop Road, Shelter Island, NY

Project description summary**:** Applicant wishes to replace an existing in-ground vinyl pool with a gunite pool and spa with installation of surrounding patio pavers. The process will involve re-grading of the lawn and installation of a small retaining wall. A wetlands permit was determined to be necessary because the project involves regulated activities within the 75' vegetated buffer area and 25' regulated area as specified in Town Code chapter 129, section 2.

Submittals: (copies of)

1. A letter from the Town Building Permits Coordinator rejecting a building permit application until a wetlands permit is granted dated 04/10/15.
2. Completed Wetlands application dated 04/14/15.
3. A Survey dated 01/30/13.
4. 2 site plans (existing - C1 dated 3/09/15 and proposed - C2 dated 5/17.15)
5. A vegetation plan - C3 dated 3/09/15.
6. NYS DEC letter of non jurisdiction dated 11/24/1981.
7. Completed Short Environmental Assessment Form dated -4/14/15
8. Owner Authorization to Sherman Engineering- dated 4/30/15.

A SCDHS permit is not required.

Observations (from submittals):

The project lies in Zone "C" (Residential).

The existing layout is conforming to the zone bulk regulations with regard to lot coverage. Existing brick barbecue and existing deck platform for staircase to dock seems to be non-conforming to side yard setbacks. Existing pool is located completely in the 75 foot vegetative buffer zone.

3. Existing pool is located completely in the 75 foot vegetative buffer zone.
4. The existing covered terrace, the stationary barbecue and a portion of the residence are located within the 25 foot regulated area.
5. Other than the few inches movement of the proposed pool location further into the vegetative buffer zone and the construction of a small retaining wall in that zone, the proposed layout does not create any new or increase any existing non-conformities.
6. The proposed use complies with the zone use regulations.
7. Some mitigation measures are proposed. (see below)
8. The compass rose on the site plans seem to be in error. We believe that the waterside of the house faces North not East. The survey has a symbol that is not a compass rose but seems to be a North indicator which we believe is the correct direction.
9. There is no provision for an automatic pool cover normally suggested for pools in, or partially in the wetlands regulated area.

Observations (from site field inspection by both of undersigned P B members on 5/11/**):**

1. Site inspection shows that the existing layout is as indicated on the "Existing" Site Plan.
2. There are 2 rain gutters on the pool side of the main building with leaders that are piped into the ground. These may lead into one or more drywells. All other leaders on the house spill out to ground level.
3. It appears that the proposed project will have no significant environmental impact on the wetlands or on neighboring properties and the proposed changes may well mitigate existing conditions.
4. There is an extensive irrigation system installed.

5. There is some erosion at the West end of the bluff that undercuts the top edge at that point.
6. There is no pool fencing on the water side of the property.
Mitigation proposals:
1. Native vegetation to be planted in the buffer area. (Proposal indicates one gallon plants spaced every 48" at the base of the bluff).
2. Re-grading of the lawn area, installation of the small retaining wall and installation of yard drains and new dry wells will further mitigate groundwater flow over the bank and facilitate recharge.
3. Stormwater will be redirected away from the bank and recharged.
4. Silt fence to prevent run off during construction.
Recommendations:

The downspout leaders on the house all should be piped to the proposed drywells.

In addition to the plantings planned for the base of the bluff area, additional vegetation should be considered for the top of the bluff to help prevent erosion.

Proposed plantings at the base of the bluff along the bulkhead seems too sparse to do any good. Suggest additional plantings in that area.

A return at the West end of the planned retaining wall may help to mitigate the undercutting erosion at that location.

Insure that the existing irrigation system is up to present code.

Check pool fencing requirements. Bluff side is open and accessible.

The usual precautions to prevent runoff during construction and site preparation should be observed.

Considering these suggestions, we recommend that the Wetlands Permit be granted.
by: Emory Breiner and Paul E. Mobius Jr., for the Planning Board.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: good afternoon, I'm Matt Sherman, I'm here with Peter Levenson and Pamela Sweeney, the applicants, I've got a couple of things here for you all, the, this is a site plan which has got a lot of the improvements, all of the improvements we're talking about, the corrected compass __ that the Planning Board has pointed out, the, as described in the notice and with the Planning Board and the CAC, the application is basically a rebuilding of what's already on site, there's an existing in-ground swimming pool, the swimming pool is a vinyl lined pool and it is a leaking vinyl lined pool so what we want to do is take that out and put in a new pool, a new gunite pool in its place and in association with that, what we also want to do is regrade the lawn, the property is about 39 or 40 foot at mean sea level at the pool deck or at the pool coping and then has a very steep drop off as it goes down to the water, so we want to regrade by that pool to stop stormwater flow from spilling over the top of that bank and getting down to the surface waters so the property is on Dering Harbor, the grade of the house as I said is about 39 feet, we've got the inground pool, we've also got an existing terrace, that's a concrete based terrace, that's right adjacent to the house, between the house and the pool, there's a built-in barbecue on the east side of the property and there's a small wooden deck and stairs that lead down to the, from the top of the bluff down to the bulkhead, that starts on the east side of the property and then winds its way over to the middle and western part of the property, this is a overall site plan, very small so you really can't see a lot of detail but just to kind of give you a good feel for what we're talking about, we've got the bulkhead, it's right up here on the northern side of the property, this is the pool and then the house with that concrete terrace on the north side of the house coming down to the south and at the end of the house we've got that area right there is where the existing septic system is, this is the driveway, an accessory building, garage, accessory use structure, the supply well is right in front of this structure and then coming down to the road on the south side of the property, for the proposed conditions, what we'd like to do is regrade that lawn on the west side of the pool to contain runoff, in order to contain that runoff we're proposing to put in some yard drains and some drywells we'll see that in more detail shortly, replace the damaged existing pool with a new pool and a hot tub or spa, we want to add areas of pavers around the pool, existing as the pool is right now, we have the pool, its coping which is a 10 inch to one foot rim around the pool and then grass so what the applicants would like to do is surround the pool with pavers having about a 5 inch grass joints in between each paver so it would act like a truly permeable surface, increase the terrace size using these pavers and then add a garden on the west side of the property. a vegetable garden excuse me, on the east side of the property, that's incorrect, and then as stormwater collection and drywells, as the site currently exists you've got the existing pool that we're looking to replace right here, this the deck

and the stairs that go down to the beach, you can see the covered terrace which is right between the existing pool and the existing residence, that pool right now is right about, just 56 feet 5 inches from the bulkhead on the west side, 53 feet 3 inches on the east side, that's where the existing pool is, as a proposed site, this has got the overlay, you've got the, right in here, this light line, this light gray line is the existing pool so the proposed pool is the dark line around the outside of that so you can see the pool shifts a little bit to the landward side for the majority of the pool and it also shifts to the west, now what we're proposing to do here is have an infinity edge here on the waterside of the pool so what that infinity edge does is it creates the need for this small catch pool which while the usable size of the pool does not increase, the footprint of the pool does to accommodate that catch pool there and then this spa here, this 6 by 8 spa, that's obviously a new addition that would be incorporated into the overall layout of the pool at the same level as the pool; so the new pool is going to be slightly closer to the wetlands than the existing pool; yeah it enlarges both north side and south side so the, that this line here, you can see that gray line just inside that northerly line of the catch pool, that's the outside boundary of the existing pool so the new pool in this layout is gonna be between 6 and 8 inches closer to the bulkhead than the existing pool is; and it's closer to the house as well; yes again; so 12 feet wide only is the pool; yes; cause it looks like the existing pool is bigger than that now, the existing is 13 and change there, 13 feet 8 inches including the coping so you're really at 12 feet 2, 12 feet 4 for the inside of the pool, yeah; __; we're all in the same boat; so this has, in other parts of this application, not specifically just the pool but we've got the pavers that are set with the grass in between, are these pavers along here, all that area around the outside, we've also got a stairway that we're gonna want to install then go up to the second floor to the existing second floor deck above the existing terrace, you'll be able to see that a little bit better in a second in some other photographs, the important part of this project from an environmental standpoint, from a wetlands standpoint is this area up over here with this small retaining wall, it's about a foot high on the west side and it goes to 2 feet or so on the east side, that allows us to bring that grade in that area up and with the catch drain, a catch basin right here, drains stormwater that collect in that area and bring it down to a drywell, right now that stormwater just overflows the bank and right on the top of the bank at that location you can see there's substantial undercutting and substantial erosion but I believe, I don't remember if it was the Planning Board or the CAC, but one of them had mentioned that, the, over here on the east side of the property underneath this deck you've also got substantial erosion and that's another area where we're putting in a drain right here and a drain right here so as the stormwater flows into those areas, we'll be able to collect it and send it landward, recharge it into the ground rather than having it roll over the top of the hill; I'm sorry, that's generally marked on, I mean, I'm sorry, the drain marked on this; yes unfortunately they are a little bit hard to see but it's that right there and that right there; this was handed out as a reference; yeah that's why I supplied that so it's got, is that the one that I handed to you today; yeah; which one did I hand to you today; this one; no, it should have a stamp on it; okay; okay; and that covered terracing; right; there are terraces there now; yeah that's all there now and again I've got some photographs, right now the stormwater hits that deck, runs off, just spills over the edge and out onto the lawn, what we'll do is we'll gutter that so that we've got gutters that run down into leaders that run down into the drywells to contain and control that stormwater; so we have an increase of maybe around 220 in pool size in square footage; the existing pool, we're at 744, for the proposed pool; 521 or something; yeah I've got it on this other sheet here, yeah 521 for the existing; increase of 223 plus the spa; no, that proposed pool area includes the spa, it includes the spa and it includes the gutters, that whole thing, so that's 744; which would increase the vegetative 800 or a thousand feet; yeah we are, that includes the pavers that are there with the sand joints, that includes everything, soup to nuts so; cause I have that on the original but I just wondered if you had it on here; yeah it's on that and I just e-mailed you the, this PDF; thanks; so I knew you got it, so you should have that, let's go back a little bit, our existing total coverage within the vegetative buffer basically 950 square feet, 949; and what was it before; that's existing; existing; proposed is 1590, 1591; that's different from what I have here, so what's significantly different, that's the existing and then the new one was much bigger so; I'll have to look at that and see what you've got, this is from the original application; yes; right, yeah so I'll have to look at that and see, I know that on this, the 15 feet of the terrace is what's outside of the area so that's, there's some things that were misallocated; _ on here too cause you had the 418 in the adjacent regulated area; yeah so I think we flip flopped the; __ makes the number higher in the vegetative buffer so that's why; so I will, I'll confirm these numbers, these we ran through a couple of times to make sure they were correct for this and that we're all on the same page so I will double check them again and I've got 'em called out individual things like the what part of the pavers, square footage

in different areas so each individual component you can see exactly what, where each number is coming from; that's a lot; it is a pain in the neck but I'll get all that for you, the proposed site, this is a little bit of a scaled down view, just showing some more things that are outside of the wetlands area that we're talking about, outside of the regulated area down here on the east side of the house, there's gonna be more pavers installed, they're gonna be on a closer gravel joint so they're not gonna be, along the same lines as what we're doing in the regulated area, but just to give you a bigger picture of what's going on, the swimming pool drywell is over in this area, stormwater drywell here, stormwater drywell here, erosion control and stormwater plan, reiteration of what we've already said, basically along the top of the bluff we're gonna put, silt backed or wire backed silt fence excuse me, right along the top of that bluff, just slightly downboard of the top just so we can do this work over here efficiently and effectively and control any runoff that's associated with that work, same thing with putting in this catch basin right here and this catch basin we're gonna have the silt fence running down hill of that a little ways just so that we can do the work and still have the silt fence there to do its job, typical stormwater drywells, we're looking at 8 foot diameter, 10 foot total depth, that captures a hundred percent of the runoff of a 2 inch storm from the roof and from the patios and then we've got 30 percent of areas that are pavers in yard, that 30 percent is what we're assuming isn't gonna trickle into the ground as it hits but that's what's actually gonna run off and 20 to 30 percent is a typical number for that so we chose the high number for that; do you have an automatic cover on that Matt; no we don't have an automatic cover because of the infinity edge, we can do an automatic cover, it makes it a lot more difficult but it's doable; just so you know, the Town Board has required that on other applications; okay and if that's a requirement, then that's the requirement, that's fine, I didn't propose one but we talked about it, I talked about it with the client and with designers, it's not something that anybody, the first 2, we're open to ideas if that helps, the vegetation plan, right now the bank is very well vegetated, at the top of the bank, the whole face of the bank and right down to the foot, right landward of the bulkhead so we have suggested a number of these, the plans in this area, I know that the CAC had mentioned that the plants that we had suggested were not typical for this, there was a, it's a cousin, it's the same plant but one is a sweet pepper bush I think it was, a coastal pepper bush is the one that we would be installing here, that's what's on their list of recommended plantings, the one that I pulled off was not so we would just modify it to be that and I took it from their list, the and I've got pictures showing this area too but you can see that even though we're not proposing a gargantuan planting plan, this is a very well established vegetative bank and I'm of the mind that if not broke, I don't want to try to fix it and any more disturbance we do to that bank isn't really gonna be adding any value from an environmental standpoint; what about that spot right under those stairs where you say the erosion is, that's right up at the top so that would be, you're not gonna grow anything there because the stuff is right under the decking and the stairs which are right at grade so you're not getting any sunlight and you're not, it's basically like underneath the house deck as far as exposure, so what we would be able to do to protect that area with is the regrading and the storm drains so that we're not getting overland flow to go across and scour that area, a couple of photographs just to give you an idea of what the site is like, this is the property we're talking about here, so it's in harmony with everything else that's going on around it, we've got the Dering Harbor Inn on the west side and a couple of private residences on the east side, they're all of similar configuration and similar location, I know that doesn't either justify or condemn the project one way or the other, however, just showing that what we're looking to do is in harmony with what's going on around it, some figures, this is the patio and the covered area is to the left, the pergola, that would all stay, the area of pavers would end up extending around and out toward the pool, this is taken from next to the pool looking back toward the house and then on the opposite side looking back, the area we were talking about with the circular stairs going up to that second floor deck would be right in this area here; could you articulate a reason for having those pavers as opposed to just grass; it's a more comfortable walking surface, it extends that usable patio area out to the pool, typically most pools I see you don't have grass right up to the coping, you have some type of a hard surface, kids and people coming in and out of the pool, getting grass in and out, mowing the pool, getting grass in it and go on those lines, obviously it's usable as is without; this is gonna be grass joints, right; yeah so it's not perfect; somebody's got to cut that; yeah it's still gonna get cut but you're not having anywhere as much; __ pool; I would imagine you'd cut it and vacuum it at the same time, this is another area, a picture from the side and then recently, so where that planting area is, where that extension of the patio would come out and this is some of the, they've got some of these pavers on the side of the house now but that's exactly what we'd be looking to do as far as that new paver area; except a little tighter; not much, not much, we're looking at about a 5 inch; __ scale

there; yeah I know, it's just to give you an idea, we're looking at a 5 inch gap; okay; between the pavers, this isn't as big as a lot of the jobs have been on Winthrop Road but I think we should be real careful about letting too much traffic out today, you know parking and whatever on that road; it's busy there; I prefer to keep this; yeah keep everything on site as far as staging and you know; __; oh absolutely; and they've got the room, it's gonna cause a little bit more damage to other areas of the lawn but; we did the renovation of the, which is why I'm recusing myself of the whole accessory structure, we never once had to park a vehicle out on the road, I mean there was definitely enough room inside on the property the whole time so I would think that this; yeah that's what I'm asking; yeah so if they were able to do the one renovation, they're doing work on the house now, there's area on it, there's not a tight sight by any stretch of the imagination, this area here between the pool and the house would have those pavers with the grass joints, okay that's the existing barbecue, that's gonna remain relatively unchanged, some modifications to the plantings basically in that area and that's the deck leading down to the bulkhead so we would have a yard drain right off of here on either side both on the north side, it would be the west side of that and then on the south side of it so the stormwater can be directed into that area, get down and dispose of it properly, same thing, another view looking across, the flag pole as it is now would end up being relocated slightly; and that's the pool with the cover on it now; yeah, then this is, these were taken I forget, at some point in the Winter when there was no snow on the ground; I just wanted to be sure __; short window; __ ; and that's just a seasonal cover, yeah, a seasonal cover, this is taken recently, top of the bluff has grasses on it and then good vegetation going down the bank, from one side and from the other so it's a very substantially vegetated bank, this is on that far west side, right where we want to put that small retaining wall, it has been scoured out and you can see it's actively eroding, it's not eroding very quickly but it is actively eroding so I, it's hard to kind of forecast how long it would be before you would say this is a problem but it's definitely something that as a homeowner you would want to mitigate as much as you could, this is that area, the picture, the previous picture is from just outside of this location, now this is the area where that little plateau would be made with the retaining wall and the pictures don't really do the grade justice, there's a little bit of a swale in here so stormwater comes in and it's directed right through here and then down over that bank, the stairs going down to the beach, once you get down, this is the bottom of the bluff, you can see the retaining wall, the bulkhead is right along here, so this is looking down over the top of the bulkhead so we're talking about putting in those plantings in right along here so it's already very well vegetated, it's not real pretty vegetation but so what, it's doing it's job, this area over here is where they were talking about putting in that return, that's something that the applicant does want to do and it's, there's gonna be some fill associated with that to bring the grade behind the wall back up, his bulkhead and you see another picture, is in very good condition, neighboring areas not so much, so there's some erosion from behind this bulkhead because of what's happening next door, that's just a beach view of the bulkhead, same area; that is very well established as you _ so there's not going to be a lot of disturbance there; I would like to do no disturbance but if the Town wants us to put in some plantings like we've suggested, that would be very minimum, you'd be able to do that with a minimal amount of __; something is drawn on, this little guys, is that what we're talking about; yeah and it's a small plot; it's something that you proposed by yourself, that was before anybody made any noise about it, yes; absolutely right but I also understand from a wetlands point of view and from the Town's point of view, getting any type of additional vegetation in these areas is always a good thing, it's very substantially; I always lean towards the more robust and natural things and then __ and planting something new you have to take care of; and I wouldn't want to remove anything that's there in order to put new in; __; I would like as minimal as you would need to put in a more __ plant; __; yeah exactly; yeah cause it looks pretty good; yeah it's not broke; it looks robust; exactly, it's doing it's job; and this is the same thing on the opposite side of that, of the dock, just to show that it's relatively uniform from one side to the other, as far as, that's the project as a whole as far as what we're asking to do, obviously rebuild the pool, expand its footprint a little bit, add the pavers with the grass joints, so that's our benefit, that's what we get and as a benefit for the project as a whole to the area and as project mitigation, we're reducing or eliminating a leaky swimming pool which is obviously gonna take water, we're going to eliminate overland flow, stormwater flow by doing some regrading, the retaining wall on the west side, stormwater collection points and drywells, we're gonna connect the existing roof leaders to the drywells, there's 2 of them that go into the ground right now, I don't know where they go, we're gonna establish where they go and connect them to drywells, the other roof leaders were connected to drywells; somewhere obviously but I mean some place large; I would think so; otherwise the gutters would be backing out; but not knowing I don't want to claim that they are

going into a well that I don't know that's there, so and if there is an existing drywell that we can use and we don't have to install a new one, hey great for us but it's not that we can't install a new and that's easy enough to find out, we're gonna be doing digging so, we dig a little bit more in one direction and then figure it out and then converting the swimming pool, right now it is a chlorinated pool, we're gonna convert that to a salt cell so table salt is what we would use to _; ___; table salt; yeah it's table, what it is, it's a chemical reaction, I don't know the chemistry behind the reaction but it's, you just dump regular Morton salt into the pool and you might have to add 40 pounds of salt, 20 pounds of salt on an every couple of months basis but you don't have to worry about chlorine, bromine or any other type of chemicals, it's really nice, you're not shocking the pool, you're not adding anything like that, those types of materials so, it's real good for the user as well for the environment and for the pool itself, every time you add chlorine and shock a pool, you're just doing a little bit of damage so; to your knowledge Matt, are there a lot of these around the Island, the salt cell; I don't know how many salt cell there are, it's a really coming up thing; __ several requests; yeah it's gotten some momentum so it's gotta be a fair number out there; good; being that it's in that vegetative buffer, the size of the increase of the pool kind of sticks out to me; yeah; any, was there any thought of having a smaller pool; we had looked at a couple of different options, they liked the idea of the infinity edge, the area kind of lends itself to it so we said alright instead of having such a big trough on the outside of that, can we reduce that and make it just a little bit bigger than a typical pool coping and we can but the problem with that is if there's any wave action in the pool, kids playing in the pool, cannonball contest, the water that spills out over that infinity edge will tend to miss the small gutter and it would, whereas it wouldn't miss a trough so that's why we added that extra trough there, so we could decrease that size a little bit absolutely, it would just, it may lend itself to having a little bit more spillage of water outside of the pool; um; Paul; pool fence, what about that; we've got, there's pool fences going on either side of the bluff, the bluff itself acts as a fence and then the bulkhead at the bottom acts as a fence; is that to Code; we do it all the time; __ but we've got a, we've had several of them __ and what they've actually done is because of that stairway coming up the bluff, they put fencing and wire mesh inside that so we can't be climbed over so it's an extension of the bottom pool fence which is the bulkhead and then the bluff, that's typical, in a lot of the situations where you've got that fairly substantial steep bluff that it's not realistic to think that anybody's gonna climb up that and if they are gonna climb up it, falling in the pool is probably not a problem so; maybe the least of their worries; yeah exactly so; and the irrigation has been brought up, it's a; _; I'll let you ask it; no, talk to me; okay the irrigation system, it's a permitted irrigation system so it's just been redone or re-permitted I should say so it's up to the current Code, they've got one of the, it's a hundred and change; __ here; yeah; okay, it hasn't, our intern, it's hell to get old, our intern has not heard the name Levenson yet so we haven't got an application at this point; irrigation systems need permits; so mine is one of the grandfathered, it's been registered, plans, etc., etc., in the department and I have the permit back from it so I do have a __ permit; but did you get; __; did you get an annual permit this year; yes I did; okay, she maybe just lost the name; yeah, so Mary Ellen has it; she's not that old, she's got no excuse; just so everybody knows, if you have an irrigation system now, you need to be getting an annual permit so; I have my ___, I have my __ and; you're on top of it; __ chloride test; what was the chloride; 65; what was it; 65; quite low; good for you; and I'm monitoring it weekly; weekly, good for you; __ Suffolk County ___; I don't think you're in trouble are what, 300; 2; 250; 250; 250; we put them in the yellow at 125; yeah we'll make a note of that; __; yes you're absolutely right; and the public water supplies that are close, anything over a hundred they start raising their eyebrows; we put them in the yellow category and we start monitoring on a regular basis on our own; anything else; no; thank you very much; any other, I'm not sure we're gonna act on this tonight; no, we never do; did you open it to the public; yeah I did, I didn't close the hearing; no; okay; any further comments from the audience before I close the hearing, I'm gonna close this public hearing.

The Supervisor declared the public hearing closed at 5:47 p. m. and reconvened the recessed public hearing on the application of Peter Levenson, 23 Winthrop Road, for permission to remove existing in-shore "T" dock section including 12 existing single piling and four 2-pile dolphins, install a 4' by 12' access ramp leading onto an 8' by 23' floating dock secured by two 8 inch diameter single piling and two 2-pile dolphins, install an 1800 pound pile mounted davit, construct a 10' return on the west end of the existing face bulkhead, backfill area of new return with approximately 10 cubic yards of trucked in clean fill; bulkhead return to match existing bulkhead construction.

Councilman Reich recused himself from participating in this public hearing.

Councilman Brown presented the report of the Waterways Management Advisory Council which was as follows: it was 4 to, 4 to 2, one abstained; yes; one felt it might have been too commercial oriented but they are taking away 21 pilings, dolphins that were there, I actually have a picture of it on my phone here, I was hoping to see it up there on Matt's but it wasn't there; there, you did it; the water's on the bottom; anyway; yeah I remember the picture, I have it in my head now, there was like a gazillion taken out; 21 I think actually, Jane is that correct; it's actually a total of 24 piling less, removing 28 but then we have to install 4; 1 or 2 more after the meeting, correct; yes as a result of the Waterways; right; and that's it, I mean really you know we're taking away 162 square feet of fixed structure, replacing it with 160 of __ and then we're still taking away a total of 24 mooring piles, it's a lot of moorings, so I am asking the Board to kind of come to a conclusion tonight, I feel that we've been through all the mitigation that's possible, any other questions; no; there was one non-conforming I guess issue but if you go by the book and some felt that the mitigation works for us; yeah; the opposition was largely about what; one was commercial; it appeared too commercial but we're taking those pilings out; right; you're actually gaining back a little bit of bay; yes; and the other was; nonconforming; they didn't want to make an exception; right; thank you.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Peter Levenson whose dock we're talking about, yeah I'm sorry, I was at the meeting of the Waterways committee and indeed I have a dock that is extraordinarily large, it was one of the fringe benefits of purchasing this house, it was built and permitted at the time but I as well as I think Shelter Island would like to make it more appealing to the boaters in Dering Harbor and to my neighbors and to myself, right now, the previous owner had God knows how many boats, I had prepared a document, a number of exhibits for the Waterways committee showing the reduced footprint, by the pilings I'm taking out I will be limited to the number of boats, dramatically less than what could be kept so the pilings that I'm taking out are not just, are not just dramatic by the numbers but also dramatic strategically because I'm giving back sort of, footprint not by a little but of it could be a thousand square feet, I think at least a thousand square feet, if you look at the footprint of the area between where those pilings are which are quite outboard of the dock and where my dock is, commercial wasn't the word that I recall them using, there was the comment that you talked about, most of the discussion was about an 1800 pound davit, it's a small davit; that's what I was gonna bring up next; that there were two members that said why do you need a davit and the fact of the matter is if it was a conforming dock, I think a davit is of right, it's too small to really do much with it, this is a dock that previously had and currently had permission for a boat lift, it previously had a boat lift, I'm taking all those piles out that supported that boat lift, backing away, I'm not asking for the boat lift so I think that what I'm proposing is pretty much in line with what I think anybody would want to see in that dock, it's not just the self interest of having a floating dock because it works better but the mitigation is totally aesthetic and it's something I feel strongly about it, it looks like a forest with no leaves; how big of a boat does that davit support; well I have a 4 meter inflatable which I don't think it pick up, well it can pick it up but it can't do anything with it cause the reach is not very far so I said to the committee; it said 1800 pound boat lift; yeah; but what will it support, what do you plan on putting on it; you know what, they asked the same question and frankly I had a dock at home that had a davit in Shelter Island, not Shelter Island, Westhampton Beach, I always thought there's got to be some use, whether it's taking something out and fixing something, the thought that I, the reason that I want it is my inflatable has an inner hull that other than dealing with the tide, raise that inner hull, got to lift it up and take out the drain cock which is below the water line, that's the only way I can drain it and that's what I will use it for so; so it won't take a 20 foot boat; oh no, no; okay; I have, I own a 31 foot _, it's 11,000 pounds, this is an 1800 pound, or one thousand eight hundred pound davit; and there's also a big bank there as you saw; yes; on the previous application; yes; I won't use the davit for that, it's got to be pretty modest compared to the one I've got so, thank you; thanks; as far as the commercial end, that is what one of the voters had voted no when I spoke to afterwards, that was the feel they got from the; well indeed it's going to be less commercial than it looks now, rest assured that with the elimination of 20 or more piles but it's gonna be clearly more residential; the review was 2 to 2 and 1; 1 abstained, yes; thank you; thank you.

The Supervisor declared the public hearing closed at 5:57 p. m. and reconvened the recessed public hearing on the application of Hirsch & Co., LLC, 24 Hilo Drive, for permission to construct a fixed and floating dock with stairs and walkway approach into West Neck Bay.

The required information has not been supplied to continue this hearing at this time.

The Supervisor declared the public hearing held open at 5:58 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 313

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Benjamin Dyett, 19 Burns Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 85 feet east of the Town landing at Burns Road, halfway between the Lehr mooring number C 1488 and the Prince mooring number D 1389; said mooring was formerly occupied by the C 2433 Dyett mooring; said mooring location is designated as latitude 41.07492° north and longitude 72.31587, and

"Whereas", a public hearing was duly held on the 19th day of June, 2015, 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 41.07453° north and longitude 72.3157 7° west.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 314

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Joseph W. Tyree, 47M South Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor off applicant's property at a location designated as latitude 41.067017° north and 72.298500° west; said mooring location was formerly occupied by the C 1750 Reilly mooring, and

"Whereas", a public hearing was duly held on the 19th day of June, 2015, 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. 315

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", JMO Environmental Consulting Services, as agent for William Derrough, 56 Ram Island Road, has petitioned the Town of Shelter Island for permission to replace the existing 4" by 4" posts securing an existing 4' by 112' fixed dock with 8" piles, and to construct a cantilevered kayak rack off of the fixed dock, in Coecles Harbor, and

"Whereas", a public hearing was duly held on the 19th day of June, 2015, 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 repair and kayak rack:

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. 316

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

"Whereas", Brad Goldfarb, 21A Shore Road, Village of Dering Harbor, has petitioned the Town of Shelter Island for permission to construct a 5' by 130' fixed dock with a 4' by 40' lower platform at offshore end, construct a 3' wide set of crossover stairs to beach at in-shore end of dock, install two 2-pile mooring dolphins, provide water and electric service to offshore end of dock, remove existing stairway from top of bank to beach, and construct new 3' by 5' platform at top of bank and new 3' wide stairway down bank to top of existing seawall, and

"Whereas", a public hearing was duly held on the 19th day of June, 2015, 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. 317

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

"Whereas", Kathryn Costello, 4 Clinton Avenue, has petitioned the Town of Shelter Island for permission to install a mooring in Dering Harbor at a location designated as latitude 41.08489° north and longitude 72.35281° west; said mooring location was formerly occupied by the D2643 O'Connell mooring, and

"Whereas", a public hearing was duly held on the 19th day of June, 2015, 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. 318

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

"Whereas", Pandion Acquisitions, LLC, 64 Burns Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as 41.073397° north and 72.313552° west, and

"Whereas", a public hearing was duly held on the 19th day of June, 2015, 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. 319

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

"Whereas", Peter Levenson, 23 Winthrop Road, has petitioned the Town of Shelter Island for permission to remove existing in-shore "T" dock section including 12 existing single piling and four 2-pile dolphins, install a 4' by 12' access ramp leading onto an 8' by 23' floating dock secured by two 8 inch diameter single piling and two 2-pile dolphins, install an 1800 pound pile mounted davit, construct a 10' return on the west end of the existing face bulkhead, backfill area of new return with approximately 10 cubic yards of trucked in clean fill; bulkhead return to match existing bulkhead construction, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, and continued on the 19th day of June, 2015, 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 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: 4 in favor 0 opposed 1 abstain (Councilman Reich abstained)

The resolution was thereupon declared duly adopted.

On motion of Councilman Reich and seconded by Councilman Shepherd, the meeting was adjourned at 6:19 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

July 10, 2015

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 10th day of July, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, 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.

Correspondence included the following:

1. Two e-mails from Barbara J. Allen-Lieblein concerning the Hay Beach deeded beach access and parking area on Ram Island Road.

The Supervisor presented the following financial report for the month of June, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JUNE 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	2,904,940.51	1,391,380.26	638,724.40	3,657,596.37	767,158.10
Hwy Checking	745.699.51	204,183.89	91,269.66	858,613.74	0.00
T&AChecking	91,683.51	5,203,819.79	4,899,510.79	395,992.51	15,341.29
T&A Savings	12,217.53	0.32	0.00	12,217.85	
Hwy Cap Res	210,357.01	17,505.75	0.00	227,862.76	
WNW Supply	62,333.92	957.97	372.33	62,919.56	40,621.64
Taylor's Island	39,701.01	0.32	0.00	39,701.33	
Comm Preserv	3,605,891.59	46,325.63	3,300.00	3,648,917.22	589,975.80
Waterways	254,905.58	5,320.00	0.00	260,225.68	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,757.50
Environmental	13,750.00	0.00	0.00	13,750.00	
AmbulanceRes	262,526.53	10.71	0.00	262,537.24	
TOTALS	8,618,625.25	6,869,504.64	5,633,177.18	9,854,952.71	1,764,854.33

RESOLUTION NO. 320

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Jeffrey Lightcap, 131 South Ferry Road, has petitioned the Town of Shelter Island for permission to construct a 96' splashboard system along south side of existing dock structure, 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 31st day of July, 2015, 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. 321

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received in the amounts of $100.00, $150.00, $50.00, $200.00 and $20.00 to the Community Preservation Fund account, and the funds received from the Nature Conservancy in the amount of $979.00 as follows: $554.00 to the A4010.491 Deer and Tick maintenance account and $425.00 to the Deer and Tick corn account.

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

RESOLUTION NO. 322

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Brown, to wit:

"Whereas", the term of Tim Purtell as a member of the Green Options Advisory Committee expired on May 10, 2015, 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, 2018.

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

RESOLUTION NO. 323

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

"Whereas", the term of Daniel Fokine as a member of the Green Options Advisory Committee expired on May 10, 2015, and

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

BE IT RESOLVED, That Daniel Fokine is hereby reappointed to serve as a member of the Green Options Advisory Committee for a term to expire on May 10, 2018.

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

RESOLUTION NO. 324

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Shepherd, 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 March 27, 2015, Dan Halsted was appointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 27, 2020, and reappointed on May 29, 2015, and

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

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

BE IT RESOLVED, That Dan Halsted is hereby appointed to serve as a member of the West Neck Water District Board of Directors for a term to expire on April 27, 2020.

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

RESOLUTION NO. 325

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Lindsay Rando is hereby appointed to serve as Recreation/FIT Aide for the year 2015 at the rate of $16.01 per hour.

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

RESOLUTION NO. 326

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Debbie Brewer is hereby appointed to serve as Recreation/FIT Aide for the year 2015 at the rate of $16.01 per hour.

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

RESOLUTION NO. 327

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015 through May 31, 2016, for the sum of $41,600.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 328

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the stipulation of agreement concerning the adjustment of salaries, between the Town of Shelter Island and the CSEA.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 329

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Justice Court petty cash is hereby increased from $250.00 to $500.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 330

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", filming permit number 49 was issued to Conde Nast//GLAMOUR for filming on June 19, 2015, and

"Whereas", a deposit of $1,000.00 was paid to the Town for the clean up, and

"Whereas", the Superintendent of Highways has 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 of $1,000.00 to Conde Nast//GLAMOUR, 1 World Trade Center, New York, New York 10007.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 331

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", filming permit number 50 was issued to Moxie Productions, for filming on June 23, 24, 25 and 26, 2015, and

"Whereas", a deposit of $1,000.00 was paid to the Town for the clean up, and

"Whereas", the Superintendent of Highways has 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 of $1,000.00 to Moxie Productions, 222 Purchase Street #159, Rye, New York 10580.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 332

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the 36th annual Shelter Island Run and the Five Kilometer Fun Walk was held on Shelter Island on Saturday, June 20, 2015, 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. 333

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

BE IT RESOLVED, That the Town Board establishes the following irrigation system chloride testing fee pursuant to Section 82-5 of the Town Code:

Chloride testing fee $50 per sample tested.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 334

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

"Whereas", Peter Levenson has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 23 Winthrop Road, Shelter Island, New York and zoned C-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-007-04-014.13; and

"Whereas", the applicant seeks a wetlands permit to demolish and replace the swimming pool located 53' 3" from bulkhead, install spa, pavers and terrace, and add a retaining wall within the regulated area, as shown on a site plan by Sherman Engineering last dated June 18, 2015, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 11/24/1981 for this property; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on June 19, 2015, 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) The parcel is a 55,003 square foot property with regulated wetlands on the north and with an existing house and pool which lie within the regulated area; and

2) The property is bulkheaded with a steep bluff from the house down to the bulkhead; and

3) The existing pool is located 53' 3" from the wetlands, and applicant seeks to remove the existing pool and replace it with a larger infinity pool, a spa, increase the patio from 920 square feet to 1,097 square feet, and add a small retaining wall; and

4) Applicant had originally proposed a pool located 52' 9" from the wetlands and an increase in coverage in the vegetative buffer of 648 square feet; and

5) After the public hearing, applicant submitted a revised site plan dated June 29, 2015 which kept the new pool at the same size and distance from the wetlands as the original pool, removed the spa, decreased the pavers to 425 square feet, decreased the impermeable terrace to 955 square feet, eliminated the shower from the regulated area and added the automatic pool cover; and

6) As mitigation, applicant has offered to install a retaining wall on the west and leaching pools to collect and recharge runoff from the yard, terrace, second floor deck and roof areas, and to plant native vegetation along the bare spots of the bluff to further decrease stormwater erosion; and

BE IT FURTHER RESOLVED, That the wetlands permit to demolish and replace the swimming pool, install pavers and terrace, and add a retaining wall within the regulated area for the premises located at 23 Winthrop Road, Shelter Island, New York, is hereby granted as to the proposed construction within the regulated area, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the a site plan by Sherman Engineering last dated June 29, 2015; and

2) The following mitigation measures shall be implemented as part of this project: (1) prior to issuance of a certificate of occupancy, applicant shall install an automatic pool cover; (2) all construction vehicles and equipment associated with this project must be parked off Winthrop Road, where practicable; (3) applicant shall re-grade and install a retaining wall to decrease runoff into the harbor; (4) the pool shall use a low chlorine, or best modern technology, filtration system; (5) prior to issuance of a certificate of occupancy, applicant shall install plantings pursuant to the planting plan submitted and approved; and

3) During construction of the mitigation measures, a wire-backed silt fence shall be placed on the property in the locations shown on the approved site plan. Soil disturbance should be minimized where possible, and construction materials and vehicles shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 335

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 31st day of July, 2015, 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 Irrigation Cleanup Legislation, as follows:

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

Section 1. Purpose. This law is intended to clean up the Irrigation Law and clarify language and is not intended to effect any substantive change in the overall purpose and intent of the Irrigation Law adopted in February 2015.

Section 2. Amend Shelter Island Town Code §82-5 Irrigation System Operation, Subsection B, to read as follows:

B. All persons using a turf irrigation system, whether grandfathered or cistern, or a drip irrigation system with the number of emitters specified in 82-8, must obtain an initial Town irrigation permit for that system, which is issued for the period one year and is renewable annually.

Section 3. Amend Shelter Island Town Code §82-8. Drip Irrigation requirements to read as follows:

C. In the Non-Near Shore Zone, only a drip irrigation system with over 1500 emitters will require an irrigation permit.

D. In the Near Shore Zone, only a drip system with over 250 emitters shall require an irrigation permit, and shall meet the following additional standards:

1. Shall be equipped with a master valve, time clock and moisture sensor; and

2. Shall be fed only from a cistern as described for turf irrigation systems, except that if an owner can establish that the drip system uses less water than the grandfathered irrigation

system it is replacing , the owner may obtain a permit to convert to that drip system without a cistern.
Section 4. Amend Shelter Island Town Code §82-9 Irrigation System Operation, subsection 2, to read as follows:
2. Irrigation zones may be watered up to 30 minutes per zone cycle for no more than one inch water per week, within the time specified above.
Section 5. Amend Section 82-10 Exemptions subsection G. Delete the exemption in (G) for a soaker hose.
Section 6. 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. 336

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be at 4:52 p. m., prevailing time, on the 31st day of July, 2015, 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 EMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY, as follows:

BE IT ENACTED by the Town Board of the Town of Shelter Island, as follows:
Section 1. Amend Chapter 16-3 of the Shelter Island Town Code, titled "Officers and Employees" by adding subsection H. as follows:
§16-3. H. Part time employees, but only if first priority for hiring is given to qualified residents.
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. 337

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$25,333.00 from the A1990.400 Contingent account to the A1620.200 Buildings equipment account;
$525.00 from the A8160.442 Landfill purchase of bags account to the A8160.441 Landfill brush grinding account; and
$1,790.00 from the B1990.400 Part Town Contingent account to the B3620.484 Building Inspector office and miscellaneous account, and

BE IT FURTHER RESOLVED, That the following 2015 budget modifications are hereby approved:
$29,000.00 from the General Capital Reserve Fund to the A1620.200 Buildings equipment account;
$68,567.00 from the General Fund Unexpended, Unassigned Balance and dispersed as follows:
$59,567.00 to the A1620.200 Buildings equipment account, and
$9,000.00 to the A7320.408 Youth Center repairs and maintenance account; and
$1,500.00 from the Waterways Fund Balance to the A5710.400 Waterway Management account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 338

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

BE IT RESOLVED, That general claims numbered 894 through 1028 in the amount of $263,098.57, highway claims numbered 150 through 161 in the amount of $17,496.30, and West Neck Water claims numbered 19 through 20 in the amount of $3,180.50 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 4:47 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Joseph Lavin, 5 South Midway Road, for permission to install a stake, mooring and pulley system off the Town landing at Lesser Street in Menantic Creek at a location designated as latitude 41.003489° north and 72.020464° west.

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: I had spoken to the applicant before he submitted the application, he lives right across the street, there used to be, 10 years ago, 12 years ago there were 3 or 4 stake, mooring and pulleys down there and maybe 3 or 4 moorings there, in the past several years there haven't been any down there so it's wide open, no problem at all and the WMAC met on the 6th and they were in favor 4 - 0.

The 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 4:48 p. m. and called to order the public hearing to be held as advertised on the application of Nelson Bogart, 82 Smith Street, for permission to install a stake, mooring and pulley system in West Neck Bay at the West Neck Road Town landing, on the south side extending approximately 80 feet into the Bay; said stake, mooring and pulley location was formerly occupied by the Seymour W-2528 stake, mooring and pulley system.

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

Correspondence included the following:

1. An e-mail from Karen and Samuel Seymour objecting to the approval of a stake, mooring and pulley system in the designated location and stating that said location was vacated by the Seymours as mitigation for their dock application being approved.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC met on this, I talked after seeing this correspondence and I know both Bay Constables are involved in looking at this, let me just put up and see what the Town landing looks like there, Matt are you on the airplane; I think you are on top of me, there you go; so this is Cackle Hill Farm, Hilo Shores would be here, this is Hull's property, we own, the Town owns 40.14 feet of waterfront according to this survey, this ramp is 12 foot, it looks like it's a little bit off but it's a little bit onto Hull's property, maybe 2 feet, if it's 2 feet and that's a 12 foot ramp, that leaves plus or minus 30 feet here and this is Seymours' property here and their dock is down here, I can't pull it up but look on the, this piece of paper I measured from the cement ramp here to, Seymours' dock is over this way, no I'm sorry, Seymours' dock from the cement ramp here, Seymours' dock is 133 feet down, traditionally or in the past there were 3 stake, moorings and pulleys in there, now I think there were 2, one of them being Seymours and then one kind of becoming available, WMAC discussed but they didn't have this at the time to look at so they didn't vote on it, they were thinking that there was no room there and maybe, he had looked at Daniel Lord, I know Mr. Bogart's on the waiting list, he is number 7 and for the mooring out here, this is the mooring field and could be, keep a dinghy here at the landing or a kayak, I personally think, there's a 130 feet, Seymours' dock is down here and they were giving that up as mitigation for us allowing them to expand a pre-existing non-conforming dock, that was mitigation; but the mitigation was that they would give it up come next February; I saw the note, I read it; we're not really ready to give it out again yet; right that was on; it is on; the way I understood that that was on their property, I think where Mr. Bogart wants to go is on Town property cause the stake somewhere by the 3 or the 4; I'm only saying that the one that they gave up has the same number as the one that is advertised; okay, well the problem is with the stake, mooring and pulley, this is the problem when things aren't properly marked and you have issues to try and determine what's what down there, there were 2 permitted and there were 2 stakes and if there were no problems and at that point it was recommended to the Bay Constable that they issue a warning to the owners for not having numbers and I don't know where it went from there; I marked the minutes and I know when they had the meeting on the dock there was one stake, mooring that had a metal pole and one had a locust post and they were specifying which one it was, I don't know; the metal pole, the metal pole, I think the metal stake was out in the water, that was the 3rd post and that was the one that I asked Rob who was here and maybe Jack Costello was here that did the work,

if we grant this, I know there was a big rush for that dock, I asked Jack when you're out there, can you just yank that, tow that metal pipe out cause it was kind of rotting and it was a hazard and he said yeah no problem, that metal pipe was the third one; cause I recall in the minutes that, very vaguely but Mr. Seymour had said his had some kind of a wooden post but as I said the number on the resolution that he was giving up; okay; come February and that is the same number that you have; we'll have to look and see the coordinates, we'll have to do that, we won't be able to act on this tonight, we'll plot out where his, hopefully there are coordinates in that resolution, it's not that old, the older resolutions don't have coordinates, that's the problem, so that's kind of where we are with that, WMAC unfortunately, I could bring this back to them but unfortunately our next meeting is the 31st on that Friday and they meet on the following Monday, they do not meet that last week between now and the next meeting; is it possible to poll them; yup, yup, yup but you know it's hard to get the, it's easier when you can point and shoot at the props; I don't know if we could move that quickly anyhow; right; if the way I'm interpreting it which I think is correct, which I'm not swearing is, that mooring is not going to become available until next February; but if that mooring is on, 30 feet from the ramp, I'm saying if that's where the permitted permission for that, if Seymours' stake, mooring and pulley was permitted and it's 30 feet or more from the ramp, there's room to put; to put another; in between to put another one in there; okay; you have a technical issue of the numbers being the same so we couldn't issue that, right I mean; well we could issue in a new spot, we'd issue it for a new location Paul; we'd have to notice it, right; the legal notice at this point would be deficient because you're talking about giving up a certain one and now you're talking about maybe giving him a different one; right; __ further research, that's why I tried to mark up some of that stuff; I think you could probably do the, you know, get the measurements however _ official and maybe ask the WMAC to you know; yeah they can chime in on this; _ for the following week or so, make it so we could do it on the 31st and do it correctly you know having had the opportunity to properly notice it and all the rest of it, with all the information, sending the coordinates and everything, I don't think we should try to do it without benefit of that; no, I think it's, I guess the thing that bothers me is that the e-mail from Mr. Seymour, he seemed to think that the Town had made some agreement that there were gonna be no stake, mooring and pulleys between his dock and the cement ramp and that ain't so; that's not the agreement; _ if you look at the file; right; I'm not saying that we promised but I'm saying that when he made his offer, he was saying that because I thought it would be good to get rid of some of these moorings, we didn't necessarily agree but that's the basis in which he made that offer; right and we accepted it as mitigation to allow him to build a non-conforming; maybe there isn't quite a meeting of the minds; correct; he thought one thing, the Town thought another thing; it also gives us the opportunity to clarify it; yes; nothing will be going on the Seymour property, right; no, no; but that's what we want to make sure that that's what we want to do before; right and we can't take it until it is released from his __ as well; but it's his permit, Paul it's his permitted, his permitted location is 30, is on his property at 30 feet away from the cement ramp; right; there's room there; yes if there's room the room isn't really the issue I don't think, at this point for me, alright we'll clean this up at some point; so I think we'll just hold it open; hold the hearing open; well are we gonna get; well maybe so; I mean I'm gonna try and get info from the WMAC; yeah and the Seymours __.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm the person who put the application in for the permit, I don't care where I am, I mean I love Daniel Lord, that's __ ; close to your house; I've seen Daniel Lord and I don't know how, if people have abandoned those slips or if there's a time when those moorings have to be in, after which there are deemed to be abandoned but I know I'm 6th on the list for Daniel Lord but if somebody could tell me where to go, I'm happy; no you're not, don't say that; that's really a problem alright; I've looked at a few other places, I looked down at Montclair, those spots are all, we had made a grid which would have been great but Daniel Lord is gridded so you don't even have to have a public hearing, we pre-approved 5 spots at the west end of Montclair Avenue and there's 5 there, that might be a good spot, you should maybe talk to; I'm right to the point where; right, that's where the Tooth Ferry used to be as you are going out to that property, you know, the west end there; __ Preston's house; yeah, south of Preston's; oh south of Preston's, talk to the Clerk, get on that waiting list, there's 5 spots there and it's a nice protected spot, I don't think __ closer to the harbor to get out and I don't think there's any waiting list, there's, right, so you should get on that list, you can get on that list also; okay; grab whichever comes up; thank you all.

The Supervisor declared the public hearing held open at 5:00 p. m. and called to order the public hearing to be held as advertised on the application of Gary Baddeley, 133 South Ferry Road, for a wetlands permit for permission to modify an approved wetlands permit; the existing permit allows for two waterside sand based stone terraces; construction included one larger sand based stone terrace of larger size and including two areas with covered roof; the new roof extensions are located 72.1' varying to 72.8' from the edge of the wetlands boundary and the vegetative buffer.

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

The Town Attorney reported as follows: may I just add a little bit before you go, the reason this is in front of you, you had issued a wetlands permit for this work, it got built differently than you had originally permitted, the existing terraces were constructed, this is from Mary's letter of disapproval, as constructed does not match the configuration of what was approved by the Town Board and further construction was performed without benefit of necessary wetlands and building permits, the proposed terraces with new roof extensions are located 72.1' varying to 72.8' from the edge of the wetlands boundary and the vegetative buffer.

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

Councilman Shepherd presented the Planning Board report, which was as follows:

3 February 2015

Re: **Baddeley Wetlands application**

133 South Ferry Road

SCTM # 0700-24-01-46

Zone AA Residential within Near Shore Peninsular Overlay District

We are in receipt of the Town of Shelter Island Wetlands Permit Application prepared by Sherman Engineering & Consulting, PC, dated 1 November 2014, to legalize a patio constructed 454 +/ sf larger than originally permitted and legalize (2) constructed roof extensions that span over the patio. The project had previously been granted a Wetlands permit, #0047, dated 30 April 2007.

Though a new application, this is viewed as an expansion of the older application. Thus, the previous application has likewise been re-reviewed to permit the project to be understood in its entirety.

A **NYSDEC Letter of Non-Jurisdiction** # 1-4732-00156/00006 dated 5 January 2005 based on the existing bulkhead which pre-dates 20 August 1977.

The applicant indicates the septic system was upgraded in 2008 and can handle up to (6) Bedrooms. The septic system is not located on the site plan. The well was also to be upgraded and is not located on the site plan.

The applicant indicates that separate pool and stormwater runoff drywells were installed but they are not located on the site plan.

Planning Board members visited the site and considered all submittals.

We submit the following observations:

The applicant notes that the house has been constructed at a reduced size, and this is apparent in the Site Overlay prepared by Matt Sherman. It would be helpful to understand the originally proposed roof coverage compared to that of the constructed roof coverage. We note that the non-permitted roof extension on the north side extends beyond the footprint of the patio. This is shown correctly in elevation but not in plan or on the site plan (see enclosed diagram). While there is no provision in the town Wetland's Code for cantilevered construction (eave projection, roof overhang, or deck), the Town Board may wish to consider this roof in their review as it is substantially greater than a typical one or two foot eave projection.

The constructed Porch roofs are quite tall and will permit stormwater to reach underneath the overhang.

The patio stones have settled, and the patios will need to be reset. The larger stone pavers with minimal joints only permit a limited amount of stormwater to filter through to the sand and earth below. The Town routinely considers pavers set over sand as permeable, but in heavier rains, stormwater runoff will remain uncollected. The town has required stormwater collection from permeable patios in the past, and this project appears to be a good candidate for such a provision. The applicant has offered to install perimeter trench drains and these should be piped to existing or new stormwater drywells.

The pre-existing patio around the pool is non-permeable as the bluestone pavers are set with grouted joints. Though not part of this or the previous application, Patio stormwater collection could be installed along its perimeter as a means of project mitigation.
The 2007 permit required the installation of stormwater collecting drywell(s) but it is not clear if the system was engineered or installed. Unconnected downpipes are visible (see enclosed photo). It is recommended that an engineer sign off on the system, or that the existing drywell(s) be located and inspected for conformance.
The 2007 permit required the establishment of a 10' wide area of landscape planting along the seaward side of the proposed dwelling and another 10' wide area of native plantings in place of lawn on the landward side of the existing bulkhead. The house side is minimal in width with only one or two short sections. The bulkhead area is likewise minimal in width, maybe 4', and sparsely planted.
The property has numerous planting beds all of which show extensive use of drip hose irrigation. We did not see signs of a buried water tank for this purposed and it is not certain whether or not the irrigation system is permitted.
The existing dock has stair access to the beach in front of the bulkhead. The dock has a 4'-0" high gate at the bulkhead which functions as part of the pool enclosure, but it seems that it would be quite easy for someone approaching from the beach to swing around the gate posts to gain access to the pool area.
The Garage has an air-conditioning unit set within the northern AA zone sideyard setback. It is uncertain if this was pre-existing or a new installation.
Though out of our typical review, we noted that the piping to the exterior heat exchanger is not insulated.
This application was mandated to correct non-permitted construction. It has also shown that some previously offered items of mitigation were not followed or completed. More care with the applicant will be needed to ensure the permitted package is followed going forth. In respect to the construction, neither that previously permitted, nor the expanded porches and patio, exacerbate the project's existing non-conformities. With these and the above noted considerations, the Planning Board recommends approval.
By: John Kerr, Planning Board Member
Ian McDonald, Architect, Planning Board Member

Councilman Shepherd presented the CAC report, which was as follows:
To: Supervisor Dougherty, Town Board, Town Clerk
From: CAC
Date: Jan 29, 2015
Re: Gary Baddeley, 133 South Ferry Rd

Sherman Engineering and Consulting, PC submitted a wetlands application for Gary Baddeley, 133 South Ferry Road. The application requests a modification to his previously approved wetlands permit. The changes not listed on the present permit are:
1. A decrease from 827 square feet to 666 square feet of the building footprint, which is located in the regulated area.
2. The waterside patio was increased from 665 square feet to 1,104 square feet and includes 2 covered roof areas on the north and south ends. The roof extensions are located 72.1 feet varying to 72.8 feet from the edge of the wetlands boundary and vegetative buffer.

The changes are landward of the present bulkhead.

It was noted that all the changes were completed before the permit modification application.

The CAC reviewed this application modification. The CAC voted unanimously to recommend the following:
1. Plant 100 linear feet of Spartina alterniflora at the base of the bulkhead on the beach.
2. Place another 2 10 foot ring drywell with a grate in an appropriate place on the property to catch run-off.

The 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 applicants Gary and Samaya Baddeley, and with their contractor John Olinkiewicz with Wooden House Construction, as the applicant said, the application said and from the Planning Board and the CAC, this is a project where they had received a wetlands permit in 2007, the wetlands permit was at the end of a lot of iterative design process and review with zoning

considerations, DEC, Health Department, Town wetlands and Town Building Department, basically April 30th, 2007 was the original permit and what that permit included was a demolition of an existing dwelling which had a wetlands setback of just about 80 feet from the bulkhead or excuse me, not from the bulkhead but from the tidal wetlands boundary, demolition of the wood deck that was on the seaward side of the property of the house, it was a setback of just over 65 feet, construct a new residence with an 85 foot setback and a footprint of 2,428 square feet, it's a 2 floor structure so a total square footage of 4,856 square foot of living area, construct an 83 foot screen porch and pervious or permeable terrace on the waterside of the house, wetlands setback as approved was 76.5 feet, the previous survey, this is from Joe Ingegno who was a surveyor at the time and then it was transferred over to Nate Corwin, this survey was prior to the original approval in 2007 but just to give you an idea of where we were at as the previous site existed prior to the first approval and then what we were proposing at that time as compared to what we're proposing now, on the drawing you can see that this dash line, that's the previous existing house so you can see it's substantially, not substantially but it's somewhat landward of the proposed house which is that thick black line, the proposed two story house, so the previous existing house was further toward the water and also extended closer to that side yard property line, as part of the original application they pulled that house to the top of, we'll call it the top of the page north, further to the north which brought it closer to the swimming pool which is this area here, the existing pool and impermeable decking or terrace, excuse me patio that's around that pool so by moving that house closer to the pool they were, this area here ended up getting decreased substantially so this house location and pool layout is all based on what the original wetlands permit was based on, what is different about this drawing here is this is one of the earlier iterations, this wedge shape here, that is a proposed pervious terrace, that was the original proposal that occurred at one of the iterations prior to the first wetlands permit, let me take a step back, with all of these projects, what you, what the boards don't get to see is these projects go through multiple iterations as the clients are working with the architects and they are working with the consultants, we try and get something that's going to meet their desires as the property owner and also meet the Town's requirements as far as Zoning Codes and Building Codes are concerned so these things have a tendency to go back and forth numerous times and it's easy for different people to get lost in where that final, that final product ends up being so it creates some confusion, I think that's part of one of the problems that we're having with this application is all of these iterations created a little bit of confusion, it doesn't forgive the fact that work was done without a permit, the property owners acknowledge that it was done without a permit, they've already been through the Building Department to get that mitigated with Justice Hall and all that, that was taken care of several years ago so we're not saying that as an excuse, it's just, it is what it is, part of the problem here with some of this confusion that occurred over the years of this project developing, but this permeable, this pervious patio, this terrace is I think it's 936 square feet, somewhere in that range, it's over 900 square feet, the one that was on this plan which was just prior to the original wetlands approval, the original building that was a part of that approval is of very similar size and style of what was finally approved and what was constructed but it is, it does have some major differences, primary difference is this building here, let me go back, this building here is 92 feet long and is parallel to the water, it's about the same width as the building that ended up getting constructed, so that was the one that was originally approved, this site plan shows in red the footprint of that originally improved, approved residence, up here on the top of the survey on the north side, we've got right there is that screened in porch, you can, there's a very small area, about 4 feet between the house and the pool, a very narrow corridor between the house and the pool and then that screened area, as they were looking at that layout they thought that it didn't really make a whole lot of sense, let's pull the house back a little bit, give us some room from the pool, get rid of the screened porch cause we're really, if anything needs to be sacrificed in order to decrease or increase that distance from the house to the pool, the screen porch is something that could be sacrificed and then the area that's next to that screened porch is part of the kitchen, that got pulled back as well, so that is all that was originally approved, as part of that original approval, the conditions, take the sanitary system, get it outside the regulated area, that's been done and we've got the Health Department approval on that, relocated the swimming pool drywell on the outside of the regulated area, that's been done, install roof leaders and connect them to drywells, most of those roof leaders have been connected to drywells, one of them has not, it's connected to one of the covered porches that was constructed outside of the permits so nothing was done to that once they got warned that hey we've got problems, stop all work, let's get this all sorted out, so once all this gets resolved, one way or the other, that final roof leader will be connected to drywell and then replace existing landscape vegetation with a 10 foot wide native

planting buffer, I believe the CAC had mentioned that as did the Planning Board, so that goes last couple of mitigations from that first application were never followed up on because at the point of the project that they were gonna be done, we realized we had a problem and stopped all work and figured let's get it all settled out and then we'll come back and we'll do it cause why plant 10 feet of vegetation if it's just gonna have to redo it because of work that's gonna be occurring so get it all sorted out and then finish the original mitigation, so how'd we end up getting into this situation we're in now as far as what changed, we've got an overall house size reduced from 92 feet long to 82 feet long, that's that area that got pulled back from the swimming pool, the house within the regulated area goes from 831 square feet to 648 square feet, so a substantial reduction of covered house, square foot area coverage within that regulated area, the pervious patio increases from 656 square feet to 1,110 so we end up what we gave back on the house, we ended up overdoing on the patio and then the house being slightly further from the wetlands, it's less than a foot, nothing to brag about but it is a little bit further away, just by virtue of the fact of it being pulled back that 10 feet parallel or approximately parallel to the bulkhead, the pervious patio where it was originally approved at about 76 feet from the wetlands by virtue of construction ends up being 74 feet from the wetlands so that's one of the major problems that we see here, so this is the building that was constructed as permitted, so you just see the front face of it, we've got a second story balcony, first story we've got the sliders or French doors, on the approved building plans we don't show a patio so those plans don't have something to reference back to and say okay here's a set of plans with Billy's signature on it, this is the patio we've got to work off, we had to refer back to Nate Corwin's survey showing where that patio is gonna be, this is just some more just to show you in respect to what the previous plan was, showing the same side elevations, as approved you also don't see the patio or that covered porch on the approved permitted drawings, so the as built site plan, this is where we stand today, a little bit blurry but the house is 86.6 feet from the wetlands, the patio is 74.1, pool, pool patio, everything around that, obviously that remains the same, that was untouched as far as the application, coming down to the bottom of the property, the south, the, because the house was shrunk 10 feet, we didn't have to move it at all in order to get it to fit and stay out of the side, sideyard setback; you know in terms of the calculation of the distance; yes; how do you know it is this number and not this number; two different numbers, this one is from the face of the bulkhead; right; and this one is from the wetlands line as determined by I think Rob, I think Rob did that back, I don't have a date on it there but back when the original application was done; so that would account for the difference between the letter of disapproval and what you're saying no; yeah, right and where there's bulkhead, you know this tidal wetlands here I mean, it's a sand beach so that wetlands line is going to move sometimes substantially, sometimes a little, it all depends on the year and what's going on so that's why I put this measurement on from the bulkhead so we've got a hard and fast, not moving measurement that we can take as a base mark, on this one here, on this overlay, we've got the, you can pull up for reference, the pool on the north part, what's in red is what was originally improved, approved and what's in green is what was actually constructed, so the house increased a little bit on the roadside, there's this little punchout right, not much, but a little bit of a punchout and then the seaward side of the house remains right where it was originally approved, however we've got that green outline of the patio that's on the seaward side as well so you can see that it creeps out to the water a little bit and where that first plan is important where that first permeable patio was, is that patio has that triangular area coming off the middle of the house right about here so in looking at that first 900 square foot, 900 and change patio being reconfigured to this, it's not a whole lot of difference, it's a couple, it's about a hundred square foot difference give or take and that is one of the coverage numbers that they were first using off of that original survey so again, not trying to make an excuse but just trying to give you some of the rationale that people were thinking as they were reconfiguring things, with a lot of these applications, we'll tell, as a consultant, I'll tell the client you've got permission to build a 92 by 30 square foot house within the regulated area, if you want to shrink that to an 82 by 30 square foot house, it's got to be approved by the Building Department but as far as a wetlands permit is concerned, we're doing less than we're allowed to do and we typically don't have them come back to the Town Board for a revised permit which is one of the reasons why they were able to get the building permit for the smaller house, the site plan, everything got a little bit further from the wetlands, not closer so that too unfortunately has to do a little with the level of confusion of what was going on with this project as it was developing; Matt I have a question; yes; you said the vegetative buffer hasn't been planted yet; there's some small plantings in there but it's sparse; I mean it's been, this Board asked for it 8 years ago, the bulk of the building is done, what are we waiting for; well what happened was they did some of the plantings, they were confused on what plantings were to go where when

the Building Department came out and inspected it, they told them that the plantings weren't right and they were getting ready to start fixing it when they also said hey wait a minute; how long ago was that; I don't know, when did Chris do that inspection; it was like Spring; was it Spring, alright; Spring 2014; so we're just like moving at a snail's pace here, getting stuff to protect the you know; __; you'll see there later, I've got a photo showing an aerial of 2010 for the previous existing conditions, even though the approval was granted in '07; right; nothing happened for several years and again it was part of the design process; __ years ago; yeah but the, you know the construction takes 2 years to accomplish and then we've got a year of what's going on, why are we having this problem so it's; and it's still 2 years; yeah I'd like to say all these things take time, but it's not really much of an excuse for not having anything in there other than the fact that we've been going through this process, when did they first, the first violation come out, that was a year and a half ago; yeah; so the violations weren't a whole lot after, it might be 2 years from construction, the violations were a year and a half after so a lot of things stopped, there was not a, I don't want to make it sound like this was just a raw piece of property and we were getting runoff going off into the bay cause that's not the case, we've still got a manicured lawn that was there, we still have turf and it's still a bulkheaded property, so it's not, it's not as simple as just saying you know there was a hazard to the wetlands or to the environment because those plantings didn't go in right away, the elevation here is, looking at it in green, this is the waterside of the house, you've got two covered porches, one on either side of the house, those were not constructed with benefit of a permit, that's what another major part of the application, other than that distance from the wetlands is those covered porches and the patio; those are open patios rather than __; there was no roof on the permit; but the patio wasn't; no I don't want to be misleading, the patio, a patio was on the permit, yes, the patio that was constructed was not, it's substantially bigger than what's on the permit; but the lines in red that indicate the roofed, I mean the original blue construction, that's the patio area that was approved; just patio, no roof, exactly; and follow the right; yeah I know, so here it is, again with the green, it's on the south elevation, you've got the, that roof that comes out even to the front face of the building on the water side, on the north side it comes out a little bit further, one of the things the Planning Board was curious as to how far a cantilever, how far of an overhang that it, it's a 30 inch overhang, so it's more than normal, it's not outrageously more than normal, you might have a 2 foot eave would be considered what a maximum you would be looking at, this is another 6 inches beyond that so, here's some aerial photos, this is 2010 to show you these existing conditions, you can see the pool is still there, just south of the pool you've got the house with the wood deck on the seaward side of the house and then the house has got another section just south of this, I tried to get these to match up as much as possible but it wasn't perfect, that's the actual construction that was accomplished, to kind of give you an idea, you can see the stone patio on the seaward side of the house, on the north between that and the pool, this area right here is the, that is the northerly covered porch, the southerly covered porch kind of blends in with the house right there and then this is just a closer up view of it so you can see it in a little bit greater detail, a couple of numbers that I pulled out real quick, just to look at it for the previous construction, the house was just over 2100 square footprint and the deck was just over 2200 square foot footprint so from the original application to now, the deck slash patio is almost decreased by half and the house, I forget what our original square foot footprint was, for the house from what was approved was slightly decreased and then the decking and the patio was you know slightly increased from what was openly approved, the way, the cart's before the horse here but what we've got here is a situation where had this plan been presented originally, I have pretty good faith that it would have been accepted the same way the original plan was; can you go back to 2010 for a second or as far back as you can go; 2010, what are you looking at; actually something I was listening to at the WMAC meeting, I was kind of looking at the coastline; yeah; __ specific; and that's kind of an important point, that's one of the reasons that I pulled that dimension from the bulkhead was because you could see, it hasn't receded a whole lot but you can see where it changes; yes; it does and a situation with the DEC, we've got the bulkhead, it's long enough, it's old enough, it's strong enough, the DEC gives up jurisdiction cause they recognize it from an environmental standpoint, from a water standpoint they're, their interest in this stops at the bulkhead and whereas the plantings on this site, it's a manicured lawn, it's been there for a long, long time, you're looking at it from an environmental impact point of view, what was constructed as opposed to what was approved, it seems to be 6 to 1, half dozen of another, the real problem here ends up being the method or the order in which we did our construction, there's lots of mitigation we could do to help soften the procedural impact, things like additional drywells, French drains around the patio, all things like that that can help, the CAC had some good recommendations on planting at the base of the bulkhead, all of

those things we could incorporate into the project in order to help minimize that procedural issue that we admittedly created so that's all I have for you as far as the bare facts of the application, the property owners are here if you've got any questions for me, if you've got any questions for them, please feel free; I wasn't around in 2007 when the original approval but one of those things Matt that you put up here looked like a 3 story house or a third story; it looks like a third story, it's an attic, there's an attic and it's got casement windows on that attic and for aesthetic purposes it's got, I saw the same thing, I thought how do you have a 3 story house, it's got what looks like a balcony type of railing around it but it's a third story unfinished attic; it doesn't seem to match; no it doesn't match that, that's right; so which; which is the one that's on here, the one that I'm showing you now is correct, that was because it was saying; _ built though; no and that's an incorrect _; okay; and the reason why that occurred; that's confusing when we get stuff in packages; that's why the same question came up; okay; because we had that drawing and we were looking at photographs saying well these 2 don't agree what's going on, it's a 2 story house, the original architectural drawing looks like a 2 story house but because of those windows put in on the third floor or what would be looked at as a third floor on that attic, it created that confusion; do you know offhand Matt the total height; the total height on that; what's that; do you know the total height on that, on the house or the third, the attic floor; the house; 34 and a half feet; 34; yeah; thank you; we took great pain to make sure the __ was under 35; yeah; let me ask you; all the measurements; yes __; may I ask you about the mitigation measures that you're offering in consideration of the fact that you built a lot more than you had stated closer to the wetlands thing you had originally said and it looks like you are already committed to the vegetative buffer from the previous permit so that's not really a mitigation for this one, what are you offering, are you going to put a drain on this terrace; yes; that's it, right, you're talking about you've already made other changes in the house; but some of the mitigation is part of what has already occurred; right; which, the reduction of the house by 10 feet, I think that's substantial, it's already done whether the Board is comfortable with us saying that that's some of the mitigation of the project as it was constructed, obviously that's up to the Board to decide for us to do something different, by all means we are all ears, you know this is one of those where it is, because of the unique situation of it's already been constructed, I'm trying, what I'm trying to come up with reasonable and legitimate mitigation for this, it becomes a little bit more difficult and I don't want to just throw something out there just for the sake of throwing it out there, I want it to be something that is real and that is tangible and so; you're offering up a permitter drain; perimeter; oh perimeter; perimeter; a French drain, you could call it a French drain if you like, and that permeable terrace, it is permeable which is one of the reasons why it _ but; not so much; well and; they're butted tightly; yeah; you couldn't put them tighter; no; you could not; right; yeah; so it would sag __; it was improperly constructed, right but you will get with a moderate rainfall, you will get percolation down through that patio; it's not water tight; ideally you would have it slightly pitched away and you'd become a collection point; right; and that's typical construction, at least, I should say it should be typical construction, the; you're proposing some kind of a drainage system or collection system for that; what we would like to see is a perimeter drain around the outside of it so that it can flow off to the outside of the patio, let that drain down there and in a typical sandy soil, it's gonna happen anyway but we can help facilitate that so if you get a real strong rainfall, you have less of a chance of any type of overland flow; and that catches a lot of water there because of the height of the roof, it's a big area; those overhangs are so high up that unless it's coming straight down; __; it's gonna come in; there's a lot more water involved in that than you may think; yeah, it's not just a pure square footage on it, what we would do if we were designing a drain and collection system, is incorporate the patio area as well as a substantial amount, maybe a half to or so of the area between the patio and the bulkhead so that we could collect, even if we don't, so that we could have the possibility of collecting stormwater from a much bigger area than just the patio and that was one of the, I forget whether it was the Planning Board or the CAC but with their comments as well, we'll try to collect more stormwater from around the area, I like to collecting it and redirecting it to surface so you can use as basically natural irrigation of vegetative buffers and things like that rather than put it into a drywell where it's just gonna go back down into the groundwater and then out, it doesn't really do you a whole lot of good in a situation like this; have you burned up how that's gonna be done yet or; no, that's something if, and again we can put together a plan, a more detailed plan if that's something that the Board wants to see; I'm not crazy about the whole paver thing, the number situation here, it's the spacing in between and what not we did the other; yeah we did that with the grass strips, the 6 inch grass strips; from 5 inches to 6 inches, we've got how many microns between them; well it's one of those too where like any time you get a situation like this and this patio or even a driveway, crushed concrete driveway, after a very short period of

time that's no longer a permeable surface, and so we; this has got gravel under it I think, I don't think it's sand; this, yes; it's gravel; you can see it when you're there so the, just by the virtue of being used, things like this that were permeable at one time tend to lose the permeability; __; yeah sand and soils get into it; __; so designing it so overland flow can get to an area and get recharged or dispersed around the site and used as just natural irrigation; right; it just makes sense; yeah; these drawings of the two sections of the patios with the extra roofs and things, yes; that were, I always wonder how something always gets bigger than permitted to be; the house got smaller, don't forget that; what; the house got smaller; the house did get smaller which doesn't happen very often; __ get smaller without a problem; yeah; we have to raise the question if you get bigger, how did that happen; that's a fair question; how does it occur, does it occur because of; who do you want to direct that to; I ask Mr. Sherman but I don't know if he knows; I can, I will start and then I will defer to the property owners cause they were obviously instrumental in making decisions, what ended up happening was when the first approval was handed down, it was based on a specific survey, that survey had a, on the pictorial part of the survey it had 2 areas of permeable paving and it also had a schedule of coverages, the house is X number of feet, the patio is X number and the patio was I believe 926 square feet on the schedule of coverage, that was a residual from a previous iteration; yes; so they were thinking in their head they had just under a thousand square feet to work with and that if they configured it they would be alright, as it turns out the drawing 600 and something square feet of paving so that being the more restrictive of the 2, we figured this out because we were having a violent discussion as to whose numbers were right and whose numbers were wrong and why were we not agreeing in our numbers and that's where we said oh wait a second, we've got, there are some inconsistencies that from long ago that led to some of these problems, it doesn't excuse the fact that they built but it does put a little bit of light on the mindset as to when they thought they were reconfiguring, they didn't realize for the patio itself, they didn't realize they were reconfiguring that much outside of what was already approved, the covered porch is a whole different story, you know that was by virtue of being at the house, using it and saying wait a minute, this is, we're getting baked, we need to get some kind of a protective cover, hey how about some covered overhangs right over top of the patio and that basically is how that one took off; __; yeah; ___ not you're __; that, I don't know if you guys want to add anything to that or expand on it or; it's not for you to say; I'm Gary Baddeley, my wife Samaya, Matt made a fairly clear statement, on the approved April 2008; come up to the microphone, it will pick up better for the minutes; oh sorry, yeah; it would be a sorrowful moment; first of all, thanks for everybody's time and __, so Matt made a good presentation already, I believe it was April 2008 that we had the approved plan and with square footage in writing on that approval, said 939 square feet, the drawing, it's not 939 square feet, it's 600 odd that Matt referred to, we thought we had the larger number, our fault, I'm not trying to, I'm not trying to say we did the right thing, I'm just trying to say we thought we had the larger number so the as built I believe is about 83 square feet more than we thought was the total square footage approved for the outdoor patio, our mistake, absolutely, come hat in hand and say we screwed up, no attempt to say that we you know that we should have done that, we should have gone by the drawing but we went by the writing which, both of which were approved at the same time, the number did not agree with the drawing, no one picked up on it, we didn't pick up on it, the Building Department didn't; so there's conflict with the approval, both things were approved but they were not right; that's exactly right, the approved permit had a drawing and it has the summary of all the square footages of different things that were approved, the drawing and the summary did not match, we did not catch it, I guess the surveyor didn't catch it, __ didn't catch it and the Building Department didn't catch it so I'm not trying to say that's an excuse, I'm just trying to explain to you hey we were confused and I'm not trying to pull the wool over your eyes anymore than our own eyes; as they say, here we are; yes here we are, exactly so anyway and in terms of mitigation, what we can do from here, any suggestions including, obviously we had some from the Planning Board already, we'll absolutely have to undertake whatever is undertakable; we're gonna probably review that line pretty closely as far as the Planning Board recommendations are concerned; and to the extent that is practical and _, we want to work with the Town; okay; and once again I want to stress that we know this didn't happen the way it should have happened, I wish we weren't here but we are so whatever we can do to work with you guys, come up with a resolution; what kind of a cover is on the pool, like in the Summer; there's no cover in the Summer, there is a Winter cover; okay, that's one thing we've been asking for, for things that are in the regulated area or adjacent areas is the automatic cover; okay I haven't looked into that; probably on the past 10 wetlands applications I would say; I can certainly talk to Darrin who is our pool contractor and see if that's viable, I don't know what that consists of but I'm assuming it's

doable, anyone got any more questions, I'll come back up to the mic; thank you; thank you Mr. Baddeley; thank you very much; thanks Matt thank you again.

The Supervisor declared the public hearing closed at 5:42 p. m. and called to order the public hearing to be held as advertised on the application of Erin Callan and Anthony Montella, Jr., 24 South Midway Road, for permission to construct a 447 square foot one story addition onto landward side of existing one story three bedroom dwelling (number of bedrooms to remain unchanged), convert existing +/- 90 square foot roofed over screened porch on waterside of house to heated, livable space by replacing existing screen walls with sliding glass doors (existing roof to remain), install leaders and gutters on proposed addition to be connected to existing drainage system of drywells, and install additional "French drain" style drainage system along front side of addition, establish 5' wide, approximately 52 square foot and 105 square foot nonturf buffer areas to be planted with native vegetation adjacent to top of bank on north and south sides of existing deck, and supplement face of naturally vegetated embankment with additional native plantings.

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

The Supervisor called for the reports of the CAC and Planning Board, which were as follows:

Councilman Shepherd presented the CAC report as follows:
From: CAC
Date: June 15, 2015
Re: Erin Callan and Anthony Montella, Jr., 24 South Midway Road

Agent for Mr. Montella and Ms. Callan, En-Consultants, has requested a wetlands permit to construct a 447 square foot one story addition onto the landward side of an existing one story three bedroom dwelling (number of bedrooms to remain unchanged), convert an existing + or – 90 square foot roofed over screened porch on the waterside of the house to a heated, livable space by replacing existing screen walls with sliding glass doors (existing roof to remain); install leaders and gutters on proposed addition to be connected to existing drainage system of drywells, and install additional “French drain” style drainage system along the front side of the addition; establish 5 foot wide, approximately 52 square foot and 105 square foot non-turf buffer areas to be planted with native vegetation adjacent to the top of the bank on the north and south sides of the existing deck, and supplement the face of naturally vegetated embankment with additional native plantings.

The CAC discussed this application at its June 15th meeting and voted unanimously to deny this application for the following reasons:

1. The addition increases the non-conformity of a house located within the vegetative buffer and regulated areas.
2. No re-vegetation plan was presented.

Councilman Shepherd presented the Planning Board report as follows:
10 July 2015
Re: Callan/Montella Wetlands Application, 24 South Midway Road, Shelter Island, NY 11964 SCTM # 700-019-01-005 Zone C Residential, Near Shore Peninsular Overlay District

This pre-existing nonconforming house is entirely within the vegetative buffer like many of its neighboring properties.

The previous owner had applied for a wetlands permit to tear down and reconstruct the waterside deck. The Town granted this as the original elevated deck was in dangerous condition.

This application is for a landward addition and to enclose a waterside covered porch behind the new deck. There is no increase in the number of bedrooms.

There is a DEC Letter of No Jurisdiction, issued March 11, 2014 to this owner, exempting work landward of the 10 foot elevation "Top of Bank".

There is a SCDH permit # RO 7 -14-0015 issued 8-14-14 for maximum (4) bedrooms, which includes the sleeping quarters over the new garage.

Planning Board members visited the site, reviewed the surveys while on site and considered all submittals provided to the Planning Board which included an extensive Addendum.
We submit the following observations:

The 3/4 acre property falls from a 23 foot elevation on the road to a 12 foot elevation where the house sits. The newly constructed garage and sleeping quarters is outside the wetlands

setbacks and sits on a plateau above the original house.

Other than incorporating an enclosed roofed porch on the waterside into the interior, the bulk of the one story addition is to the landward side and less than 500 square feet.

There is additional foundation work to support the new addition with a new interior stair to the basement.

A vegetation plan has been submitted which includes the removal of the newly constructed makeshift retaining wall at water's edge.

The addition will be equipped with leaders and gutters that will be connected to existing drywells. A French Drain system is proposed to be installed along the entire easterly perimeter of the proposed addition.

We note that applicants' Design Professional, Joseph Cerami, is not registered or licensed with the NYS Office of Professionals.

We make the following recommendations:

Given the fact that this house predates both the DEC and Town wetlands setbacks and that the addition is minor in size, the Planning Board recommends approval as presented.

By: Emory Breiner Planning Board Member, John Kerr Planning Board Member, For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob; good evening Rob Herrmann of En-Consultants, application suddenly seems incredibly simple; very clever; __; __; the project is located at 24 South Midway Road, that site that actually has a bit of history with the Board, as a few of the current members of the Board will likely recall, several years ago after proposing and later abandoning a plan for an extensive renovation, an expansion that included more than doubling the size of the existing house with a second story addition, the proposal that actually dated back to prior to the adoption of the Town's adoption of the Town's wetlands ordinance back in 2001, the prior owners in 2008 reconstructed the waterside deck after initially being fined by the Board for commencing that work without a permit, like a theme tonight, but later receiving a Town's wetlands permit in July 2008 at which time the work was completed, we're also able to pull from history that pursuant to a permit that the prior owners received from the Health Department, they also relocated and upgraded the original septic system on the property to a four bedroom system as the original system as the house dates back to the mid 1970's and was at the time, located very close to the top of the bank, dating back to surveys back in 2000, because the currently proposed addition does not increase the number of bedrooms, the septic system capacity did not have to be increased for the purpose of undertaking the project that is before the Board but the owners did secure a permit from the Health Department last year when they constructed and connected to the existing septic system an attached garage with accessory sleeping quarters that was located outside the wetlands regulated area and of course permitted by the Town Building Department, it should be noted that in order to confirm that the proposed dwelling renovations would not require any increase in septic capacity, we actually submitted the floor plans that are before the Board to the Health Department the same time as the accessory sleeping quarters application so that the permit that was issued would in fact reflect the Callan/Montella plan in place of the proposed Peebles plan because we anticipated that if there was some question with the Building Department whether we were really working off some outdated plan or older permit, we wanted to make sure that we had due diligent care that all of our ducks were in a row there, so that determination and bedroom count was made by the Health Department at that time, now taking into account the location, existing dwelling within the regulated area, the scope of the current owners plan is indeed much more limited than what the Peebles plan as it proposes an addition as Paul described from the Planning Board report, that's located entirely on the landward side of the house and it totals 447 square feet plus a 48 square foot covered porch, this brings the total square footage of the house to only 2,199 square feet including the porch, also as the Planning Board report eluded to, there is a plan to convert and existing 90 square foot that's a screen porch that's on the waterside of the house to heated living space, but that space is already roofed over and it will remain identical in footprint, so in terms of wetlands and setbacks, coverage et cetera, there is absolutely no difference to the finished plan to what's there, they're just basically walling in what currently is screened, the purpose of the addition is essentially to make this 40 plus year old house livable as a full time residence primarily by a, enlarging the master bedroom and bathroom to allow for a walk in closet and bathtub, creating a small foyer and laundry space and interior stair to the basement, cause right now to get into the basement, you have to go outside and then go back into the house, and also adding a home office space that's about 178 square feet and

again this the room that is allowed as your third non-bedroom room after your kitchen so there's a kitchen, living room, dining room, office plus your 2 bedrooms in the house, the 4th bedroom is off in the accessory sleeping quarters, as mitigation for the project, a wire backed filtration fence will of course be installed to contain site disturbance during construction, the proposed dwelling addition will be connected to the existing drainage system of drywells on the property which is already sufficient to capture 2 inch rainfall from the finished dwelling roof area but the applicants, similar to what's there now, are also proposing additional drainage in the form of a French drain or a gravel bed type drainage bed along the entire easterly perimeter of the landward addition so that would just provide for additional drainage on the outside of the additions, also as previously discussed during your work session which I attended shortly after we submitted the application, the applicants are proposing a vegetation plan that will provide native vegetative cover over the existing embankment which really was never formally revegetated after the Peebles deck reconstruction and that planted area would extend approximately 5 feet landward of the top of the bank and in place of existing lawn areas which is depicted on the site plan that you should have with your application, pursuant to the comments from the CAC and the Board, we did have a revegetation plan prepared that was submitted in draft format a couple of weeks ago and we had hard copies of the final plan delivered about a week or so ago that was consistent with our discussion at the work session, that plan was prepared by Hooter Design and Build, is last dated June 23, 2015 and it specifies the species to be planted over the vegetation area, that totals roughly 1,245 square feet so the area of vegetation being proposed more than doubles structural coverage associated with the landward side of the house, and finally as discussed at the work session, it also notates removal of that temporary retaining structure at the toe of the bank and also the grapevine posts which are on the face of the embankment now, so that vegetation plan should cover all the issues we had discussed preliminarily at the work session, the applicants, including their third and latest member of the family are here, Joe Cerami, the design professional is also here if you have any questions for them or of me but hopefully it's a pretty modest application with mitigation and we think it's a good application; thanks Rob; any questions up here; yes; you do Paul; absolutely; please; it took me all this time to figure, okay I'm okay with the vegetation, I'm a little uneasy with disrupting what's been done as far as stabilization goes already, Anthony has got the posts to __, I don't know how much of that is illegal; it's not, it's something; __; yeah, we, it was something that was put up in an afternoon and can be taken down in an afternoon, it was really designed, if necessary, Anthony is here and he can speak to it but from my understanding and from working with the applicants, basically it was designed to hold the soil on the bank; it obviously needs it; but the vegetation should be what serves that purpose, we're in a low energy environment and we had vegetated wetlands there, the DEC would not be happy to see what amounts to a bulkhead in that spot, so as I related at the work session, we'd like to get it out, if they found once the stabilization plantings are done, that they had toe erosion which I don't think was their problem, it was just an issue of trying to keep soil from running off from the top, we could come in with something like a fiber roll installation or something else and we'd want to go through the proper permit process and make that filing both for the Town Board and also with the DEC; okay so you're saying that you believe the erosion is a top down issue rather than a bottom up issue; it's an issue where you typically, the DEC will typically allow toe stabilization in a higher wave energy environment where you see actual toe scoured, in an area like this where you have nice wetland vegetation, they're afraid that having a structure like that will actually create some reflective energy that starts to erode the wetlands vegetation which is exactly the opposite of what they want to have happen; I think, we're hoping that this planting plan helps the situation, obviously if it doesn't we will go back to the drawing board and try to come up with something; there is an issue there; yeah; I stare as a carpenter and look at those bushes in that bank and it makes me very nervous; well that's like I said, it's a project from years ago, if that had been done and gone through the right channels and was in front of this Board today in terms of that deck project, there would have been obviously a substantial revegetation restoration plan that accompanied that but we are talking about something; __; seven years ago; __ is there hope of actually getting things to grab there; it should, yeah, it really should, I mean that's not; do we leave the grapevines in there at all or no; well that's, that's an unusual remedy but it just gives you an idea that, they were just trying to do some things to sort of just plant the slope but the vegetation plan that's designed here is consistent in style with our typical slope stabilization planting plans so our hope is and what would be, you know the DEC directives if we came to them with something like this, they would say try the soft approach first, if it doesn't work, we can have further conversation; ___ doesn't fit; that probably doesn't fit into that; if I can say one thing, just from what this Summer, this season, the growth just from

having __, not the grapevines but the fescue, it's really, it's definitely more __ than it was; and that's the idea; so maybe removing what I did slowly and implementing the new plan might help but again as my wife said, if not then we'll go back and you know come up with a better plan, what we have growing in there is way more than what; basically one of the simplest matters here, we don't want to be in the position where we're asking the Town Board to bless something that is not a legal structure, we don't want to do it that way, we would want to start doing it the right way; __; not a problem; thanks a lot Rob; thank you for hearing me.

The Supervisor declared the public hearing closed at 5:55 p. m. and reconvened the recessed public hearing on the application of Hirsch & Co., LLC, 24 Hilo Drive, for permission to construct a fixed and floating dock with stairs and walkway approach into West Neck Bay.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: we don't have anything new on that, nothing came today Dottie; no; nothing came today so; still hold it open; I think we need to hold it open.

The Supervisor declared the public hearing held open at 5:57 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 339

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Joseph Lavin, 5 South Midway Road, has petitioned the Town of Shelter Island for permission to install a stake, mooring and pulley system off the Town landing at Lesser Street in Menantic Creek at a location designated as latitude 41.003489° north and 72.020464° west, and

"Whereas", a public hearing was duly held on the 10th day of July, 2015, 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 Reich and seconded by Councilman Brown, the meeting was adjourned at 5:58 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

July 31, 2015

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 31st day of July, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty-six 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 Sue Peebles concerning bamboo on the Island.

2. Letters from Dick Baker, Warren Moore of the Hilo Shores Association, Warren Moore, and Barbara and Ronald Schenendorf concerning the application for a private fireworks display in West Neck Bay.

The Supervisor read a PROCLAMATION congratulating and honoring Mr. Sidney Beckwith who celebrated his 97th birthday on July 19th, 2015, and for his accomplishments at golf. (A copy of this Proclamation is attached to these minutes.)

RESOLUTION NO. 340

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Derek O. Jacobson, 26 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location off the end of the applicant's dock and designated as latitude 41.073338° north and longitude 72.290760° west; said mooring location was formerly occupied by the C-2258 Salm 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 4:45 p. m., prevailing time, on the 21st day of August, 2015, 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. 341

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Derek O. Jacobson, 26 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location off the end of the applicant's dock and designated as latitude 41.073655° north and longitude 72.290332° west; said mooring location was formerly occupied by the C-2918 Wilcox 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 21st day of August, 2015, 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. 342

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a vacancy exists on the Zoning Board of Appeals, and

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

BE IT RESOLVED, That Lynne Colligan is hereby appointed to serve as Member of the Zoning Board of Appeals for a term to expire on July 8, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 343

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

"Whereas", vacancies exist on the Deer and Tick Committee, and

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

BE IT RESOLVED, That Henry Amann is hereby appointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 344

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

"Whereas", vacancies exist on the Deer and Tick Committee, and

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

BE IT RESOLVED, That Charles Tiernan is hereby appointed to serve as a member of the Deer and Tick Committee for a term to expire on June 24, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 345

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Howard Johansen as a member of the Conservation Advisory Council will expire on September 20, 2015, and

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

BE IT RESOLVED, That Howard Johansen is hereby re-appointed to serve as a member of the Conservation Advisory Council for a term to expire on September 20, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 346

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of John Reilly as a member of the Conservation Advisory Council will expire on September 20, 2015, and

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

BE IT RESOLVED, That John Reilly is hereby re-appointed to serve as a member of the Conservation Advisory Council for a term to expire on September 20, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 347

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the term of Richard Zaun as a member of the Community Housing Board will expire on August 12, 2015, and

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

BE IT RESOLVED, That Richard Zaun is hereby reappointed to serve as a member of the Community Housing Board for a term to expire on August 12, 2019.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 348

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

BE IT RESOLVED, That Patrick Anderson is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 349

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Tristan Wissemann is hereby appointed to serve as Lifeguard for the year 2015 at the rate of $15.00 per hour.

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

RESOLUTION NO. 350

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received in the amounts of $50.00, $150.00, $5.00, $5.00, $77,500.00, $5.00, $5.00 and $55,000.00 to the Community Preservation Fund account; the reimbursement funds received from the County of Suffolk in the amount of $1,028.39 to the Police Department 2015 A3120.110 regular overtime account; and the reimbursement funds received from Albert D'Agostino to the 2015 A1490.420 Public Works signs and signals account.

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

RESOLUTION NO. 351

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the maintenance agreement between the Town of Shelter Island and Carr Business Systems, P. O. Box 28330, New York, New York 10087-8330, for the copier located on the second floor of the Town Hall for the amount of $238.00 for the term of July 11, 2015 through July 10, 2016, to be paid as follows:

A4540.484	$29.75
A5710 400	$29.75
A8140.400	$29.75
B3610.400	$29.75
B8012.484	$29.75
B8020.484	$29.75
B8030.484	$29.75, and
B8710.484	$29.75.

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

RESOLUTION NO. 352

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $192.00 from the B3620.491 Building Department service contracts account and $192.00 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, 2015 through June 16, 2016 for the copy machine in the Building Department.

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

RESOLUTION NO. 353

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

"Whereas", Shelter Island Fireworks, Inc., 4 Hudson Avenue held a fireworks display on Shelter Island on Saturday, July 11, 2015, 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 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. 354

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

"Whereas", Li Productions for Aerie, P. O. Box 1349, East Hampton, New York 11937, has requested a filming permit for August 12 and 13, 2015, for filming at 52 Peconic Avenue and 60 Peconic Avenue, and

"Whereas", the filming crew consists of 20 persons, 1 motor home, 3 suv's and 1 prop/equipment van, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Highway Department responded that there must not be any obstructions on the road or walkways during these events, and all garbage must be picked up in the area, and

"Whereas", the Police Department responded that the applicants need to keep the majority of the vehicles on the location property, especially large commercial type vehicles; vehicles parked off location property (if any) on the public roadway shall be parked on the shoulder of the road, in the direction of travel, and will 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
Clean up deposit	$1,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 355

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $475.79 from the A1220.484 Supervisor's office and miscellaneous account to the Postmaster for the purchase of 971 stamps for a mailing.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 356

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the 2014/2015 Municipal Snow and Ice Agreement Amendment B between the State of New York and the Town of Shelter Island concerning expenditures.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 357

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

BE IT RESOLVED, That Jay L. Card, Jr., Superintendent of Highways, is hereby authorized and directed to execute any and all necessary documents to effectuate the proposed grant application to allow the Town of Shelter Island to receive a Community Capital Assistance Program ("CCAP") grant in the amount of $125,000 which will be utilized for resurfacing and repaving various roadways in the Town.

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 Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Town Clerk is hereby authorized and directed to advertise for requests for proposals for grantwriting services.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 359

Councilwoman Lewis 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 West Neck Water District phase 3 Mains Replacement project.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 360

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Erin Callan and Anthony Montella, Jr. have applied to the Shelter Island Town Board for a wetlands permit for the premises located at 24 South Midway Road, Shelter Island, New York and zoned C-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-019-01-005; and

"Whereas", the applicants seek a wetlands permit to construct a 447 square foot addition on the landward side of existing dwelling (number of bedrooms to remain unchanged), enclose roofed over screened porch on waterside, install leaders and gutters on addition and install "French drain" along front side of addition, all within the regulated area as shown on a survey by Nathan Taft Corwin last dated May 8, 2015, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 3/11/2014 for this project; and

"Whereas" this Board considered the proposed action at a public hearing, pursuant to notice, on July 10, 2015, 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) The parcel is a 29,449 square foot property bordering Menantic Creek; and

2) The parcel currently has a 1,658 square foot one story house located within the regulated area and a detached garage; and

3) Applicants seek to construct a 447 square foot addition and 48 square foot front porch on the landward side of the home, although still in the regulated wetlands area all as shown on the survey by Nathan Taft Corwin last dated May 8, 2015, and to enclose the roof over screened porch on the water side; and

4) As mitigation, applicants have offered to install gutters and drywells on the addition, add French drains along the easterly perimeter of the addition, and add plantings to stabilize the slope as shown in a vegetation plan by Hooger Landscape dated 6/23/2015; and

BE IT FURTHER RESOLVED, That the wetlands permit to construct a landward addition and enclose roofed over screened porch on waterside, within the regulated area for the premises located at 24 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 survey by Nathan Taft Corwin last dated May 8, 2015; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) install leaders, gutters and drywells on the addition as required by law; (2) install French drains along the easterly perimeter of the addition, and (3) add plantings to stabilize the slope as shown in a vegetation plan by Hooger Landscape dated 6/23/2015; and

3) During construction of the mitigation measures, wire-backed silt fences shall be securely placed to prevent stormwater runoff in the area identified on the survey by Nathan Taft Corwin last dated May 8, 2015. Soil disturbance should be minimized where possible, and construction materials shall be stored outside the regulated area; and

4) Construction procedures and erosion controls shall be designed to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; and
5) 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; 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 and the Building Permits Coordinator.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 361

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$500.00 from the A1930.400 Judgments & Claims account to the A6775.492 Residential Repair travel account;
$700.00 from the A3120.485 Police Department car maintenance account to the A3120.457 Police Department towing account;
$332.18 from the A3120.487-9 Police Department part time uniforms account to the A3120.273 Police Department firearms and ammunition account;
$7,000.00 from the A4010.101 Deer & Tick Town servicing personal services account, and
$3,142.88 from the A8160.108 Landfill hazmat personal services account to the A1490.118 Public Works personal services account;
$104.00 from the A6776.422 Silver Circle meals and snacks account and dispersed as follows:
$4.00 to the A6776.239 Silver Circle equipment account, and
$100.00 to the A6776.484 Silver Circle office and miscellaneous account;
$5,400.00 from the A8160.433 Landfill solid waste carting fees account, and
$5,400.00 from the A8160.451 Landfill C&D hauling account to the A8160.103 Landfill seasonal personal services account;
$1,885.00 from the B1990.400 Part Town Contingent account to the B3620.484 Building Inspector office and miscellaneous account; and
$3,000.00 from the DA5140.167 Highway Brush & Weeds double overtime personal services account to the A1490.121 Public Works overtime personal services account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 362

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That as per the request of the Town's accountants and auditors, the following 2014 General Fund budget transfers are hereby approved:
$220.00 from the A1010.200 Town Board equipment account,
$205.00 from the A1010.493 Town Board law library account,
$8,570.00 from the A1110.103 Justice Court clerk personal services account,
$810.00 from the A1110.492 Justice Court travel account,
$440.00 from the A1110.200 Justice Court equipment account,
$420.00 from the A1110.484 Justice Court office and miscellaneous account,
$144.00 from the A1220.200 Supervisor's equipment account,
$1,307.00 from the A1355.104 Assessors clerk personal services account,
$7,080.00 from the A1410.105 Deputy Town Clerk personal services account,
$2,810.00 from the A1490.122 Public Works double overtime personal services account,
$3,100.00 from the A1490.413 Public Works jetties and bulkheads account,
$719.00 from the A1930.400 Judgments and Claims account,
$2,000.00 from the A3120.113 Police Department part time police personal services account,
$8,000.00 from the A3120.124 Police Department unused vacation personal services account,
$750.00 from the A3120.131 Police Department overtime personal services account,
$820.00 from the A3120.270 Police Department car equipment account,

$4,000.00 from the A3120.483 Police Department telephones account,
$2,500.00 from the A3120.485 Police Department car maintenance account,
$400.00 from the A3120.487 Police Department uniforms account,
$540.00 from the A3120.491 Police Department contracts account,
$130.00 from the A3150.200 Jail equipment account,
$5,000.00 from the A4010.422 Deer & Tick Committee corn account,
$1,350.00 from the A4540.408 Ambulance building maintenance account,
$1,200.00 from the A4540.422 Ambulance food account,
$2,300.00 from the A4540.428 Ambulance communications account,
$500.00 from the A4540.445 Ambulance utilities account,
$500.00 from the A4540.478 Ambulance medical supplies account,
$2,349.00 from the A4540.485 Ambulance vehicle maintenance account,
$3,000.00 from the A4540.492 Ambulance travel account,
$191.00 from the A4560.423 Medical Center electricity account,
$132.00 from the A5010.200 Superintendent of Highways equipment account,
$1,200.00 from the A6772.141 Nutrition Program personal services account,
$1,700.00 from the A6772.142 Nutrition Program personal services account,
$1,610.00 from the A6775.156 Residential Repair personal services account,
$49.00 from the A6775.492 Residential Repair travel account,
$1,527.00 from the A6776.140 Silver Circle personal services account,
$1,538.00 A7020.105 FIT Aides personal services account,
$9,900.00 from the A7020.462 FIT Center account,
$19,076.00 from the A8160.451 Landfill C&D hauling account,
$9,600.00 from the A8160.433 Landfill solid waste hauling account,
$987.00 from the A8160.434 Landfill hazardous waste carting fees account,
$7,000.00 from the A8790.400 Shellfish Seeding account,
$11,441.00 from the A9015.800 Employee Benefits police retirement account,
$1,980.00 from the A9030.800 Social Security Benefits account,
$12,628.00 from the A9060.800 Medical Insurance Benefits account,
for a total of $141,723.00 and disbursed as follows:
$41.00 to the A1010.484 Town Board office and miscellaneous account,
$9,657.00 to the A1015.200 Media equipment account,
$883.00 to the A1110.106 Justice Court personal services account,
$53.00 to the A1220.107 Supervisor personal services account,
$1,950.00 to the A1330.476 Receiver of Taxes computer software account,
$1,655.00 to the A1220.110 Supervisor personal services account,
$307.00 to the A1330.484 Receiver of Taxes office and miscellaneous account,
$63.00 to the A1490.103 Public Works personal services account,
$2,747.00 to the A1490.125 Public Works personal services account,
$7,794.00 to the A1490.414 Public Works Town Hall & other buildings account,
$153.00 to the A1980.400 MTA Payroll Tax account,
$566.00 to the A3120.101 Police Department personal services account,
$728.00 to the A3120.108 Police Department personal services account,
$17,421.00 to the A3120.110 Police Department regular overtime personal services account,
$326.00 to the A3120.111 Police Department special overtime personal services account,
$216.00 to the A3120.115 Police Department seasonal police personal services account,
$442.00 to the A3120.117 Police Department school crossing guard personal services account,
$281.00 to the A3120.118 Police Department training personal services account,
$3,630.00 to the A3120.123 Police Department accrued sick time personal services account,
$400.00 to the A3120.488 Police Department uniform cleaning account,
$130.00 to the A3150.100 Jail personal services account,
$250.00 to the A4540.101 Ambulance custodian personal services account,
$4,500.00 to the A4540.102 Ambulance EMS Director personal services account,
$14,000.00 to the A4540.200 Ambulance equipment account,
$2,349.00 to the A4540.484 Ambulance office and miscellaneous account,
$191.00 to the A4560.408 Medical Center repairs and maintenance account,
$129.00 to the A5010.101 Superintendent of Highways secretary personal services account,
$3.00 to the A5010.400 Superintendent of Highways office and miscellaneous account,
$876.00 to the A6772.143 Nutrition Program personal services account,
$4,520.00 to the A6772.145 Nutrition Program personal services account,

$529.00 to the A6772.146 Nutrition Program personal services account,
$1,303.00 A6772.440 Nutrition Program maintenance account,
$244.00 to the A6775.439 Residential Repairs supplies account,
$49.00 to the A6775.484 Residential Repairs office and miscellaneous account,
$95.00 to the A6776.144 Silver Circle personal services account,
$1,538.00 to the A7020.102 Recreation Aides personal services account,
$217.00 to the A8160.101 Landfill part time secretary personal services account,
$60.00 to the A8160.102 Landfill secretary personal services account,
$144.00 to the A8160.105 Landfill hazmat personal services account,
$2,037.00 to the A8160.113 Landfill custodian personal services account,
$433.00 to the A8160.115 Landfill custodian personal services account,
$142.00 to the A8160.116 Landfill custodian personal services account,
$794.00 to the A8160.119 Landfill part time custodian personal services account,
$2,354.00 to the A8160.132 Landfill vacation sellback personal services account,
$3,186.00 to the A8160.133 Landfill personal services account,
$3,516.00 to the A8160.199 Landfill deferred compensation account,
$774.00 to the A8160.484 Landfill office and miscellaneous account,
$230.00 to the A8510.484 Taylor's Island office and miscellaneous account,
$30,824.00 to the A8510.408 Taylor's Island cabin repairs account,
$4,053.00 to the A8711.100 Piping Plover personal services account,
$312.00 to the A8711.158 Piping Plover personal services account,
$6,271.00 to the A9010.800 Employee Benefits state retirement system account,
$3,166.00 to the A9040.800 Workers Compensation Benefits account, and
$3,191.00 to the A9060.801 Health Insurance Stipends account; and

BE IT FURTHER RESOLVED, That as per the request of the Town's accountants and auditors, the following 2014 Highway A Fund budget transfers are hereby approved:
$280.00 from the DA5130.151 Highway Machinery personal services account,
$352.00 from the DA5130.152 Highway Machinery overtime personal services account,
$1,435.00 from the DA5130.154 Highway Machinery double overtime personal services account,
$12.00 from the DA5130.246 Highway Machinery equipment account,
$1,415.00 from the DA5130.447 Highway Machinery oils, fluids and grease account,
$966.00 from the DA5140.145 Highway Brush & Weeds part time personal services account,
$2,129.00 from the DA5140.149 Highway Brush & Weeds deferred compensation account,
$468.00 from the DA5140.151 Highway Brush & Weeds personal services account,
$9,316.00 from the DA5140.167 Highway Brush & Weeds overtime personal services account,
$9,153.00 from the DA5140.168 Highway Brush & Weeds double overtime personal services account,
$2,590.00 from the DA5140.487 Highway Brush & Weeds clothing allowance account,
$443.00 from the DA5140.491 Highway Brush & Weeds refurbish equipment account,
$741.00 from the DA5140.481 Highway Brush & Weeds safety gear account,
$5,973.00 from the DA5142.147 Highway snow removal personal services account,
$47.00 from the DA9010.847 Highway Snow/Brush & Weeds retirement account,
$1,998.00 from the DA9030.846 Highway Machinery social security account,
$3,406.00 from the DA9030.847 Highway Snow/Brush & Weeds social security account, and
$7,468.00 from the DA9060.847 Highway Snow Removal health insurance account, for a total of $48,192.00 and dispersed as follows:
$57.00 to the DA1980.400 Highway MTA Payroll Tax account,
$564.00 to the DA5130.146 Highway Machinery mechanic personal services account,
$2,187.00 to the DA5130.147 Highway Machinery mechanic personal services account,
$2,548.00 to the DA5130.150 Highway Machinery deferred compensation account,
$1,941.00 to the DA5130.155 Highway Machinery personal services account,
$12,934.00 DA5130.246 Highway Machinery equipment account,
$10,900.00 to the DA5130.499 Highway Machinery capital reserve expense account,
$1,233.00 to the DA5140.147 Highway Brush & Weeds personal services account,
$2,314.00 to the DA5140.148 Highway Brush & Weeds vacation sell back account,
$1,040.00 to the DA5140.150 Highway Brush & Weeds personal services account,
$247.00 to the DA5140.152 Highway Brush & Weeds personal services account,
$2,093.00 to the DA5140.153 Highway Brush & Weeds personal services account,
$516.00 to the DA5140.154 Highway Brush & Weeds personal services account,
$362.00 to the DA5140.155 Highway Brush & Weeds personal services account,

$1.00 to the DA5140.156 Highway Brush & Weeds personal services account,
$8,058.00 to the DA5140.169 Highway Brush & Weeds personal services account, and
$1,197.00 to the DA5140.447 Highway Brush & Weeds outside contractors account; and

BE IT FURTHER RESOLVED, That as per the request of the Town's accountants and auditors, the following 2014 Highway B Fund budget transfers are hereby approved:
$4,065.00 from the DB5110.159 Highway Repair & Improvements overtime personal services account,
$11,887.00 from the DB5110.475 Highway Repair & Improvements causeway repairs account, and
$47.00 from the DB9030.845 Highway Repair & Improvements social security account, for a total of $15,999.00 and dispersed as follows:
$2,309.00 to the DB5110.146 Highway Repair & Improvements personal services account,
$952.00 to the DB5110.148 Highway Repair & Improvements personal services account,
$1,947.00 to the DB5110.149 Highway Repair & Improvements personal services account,
$2,410.00 to the DB5110.152 Highway Repair & Improvements personal services account,
$2,763.00 to the DB5110.162 Highway Repair & Improvements personal services account,
$5,571.00 to the DB5110.480 Highway Repair & Improvements MS4 account, and
$47.00 to the DB9040.845 Highway Repair & Improvements workers compensation account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 363

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That general claims numbered 1029 through 1143 in the amount of $87,698.44, highway claims numbered 162 through 174 in the amount of $6,457.14, and West Neck Water claims numbered 21 through 25 in the amount of $6,366.43 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 4:53 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Jeffrey Lightcap, 131 South Ferry Road, for permission to construct a 96' splashboard system along south side of existing dock structure.

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 WMAC, I think they discussed it at their July 6th meeting, they had just gotten it, I think that morning or the day before and they hadn't gotten out to look it, they had a lot of concerns, as it is, they were 0 in favor, 4 against, they all agreed to go out and look at it and come up with some alternate solutions for the applicant to try to offer some, I've talked to some and they meet again this Monday; this Monday; yeah this Monday, the concerns they had were that waves could bounce off it and back to the south that would affect the dock to the south, this is a unique property cause it was two properties merged, one was a commercial operation with a total of 3 docks on the property, it's just a pre-existing non-conforming and this is adding to the non-conforming, there were suggestions from tightening from the hinges, one thought I had was possibly like a heavier floating dock system, like you see these concrete floating docks a lot, like in Europe and over at Mitchell Park and they just have the ___, if you have a 40 foot boat that displaces 15,000 pounds and you have a 40 foot boat that displaces 45,000 pounds, it's a lot more stable when the waves come and hit it, that was just one thought I had but they went and looked at it, I think most of the members if not all of them over the past week or so and they wanted to kind of review it again on Monday night; thank you Peter.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Jeff Lightcap, the applicant on that permit, we've had in the last 10 years, a tremendous problem with large boats, 70, 80, 90, a hundred feet doing 40 miles an hour that, throwing huge wakes, a 75 year old _____ line was thrown off the float into the water, he had his back turned, a three foot wave came in and threw him in, they're subject to

property damage down there, these problems did not exist prior to these boats, you can see 'em, going over the bridge in Sag Harbor, they're all lined up there, those are the culprits, I have, the problem may be unique to my particular property but it's also recognized by Cliff Clark who has had wakes wash over the ferry while he's loading the ferry, there will be someone injured down there at Smith Cove and there will be property damage if we don't address it, I happen to own the dock to the south as well and you know I'm happy to work with the Town, I met with John Needham down there, he had a couple of suggestions, he was gonna bring an engineer and come back with some more suggestions which I'm happy to implement, I mean spending the money on a splashboard, you can't walk on it, you can't tie a boat up to it, it's not an expenditure that anybody would in their right mind would make unless they had a severe problem so I'm happy to work with the Town, there's a real problem, it would be helpful if we had more patrols out there and ticketed some of those boats, it's a kayakers out there and a whole bunch of things but I just ask that the Waterways Committee and the Town Board keep an open mind if those other solutions don't work, the Army Corps and DEC have recognized the problem and granted me a permit so it sits with the Town now, I'm happy to try other things but I just don't want to get foreclosed on this solution if the other solutions don't work; what's the ice like in that area, I mean like movement, I mean I also thought this could be kind of an ice catcher; I worried about that as well, spending the money to put it in if we have winter like we had the last two, you know, I'll ask Jack to comment; yes; he does not think it would be a problem but I do have, like I said this is not an expenditure I'm dying to make, maybe the $75,000 is better put in heavy floats or whatever but we have to do something, the land is silting up back there because of the wakes, it's a dangerous situation and I have two expensive sport fishing boats that get thrown around like crazy with these wakes and something has got to be done so I'm happy to, really Peter, we talked yesterday, I'm happy to work with you guys, I just don't want to be closed out because if what you suggest doesn't work; right; you know somebody's got to be down here saying you know, their captain you know, broke his neck in an engine room and then we've got a whole different thing going on; I'm certainly gonna recommend that we don't, we keep this open at least for the WMAC; I'd like to ask a question; yes Paul; I don't know if you'd answer it or Jack but how deep below the water are these things extending, generally speaking; I'll ask Jack; 2 feet above the ground; 2 feet above the ground, okay, so essentially is it wave action you are trying to interfere with; it's wave; so you think it's deep enough to actually interfere with that then effectively, to knock that down; yes; not just surface; just a couple of feet deep, right; yes; I mean you know the Town has limited marine resources, they can't be there all the time, I perfectly well understand that but if we could get them to be there a little bit more and if they could give some guys a ticket, you know it's an extreme suggestion and I'm not really wishing it but if the Coast Guard were there, they would take away a professional captain's license, most of these boats are run by professional captains and all it takes is one or two guys to lose their license and that would solve the problem for everybody, I believe they have the same problem, I've heard about it going around the north side when they come around the point and come in to Sunset Beach so it's something that selected homeowners are gonna have to deal with this, I think the Town's got to help out somehow, okay; thank you; thank you; do you want to add anything, I'll be there on Monday night; good; we'll keep the hearing open; thank you; one question, I don't think it showed, what is the depth at the inboard end and the outboard end, I don't know if it showed that on the; well we have the hydrographic so I'll bring that; okay, I'm just curious, is it staying 2 feet off, if it's only 4 feet at the inboard end, that means you've only got 2 foot in the water and maybe if it's 8 foot out, you have 6 foot in the water, I'm just wondering what; well it still flows underneath; no I know but I'm just saying, how much is actually in the water that's gonna be stopping it; I understand; stopping it like at the inboard end, if it's 6 feet deep or is it; I'll find that out; okay; I won't have it at the meeting on Monday but I'll be there; okay; and we'll talk about it; okay; good; thank you; 6 o'clock now, it used to be 7, now it's 6; okay, I'll see you there; okay; thank you; I'm recessing this and keeping it open; and we'll keep it open til the next meeting, right; yes, okay, thank you.

The Supervisor declared the public hearing recessed at 5:01 p. m. and called to order the public hearing to be held as advertised on a proposed Local Law entitled Irrigation Cleanup Legislation.

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: we discussed it at several work sessions and I think we're

generally familiar with it, we've had 6 or 8 months of experience with the irrigation law going into force, the reason being _ but we saw opportunities to _; we will be back; yeah.

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 proposed Local Law entitled A LOCAL LAW AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY.

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

Correspondence included the following:
1. A letter from Scott Sivco urging the Town Board to extend the hearing on this proposed Local Law until the August 21st meeting to allow more time for comments and arguments.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: are we inclined to keep the hearing open; it is duly advertised; I didn't see any compelling argument for it; no; he made some points that could conceivably be relevant and yet looking at the particulars of our world; I didn't see it; you didn't, that's just my opinion; if we had 20 or 30 letters, I might be inclined to, from different people with concerns about it like we do with other things; the thing is we've got positions that need to be filled; yeah; we need qualified people; right; I think every effort is made to do that; yes indeed, it gives us a little more flexibility when we need it, we hire residents every opportunity we get.

The Supervisor declared the public hearing closed at 5:07 p. m. and reconvened the recessed public hearing on the application of Hirsch & Co., LLC, 24 Hilo Drive, to construct a fixed and floating dock with stairs and walkway approach into West Neck Bay.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: this, if you recall, Dottie doesn't have to read anything, right; no I don't have to read it; this is, I think it was 3 meetings ago, so that would have been 9 weeks ago we had the hearing, and the one thing, the piece that we were missing, we had a sketch of the dock and we had a survey but we didn't have the dock on the survey and that's what we needed and I guess it took a while, we got it a couple of days ago, I looked at it and I don't see any problems, it meets the length and I did check cause it's 27 foot from the property to the west and I couldn't remember, is this A or double A, everywhere a dock has to be put 25 foot from the setback of the property line except in double A which is 30 foot but I did confirm with Mary Ellen, it is just single A so the side setback is fine, I'm fine with it but since the WMAC had time invested in this, I would certainly run this past them on Monday night, other than that I think it's fine, thanks for getting that, it took a while; we had somebody do the plans and then I had to redo the plans myself so it took time; you fellas want to say anything; no, we're fine; well thank you very much and you will be at the meeting on Monday; yeah; it's 6 o'clock, so do we keep the hearing open; keep it open for WMAC comments; limited to WMAC comments; yeah; I'll report on that; anything you want to; I'll report that Tuesday at the work session; okay, good.

The Supervisor declared the public hearing closed at 5:10 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 364

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a public hearing was duly held on the 31st day of July, 2015, on a proposed Local Law entitled Irrigation Cleanup Legislation, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 7 - 2015 entitled Irrigation Cleanup Legislation, is hereby, as follows:

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

Section 1. Purpose. This law is intended to clean up the Irrigation Law and clarify language and is not intended to effect any substantive change in the overall purpose and intent of the Irrigation Law adopted in February 2015.

Section 2. Amend Shelter Island Town Code §82-5 Irrigation System Operation, Subsection B, to read as follows:

B. All persons using a turf irrigation system, whether grandfathered or cistern, or a drip irrigation system with the number of emitters specified in 82-8, must obtain an initial Town irrigation permit for that system, which is issued for the period one year and is renewable annually.
Section 3. Amend Shelter Island Town Code §82-8, Drip Irrigation requirements, to read as follows:
C. In the Non-Near Shore Zone, only a drip irrigation system with over 1500 emitters will require an irrigation permit.
D. In the Near Shore Zone, only a drip system with over 250 emitters shall require an irrigation permit and shall meet the following additional standards:

1. Shall be equipped with a master valve, time clock and moisture sensor; and
2. Shall be fed only from a cistern as described for turf irrigation systems, except that if an owner can establish that the drip system uses less water than the grandfathered irrigation system it is replacing, the owner may obtain a permit to convert to that drip system without a cistern.

Section 4. Amend Shelter Island Town Code §82-9 Irrigation System Operation, subsection 2, to read as follows
2. Irrigation zones may be watered up to 30 minutes per zone cycle for no more than one inch water per week, within the time specified above.
Section 5. Amend Section 82-10 Exemptions subsection G. Delete the exemption in (G) for a soaker hose.
Section 6. 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. 365

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a public hearing was duly held on the 31st day of July, 2015, on a proposed Local Law entitled A LOCAL LAW AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY, and

"Whereas", all interested persons were heard in favor of in opposition to said law, now, Therefore

BE IT RESOLVED, That Local Law No. 8 - 2015 entitled A LOCAL LAW AMENDING CHAPTER 16, ENTITLED OFFICERS AND EMPLOYEES, RE: RESIDENCY, is hereby adopted, as follows:

Be it enacted by the Town Board of the Town of Shelter Island, as follows:
Section 1. Amend Chapter 16-3 of the Shelter Island Town Code, titled "Officers and Employees" by adding subsection H. as follows:
§16-3. H. Part time employees, but only if first priority for hiring is given to qualified residents.
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 Reich and seconded by Supervisor Dougherty, the meeting was adjourned at 5:14 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

August 21, 2015

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 21st day of August, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and six persons were also present.

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

Salute to flag.

The Supervisor presented the following financial report for the month of July, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
JULY 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	3,657,596.37	184,951.32	956,269.06	2,886,278.63	767,190.07
Hwy Checking	858,613.74	28,704.74	128,335.17	758,983.31	0.00
T&AChecking	395,99.51	45,040.94	22,770.44	418,263.01	15,342.01
T&A Savings	1,217.85	0.31	0.00	12,218.16	
Hwy Cap Res	227,862.76	5.81	0.00	227,868.57	
WNW Supply	62,919.56	20,123.46	9,546.93	73,496.09	40,623.31
Taylor's Island	39,701.33	0.33	0.00	39,701.66	
Comm Preserv	3,648,917.22	118,929.09	0.00	3,767,846.31	590,000.35
Waterways	260,225.58	2,700.00	1,500.00	261,425.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,772.08
Environmental	13,750.00	0.00	0.00	13,750.00	
AmbulanceRes	262,537.24	11.07	0.00	262,548.31	
TOTALS	9,854,952.71	400,467.07	1,118,421.60	9,136,998.18	1,764,927.82

RESOLUTION NO. 366

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Nancy Richardson, 7 Apple Orchard Lane, has petitioned the Town of Shelter Island for permission to construct a 5' by 132' fixed dock with a 5' by 30' "L" section, a 4' by 40' lower platform and 70' splashboard system below dock at offshore end, construct a 6' by 6" platform at top of bank and a 3' wide access stairway down to beach, in West Neck Harbor, 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 11th day of September, 2015, 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. 367

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Norman Mooney, 22 Glynn Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.062225° north and longitude 72.364489° 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 4:45 p. m., prevailing time, on the 11th day of September, 2015, 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. 368

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", William Buice, 28 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct 120' of new 10' high retaining wall, fill void areas landward of new wall with clean trucked in fill as needed (140 +/- cubic yards), regrade areas and revegetate with native plantings to match existing, and install 120' of one and a half to three ton rock armoring at base of new retaining wall, 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 4:47 p. m., prevailing time, on the 11th day of September, 2015, 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. 369

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

"Whereas", Francis A. Bertini, 24 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct 61' of new 10' high retaining wall with a 12' return at northeast corner, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 72' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall, 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 11th day of September, 2015, 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. 370

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

"Whereas", Robert Haines and Ellen Siegel, 26 Prospect Avenue, have petitioned the Town of Shelter Island for permission to construct 180' of new 10' high retaining wall, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 180' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall, 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 11th day of September, 2015, 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. 371

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Winifred Mead, 30 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct 100' of new 10' high retaining wall with a 12' return at southwest corner, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 112' of 1 and 1/2 3 ton rock armoring at base of new retaining wall, 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 4:50 p. m., prevailing time, on the 11th day of September, 2015, 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. 372

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

"Whereas", the term of Peder Larsen as a member of the Conservation Advisory Council will expire on September 20, 2015, and

"Whereas", Peder Larsen has expressed his willingness to continue to serve the Town of Shelter Island in said capacity, now, Therefore

BE IT RESOLVED, That Peder Larsen is hereby re-appointed to serve as a member of the Conservation Advisory Council for a term to expire on September 20, 2017.

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

RESOLUTION NO. 373

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Paulette Van Vranken as a member of the Conservation Advisory Council will expire on September 20, 2015, and

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

BE IT RESOLVED, That Paulette Van Vranken is hereby re-appointed to serve as a member of the Conservation Advisory Council for a term to expire on September 20, 2017.

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 Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from Microsoft Corporation in the amount of $38.55 to the 2015 A1620.476 Buildings computer services account, the reimbursement funds received from The Nature Conservancy in the amount of $1,700.00 to the 2015 A4010.422 Deer and Tick corn account, the reimbursement check received from Wainscott Sand and Gravel Corp. in the amount of $5,000.63 to the 2015 DB5110.441 Highway fuel account, and the reimbursement funds received from New York Municipal Insurance Reciprocal in the amount of $33.10 to the 2015 A3120.485 Police Department car maintenance account.

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

RESOLUTION NO. 375

Councilwoman Lewis 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 installation of a double broadcast epoxy/quartz flooring system in the EMS building.

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

RESOLUTION NO. 376

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015 through March 31, 2016.

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

RESOLUTION NO. 377

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Li Productions paid a clean up deposit of $1,000.00 for filming on May 23, 2007, 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 $1,000.00 clean up fee to Li Productions, P. O. Box 1349, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 378

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Hirsch & Co., LLC, 24 Hilo Drive, has petitioned the Town of Shelter Island for permission to construct a fixed and floating dock with stairs and walkway approach into West Neck Bay, and

"Whereas", a public hearing was duly held on the 29th day of May, 2015, and reconvened on June 19, 2015, July 10, 2015, and July 31, 2015, 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 and pursuant to hydrographic survey from Robert H Fox, licensed land surveyor, dated June 2, 2015, 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 1 opposed (Councilman Reich voted nay)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 379

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

BE IT RESOLVED, That voucher number 145, in the amount of $2,385.00, paid to Chase Card Services on February 18, 2015 for Association of Towns accommodations, is hereby amended to be paid to Chase Card Services in the amount of $2,354.95.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 380

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

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$1,700.00 from the A6776.422 Silver Circle food account and dispersed as follows:
$500.00 to the A6776.408 Silver Circle maintenance account,
$1,000.00 to the A6776.445 Silver Circle utilities account, and
$200.00 to the A6776.484 Silver Circle office and miscellaneous account;
$1,135.00 from the B1990.400 Part Town Contingent account to the B3620.484 Building Inspector office and miscellaneous account; and
$2,100.00 from the DA5130.491 Highway Machinery refurbish equipment account to the DA5142.447 Highway Snow Removal salt, sand, etc. account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 381

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 1144 through 1271 in the amount of $96,865.94, highway claims numbered 175 through 191 in the amount of $130,517.77, and West Neck Water claims numbered 26 through 27 in the amount of $4,174.00 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 4:45 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Derek O. Jacobson, 26 Tuthill Drive, for permission to install a mooring in Coecles Harbor at a location off the end of the applicant's dock and designated as latitude 41.073338° north and longitude 72.290760° west; said mooring location was formerly occupied by the C-2258 Salm 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: WMAC met on August 3rd, this is a takeover of an existing mooring in front of the house, they were in favor 4, 0 against and 1 abstain.

The 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 4:46 p. m. and called to order the public hearing to be held as advertised on the application of Derek O. Jacobson, 26 Tuthill Drive, for permission to install a mooring in Coecles Harbor at a location off the end of the applicant's dock and designated as latitude 41.073655° north and longitude 72.290332° west; said mooring location was formerly occupied by the C-2918 Wilcox 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: this also is right in front of the house, it was reviewed on August 3rd and again it was 4 in favor, 0 against, 1 abstain, no problem with this application.

The 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 4:47 p. m. and called to order the recessed public hearing to be held as advertised on the application of Jeffrey Lightcap,

131 South Ferry Road, for permission to construct a 96 foot splashboard system along south side of existing dock structure.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: we had a report at the work session after that last meeting, we talked about alternatives for the Lightcap, Jack Costello was at the WMAC, it was probably about a 45 minute discussion, all 5 WMAC members were okay with the idea of cement floats, thinking that that would calm the waves down, they said they might approve the splashboard as requested with some various horse trading such as removing the third or the most southerly dock and the boatlift on the northerly dock, but I think that the applicant, I don't think we need to necessarily act on this tonight, I think we can hold it open because I think they're still exploring some options and it's not like they're gonna do anything for the waves this summer; right; whatever he's gonna do and he doesn't know at this point, I think he'd like to have it resolved so it's in place before next season; the horse trading hasn't begun at all yet; no; no because Jack was gonna investigate the cement floats and pricing availability, sizing, there are different types, some extend down further into the water, some of them draw you know, the floats Costello typically built, the real system, extend into the water about 9 inches, some of the cement floats extend into the water 2 feet and that's part of my argument, I think that would help break the waves, there's much more mass to them and they're more stable so there's an issue with depth, if it's too deep that that float would sit on bottom at low tide, the DEC may have issues so they're investigating so I think we can just hold this; hold this open til September 11th; til September 11th; okay, hold it; the WMAC meets again on the Thursday, is it September 10th or is it the week before that, so the WMAC meets the day before that.

The 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 held open at 4:50 p. m., to be reconvened at the next regular Town Board meeting on September 11th, and reconvened the regular meeting.

RESOLUTION NO. 382

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Derek O. Jacobson, 26 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location off the end of the applicant's dock and designated as latitude 41.073338° north and longitude 72.290760° west; said mooring location was formerly occupied by the C-2258 Salm mooring, and

"Whereas", a public hearing was duly held on the 21st day of August, 2015, 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. 383

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Derek O. Jacobson, 26 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location off the end of the applicant's dock and designated as latitude 41.073655° north and longitude 72.290332° west; said mooring location was formerly occupied by the C-2918 Wilcox mooring, and

"Whereas", a public hearing was duly held on the 21st day of August, 2015, 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 Reich and seconded by Councilman Brown, the meeting was adjourned at 4:52 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

August 27, 2015

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 August, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd and Town Clerk Dorothy S. Ogar were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 11:50 a. m.

RESOLUTION NO. 384

Councilman Reich 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 $350.00 from the A3120.484 Police Department office and miscellaneous account to Chase Card Services for the Chief of Police's registration and hotel confirmation for the 2015 IACP Annual Conference & Exposition to be held October 24 - 27, 2015 in Chicago, Illinois.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 385

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", effective August 28, 2015, a vacancy will exist as Clerk Typist to the Committees of the Town, and

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

BE IT RESOLVED, That Jeanette Flynn Payne is hereby appointed to serve as Clerk Typist for the Committees for a 30 hour week at the rate of $20.27 per hour, effective immediately.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Reich and seconded by Supervisor Dougherty, the special meeting was adjourned at 11:52 a. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 3, 2015

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 3rd day of September, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, and Paul D. Shepherd. Councilman Peter S. Reich and Councilwoman N. Christine Lewis were absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and three persons were present. All Town Board members present signed a waiver of notice.

The Supervisor called the special meeting to order at 11:32 a. m.

RESOLUTION NO. 386

Councilman Brown offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Moxie Productions in connection with Li Productions for Tory Burch, P. O. Box 1349, East Hampton, New York 11937, has requested a filming permit for September 8th and 9th, 2015, for filming at 52 Peconic Avenue, and

"Whereas", the filming crew consists of 50 to 60 persons, 2 motor homes, four 16 foot cube trucks, 10 to 12 assorted other suvs, and 2 port-a-loos, 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 these events, and all garbage must be picked up in the area, and

"Whereas", the Police Department is recommending that the Town collect $2,000.00 in fees for Police services; the Police Department will provide traffic control, permit compliance, and other functions during the photo shoot; fees collected and not used can be returned to the applicant at the conclusion of the photo shoot; the Police Department has also reviewed the site location and discussed with Li Productions (Holly) the need to keep the majority of the vehicles on the location property, especially large commercial type vehicles; vehicles parked off of location property (if any) on the public roadway shall be parked on the shoulder of the road, the direction of travel, and will not obstruct normal roadway usage; Li Productions will wok with surrounding property owners and other public parking locations to reduce the impact of commercial vehicles parked on the roadway shoulders, 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
Late filing fee	$1,500.00
Two days filming fees $2,000 per day	$4,000.00,
Clean up deposit	$1,000.00, and
Deposit for Police Services	$2,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilman Brown, the special meeting was adjourned at 11:38 a. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 11, 2015

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 11th day of September, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd. Councilwoman N. Christine Lewis was absent. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty-three persons were also present.

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

Salute to flag.

Supervisor Dougherty called for a moment of silence to reflect on the memory of the September 11, 2001 terrorist attack on the World Trade Center in New York, the crashing of the plane in Pennsylvania and the terrorist crashing of a plane into the Pentagon building in Washington, D.C., on this fourteenth anniversary of the tragedies.

Correspondence included the following:
1. An e-mail from Barbara Taragon urging the Town Board to support funding for the USGS testing of water.
2. A letter from James T. Murphy concerning the Irrigation Law.
3. An e-mail from Kathryn A. Cunningham, President of the Menantic Peninsula Association concerning the proposed renovations to the property located at 21 Montclair Avenue.
4. An e-mail from Gail Palminteri concerning the website called Airbnb and people renting their homes out to total strangers on the internet for weekends and very short stays.
5. A letter from Ed Brown stating that as of December 31, he will be leaving his position as Town Councilman for personal reasons.

The Supervisor presented the following financial report for the month of August, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
AUGUST 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	2,886,278.63	124,003.15	512,530.41	2,497,751.37	767,225.98
Hwy Checking	758,983.31	9,686.64	257,217,32	511,452.63	
T&AChecking	418,263.01	19,865.36	19,738.96	418,389.41	15,342.85
T&A Savings	12,218.16	0.31	0.00	12,218.47	
Hwy Cap Res	227,868.57	5.25	25,000.00	202,873.82	
WNW Supply	73,496.09	5,517.93	4,174.00	74,840.02	40,625.17
Taylor's Island	39,701.66	84.93	0.00	39,786.59	
Comm Preserv	3,767,846.31	309,241.40	0.00	4,077,087.71	590,027.94
Waterways	261,425.58	1,525.00	0.00	262,950.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,788.51
Environ Fund	13,750.00	2,000.00	0.00	15,750.00	
Ambulance Re	262,548.31	11.07	0.00	262,559.38	
TOTALS	9,136,998.18	471,941.04	818,660.69	8,790,278.53	1,765,010.45

RESOLUTION NO. 387

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", James J. Schoepfer and Anne Marie Norris, 38 Brander Parkway, have petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay, approximately 75' out from ramp at West Neck Road Town landing at a location designated as 41.06593° north and 72.36442° west; said mooring location was formerly occupied by the W-1908 Kane 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 4:45 p. m., prevailing time, on the 2nd day of October, 2015, 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. 388

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", J. W. Piccozzi, Inc., 176 North Ferry Road, has petitioned the Town of Shelter Island for permission to remove 162' of existing bulkhead and 14' east return, construct 162' of new bulkhead and 14' east return in place, and regrade disturbed areas, 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 October, 2015, 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. 389

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

"Whereas", John E. Woodward, 10 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 275 to 300 feet offshore of existing bulkhead and centered approximately 60 feet between north and south property lines at a location designated as latitude 41.07478° north and longitude 72.29301° west; said mooring location was formerly occupied by the C-2024 Woodward 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 4:47 p. m., prevailing time, on the 2nd day of October, 2015, 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. 390

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

"Whereas", South Ferry Hills Association, has petitioned the Town of Shelter Island for permission to construct approximately 348 linear feet of vinyl bulkhead in place of existing timber bulkhead, construct approximately 35 linear feet of vinyl bulkhead in place of and up to 12" higher than existing timber bulkhead, and incidentally dredge 10' by +/- 118' and 10' by +/- 98' areas adjacent to bulkheading within inlet channel to a maximum depth of -3.5' MLLW, using approximately 200 cubic yards of resultant sand spoil as backfill, 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 October, 2015, 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. 391

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Mark Cappellino as member of the Conservation Advisory Council will expire on September 20, 2015, and

"Whereas", Mark Cappellino has expressed his willingness to continue to serve the Town in said capacity, now, Therefore

BE IT RESOLVED, That Mark Cappellino is hereby reappointed to serve as member of the Conservation Advisory Council for a term to expire on September 20, 2017.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 392

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", the term of Jay L. Card, Jr. as member of the Conservation Advisory Council will expire on September 20, 2015, and

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

BE IT RESOLVED, That Jay L. Card, Jr. is hereby reappointed to serve as member of the Conservation Advisory Council for a term to expire on September 20, 2017.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 393

Supervisor Dougherty 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 funds received from the Carol Mackay Living Trust in the amount of $50.00 to the Community Preservation Fund Account; the reimbursement funds received from The Nature Conservancy in the amount of $3,104.00 to be credited as follows: $2,550.00 to the 2015 A4010.422 Deer and Tick corn account, and $554.00 to the 2015 A4010.491 Deer and Tick maintenance account; the reimbursement funds received from the Shelter Island Country Club, Inc. in the amount of $44.00 to the 2015 A8160.433 landfill solid waste carting fees account; and the reimbursement funds received from the Shelter Island Country Club, Inc. in the amount of $139.68 to the 2015 A1490.410 Public Works grounds maintenance account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 394

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the funds received from the Shelter Island Ambulance Foundation, Inc., in the amount of $16,000.00 to the appropriate revenue account, and

BE IT FURTHER RESOLVED, That said funds are hereby designated to be credited to the Ambulance Capital Reserve fund.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 395

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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, 2015 through March 31, 2016, with an option, to be exercised at the County's discretion to September 30, 2016; said funding for said contract shall not exceed $8,016.00.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 396

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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, 2015.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 397

Supervisor Dougherty 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 $106.00 to Donald R. Magill, 2284 Farm to Market Road, Johnson City, New York 13790, from the A1110.484 Justice Court office and miscellaneous account for the purchase of manuals for the Town Justices.

Vote: 4 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 Brown, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $60,000.00 from the A9025.800 LOSAP account to Penflex, Inc., 50 Century Hill Drive, Suite #3, Latham, New York 12110 for the 2015 contribution for the Length of Service Awards Program (LOSAP) for the volunteer ambulance workers for the program.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 399

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $99.00 from the A3120.483 Police Department telephone account to Chase Card Services for the annual LogMeIn subscription.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 400

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", filming permit number 52 was issued on August 25, 2015 to Gilt Group for filming at Shell Beach and Wade's Beach on August 25 and 26, 2015, 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 Gilt Group, 2 Park Avenue, 4th Floor, New York, New York 10016.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 401

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

BE IT RESOLVED, That a special meeting of the Town Board of the Town of Shelter Island will be held at 4:00 p. m., prevailing time, on the 2nd day of October, 2015, in the Shelter Island Town Hall, Shelter Island, New York, for budget purposes.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 402

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

"Whereas", Jay L. Card, Jr., Superintendent of Highways, has requested permission to advertise for sealed bids 3,000 + or - tons of type 6F asphaltic concrete delivered and applied; now, Therefore

BE IT RESOLVED, That said request is hereby approved.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 403

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 2016, now, Therefore

BE IT RESOLVED, That a public hearing will be held on the 2nd day of October, 2015, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 404

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$400.00 from the A1330.484 Receiver of Taxes office and miscellaneous account to the A1330.200 Receiver of Taxes equipment account;

$77.00 from the A1356.100 Assessment Board of Review personal services account and dispersed as follows:

$42.00 to the A1356.102 Assessment Board of Review personal services account, and

$35.00 to the A1356.104 Assessment Board of Review personal services account;

$1,000.00 from the A1490.424 Public Works fuel depot account to the A1490.200 Public Works equipment account;

$800.00 from the A3120.485 Police Department car maintenance account to the A3120.457 Police Department towing account;

$1,000.00 from the A6776.422 Silver Circle meals and snacks account to the A6776.408 Silver Circle maintenance account;

$0.07 from the A7020.101 Recreation longevity personal services account to the A7020.104 Recreation longevity personal services account;

$1,000.00 from the A8160.104 Landfill hazmat personal services account,

$1,000.00 from the A8160.106 Landfill hazmat personal service account, and

$2,000.00 from the A8160.107 Landfill hazmat personal services account to the A8160.127 Landfill overtime personal services account; and

$400.00 from the A8510.412 Taylor's Island dock repair account to the A8510.484 Taylor's Island office and miscellaneous account.

Vote: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 405

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

BE IT RESOLVED, That general claims numbered 1272 through 1385 in the amount of $91,702.87, highway claims numbered 192 through 205 in the amount of $19,926.07, and West Neck Water claim numbered 28 in the amount of $3,253.70 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

At 4:45 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of Norman Mooney, 22 Glynn Drive, for permission to install a mooring in West Neck Bay at a location designated as latitude 41.062225° north and longitude 72.364489° west.

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 WMAC had just gotten this and hadn't had a chance to really look at it

prior to the meeting last night so they tabled it because they had a full agenda, they're looking for a mooring down in West Neck Bay, kind of down in here, we basically have, there's no problem getting him a mooring, it would be up in here though, the applicant's house is down on Glynn Drive, we've been trying to keep everything up in here except for riparian moorings, keep it as open as possible, so we'll come up with some other coordinates this week and I can kind of poll the WMAC members.

The 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 4:47 p. m. except for comments from the WMAC, and called to order the public hearing to be held as advertised on the application of Nancy Richardson, 7 Apple Orchard Lane, for permission to construct a 5' by 132' fixed dock with a 5' by 30' "L" section, a 4' by 40' lower platform and 70' splashboard system below dock at offshore end, construct a 6' by 6' platform at top of bank and a 3' wide access stairway down to beach, in West Neck Harbor.

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: WMAC looked at this at the August 3rd meeting and they were in favor 5 - 0, they didn't have any problem with it.

The 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 the application of William Buice, 28 Prospect Avenue, for permission to construct 120' of new 10' high retaining wall, fill void areas landward of new wall with clean trucked in fill as needed (140 +/- cubic yards), regrade areas and revegetate with native plantings to match existing, and install 120' of one and a half to three ton rock armoring at base of new retaining wall.

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

Councilman Reich requested that this hearing and the next three hearings be combined into one hearing because they are all contiguous bulkheads, built as one long bulkhead with a return at each end. All Town Board members and the Town Attorney agreed.

Therefore, the Town Clerk read the public notices for the Francis A. Bertini, Robert Haines and Ellen Siegel, and Winifred Mead applications, as follows:

As advertised, the application of Francis A. Bertini, 24 Prospect Avenue, to construct 61' of new 10' high retaining wall with a 12' return at northeast corner, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 72' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall.

As advertised, the application of Robert Haines and Ellen Siegel, 26 Prospect Avenue, to construct 180' of new 10' high retaining wall, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 180' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall.

As advertised, the application of Winifred Mead, 30 Prospect Avenue, to construct 100' of new 10' high retaining wall with a 12' return at southwest corner, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 112' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: WMAC reviewed all four of these last night, they were in favor 5 - 0, they are all located along the shore kind of west of my parent's house and it goes down past the McDowell's house and they put in several years ago and it stopped the problem, the problem is the waves chew at the bank and the bank slides down and you get problems up top, the deck starts sliding and it solved the problem at McDowells and also Carlino, a few lots down and it helped, so it's something well needed.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: I'm Robert Haines, this is a joint project of the four property owners that we adjoin each other, the returns on the bulkhead are at the very end of the four properties, there won't be any returns at each property, I want to make that clear and the 10 foot height is measured from low tide so it's not gonna be 10 feet up in the air from the beach; I'm Bill Buice, one of the property owners and I would just like to add Mr. Costello and his firm have worked with us, we had started this right after the catastrophic bluff collapse due to Hurricane Sandy whereas you all know what happened to our bluff up there and we've had extensive meetings with the DEC's construction people, their biologist, we hired special coastal consultants to help us and they and the DEC came to an agreement on this after many, many discussions and we particularly appreciated the thoroughness with which the waterfront advisory committee went into this last night and the help of so many people on Shelter Island for bringing it to where we now have it, thank you.

The Supervisor declared all four public hearings closed at 4:55 p. m. and called to order the recessed public hearing to be held as advertised on the application of Jeffrey Lightcap, 131 South Ferry Road, for permission to construct a 96' splashboard system along south side of existing dock structure.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: we discussed this last night at quite lengthy, one of the WMAC members came up with the suggestion because as applied for, the WMAC members were not in favor, they had previously unanimously voted against it at the last meeting, one of the members talked about all the different possibilities, one member suggested taking the splashboard which was at those four pilings south of the middle dock and eliminating those four piles and then moving the splashboard just to the south side of the floating dock, four of the members with some mitigation and that was very arbitrary so they wanted to make it clear that this was a poll and not a vote, I'm not exactly sure I know what the difference is, it is an advisory committee but the four were against, four were for and two were against; four were for and two were against, informal poll; well right because, especially because it was, when you're talking about doing mitigation, they're still negotiating and the agent Jack Costello is gonna get to talk to the owner today and here he is.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jack Costello, I did speak to Mr. Lightcap, he is willing to do some mitigation, we haven't determined what he's willing to give up, it's a unique piece of property, I know the Board's worried setting a precedent that they're afraid of having additional structures on what would be considered a non-conforming piece of property, everybody knows the history of the property, I'm sure you don't need a history lesson, it was a marina, with approximately 40 slips and 50 moorings, 90 boats, now Mr. Lightcap has it down to 3 boats for his personal use, he's done everything that Shelter Island Town could ever possibly want over the past what 10 years; is this the first that he's asked for since he did all the work there; yeah well there was a major negotiation when he shut the marina down and since then I don't think he's had an application in; okay; I'm not a hundred percent sure of that but things have changed over the past 10 years since the downsizing of the marina has come, people have claimed that he should have been aware of that, he was aware of the situation 10 years ago and who would have thought that there would be 75 foot cabin cruisers going by at 40 knots, you know I don't think the Town should be worried about setting a precedent because his situation is a little bit unique considering the size of his floating docks and the broadside wave action, and what we're trying to do is knock down that broadside wave action to his floating docks; it's unique John because of what, the size of his; just because of the size of his floating docks, like I said it was within the negotiation when he shut the marina down, he was able to keep the footprint of the major floating dock, he eliminated a lot of the finger piers at the docking facilities bore 40 boats and he knocked down the structure, the overall footprint of the project, that's just the history of it and whether that holds any weight from the negotiation 10 years ago, the fact of the matter is that it still happened, I think Mr. Lightcap's request is fair, he's not asking for much, the line of pilings where this wave abatement system will be attached are already there so you're not getting an eyesore and something that could be one of the mitigating factors is he has a boatlift and there's been a lot of sensation around the boatlift and it makes it very difficult for him to use at all tides, he still has plans on using the boatlift but it's more of a public, I won't say it's an eyesore but it's something that he'd be willing to maybe give up as mitigation for this wave break but he does want to continue

the conversation, there was a poll last night, we had a lengthy discussion last night about alternatives of what we can do, we're just trying to help the situation, you know there's no cure to it without building a giant wall around his property which is pretty much not gonna happen, so he's asking for a minimal structure to help the broadside wave action to his existing floating dock with adding a very minimal structure, and it seemed like the most cost effective way to do it where he could maintain his existing structures so it's going to be an ongoing conversation, we gotta talk about, I don't want to say horse trading but really what is fair; mitigation; mitigation, I mean it's just, it's not much, the wall will only stick out of the water about 2 feet at high tide, 4 and a half feet at low tide, it's straight in line with his property, nobody is gonna see it and the only person it could possibly affect is Mr. Lightcap, maybe Cliff Clark would benefit for it, Cliff Clark wrote a letter to the council in support of this application, he was kind enough to sit here last night for two hours waiting for the hearing last night, the discussion which Mr. Clark was very much in favor of the application, very well thought out comments and he was a big help to it, he's gonna stick by that feeling that this is really not asking for much, it's going to affect nobody besides possibly him and Mr. Lightcap's property, nobody's gonna really know it's there as far as aesthetic value so like I said the Waterways didn't vote last night, they set a poll because they were gonna talk about it so that end of it is not done; because all of that was dependent upon some mitigation but no mitigation specifically was discussed, they would say in favor of it and that's why it was kind of hard to you know quantify because they didn't know, they didn't vote because they didn't know what they were voting on, mitigation wasn't formally on the table so; so the conversation is ongoing, the way I would see it, we're asking very little and I wouldn't think he would have to give anything up to be honest with you, he decreased the footprint of that marina so dramatically but like I said can you use something from 10 years ago, I don't know, it's a very small structure and if any of the council would like to go out to see it at any point, I'll make myself available and I'm sure Mr. Lightcap would, he's being very reasonable about this and um I just want to let you know that the conversation is still going on; is this going to be coming back probably one more cycle then right; sounds like it; WMAC meets, we next meet on the, what's our next meeting date, the 2nd, that's a Friday, the WMAC next meets the Monday after that, that's on the 5th; okay; so we would miss the Town Board session; right; he doesn't need it this winter; he wants to get on the schedule and get it done, the longer this goes on, I just don't want it go, it's so minimal I don't want it to grow a life of its own, it does seem like a minimal structure to help him in the safety of his property; I'm just trying to find out if I should ask all my questions tonight or should I wait til the next time; I'm sure I'll be back; the letter that he mentioned from Cliff mentioned Bill his brother and that they're in full support; I have a little respectful thought on this, I don't like this horse trading stuff being brought up, mitigation yeah and I don't know whether a committee, any committee should decide which things they want to give up, it should be up to the owner, come forward with that if that's what he wants to do, then maybe we can proceed from there, it just seems like we're reaching at something a little too aggressively and I respectfully disagree with that concept; in truth we do that from time to time ourselves on wetlands and things like that; yeah; because; at the Board level after a long process; sometimes; the venue; yes; okay well I just; well the ball is in his court; exactly, that's what I like; should he really have to give anything up, I don't think so, like horse trading, the structure is already there and he's not asking for much more; what we discussed briefly yesterday was that we were trying to put the splashboard along a string of existing pilings now it sounds like we're going to move some things maybe, is that what's going on; no there's an existing line of mooring piles to the south side of his existing floating dock and that was gonna be the line of the spashboards of course there would be extra piling added to that to strengthen the splashboards so it doesn't move but um the line has already been established; that hasn't changed so far; no, nothing has changed; but there, one of the members proposed to remove that and to use the pilings securing the floating dock, that line as the splashboard, just basically moving it, I want to say, the splashboard is what 16 feet away from the dock or 20 feet away from the dock; 20; something like that so it would be eliminating those 4 pilings where the splashboard would be and putting the splashboard right against the floating dock incorporating the piles that are securing the floating dock; the problem with that was what; well then it's not a separate structure, we don't have anything in our Code to address a free standing, a structure that's not attached to the shore, our definition of docks, bulkheads, all that stuff; we don't even have something that __; right; so they said the whole property refers to mega nonconforming, this structure is non-conforming because it doesn't meet anything in our Code so by doing; it's because it's not referenced in our Code; right; well that doesn't make it nonconforming; our Code says what's allowed and it's silent on things that are not attached to the shore so this would make it fall into that is what they say; I think they should think about that a

little bit, you're outside there too, right; outside what; outside waters there as well, alright we've got to knock this around a little bit more; alright have a good night.

At 5:07 p. m., the Supervisor declared the public hearing recessed, to be reconvened on October 23, 2015, and reconvened the regular Town Board meeting.

RESOLUTION NO. 406

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Nancy Richardson, 7 Apple Orchard Lane, has petitioned the Town of Shelter Island for permission to construct a 5' by 132' fixed dock with a 5' by 30' "L" section, a 4' by 40' lower platform and 70' splashboard system below dock at offshore end, construct a 6' by 6' platform at top of bank and a 3' wide access stairway down to beach, in West Neck Harbor, and

"Whereas", a public hearing was duly held on the 11th day of September, 2015, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 407

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", William Buice, 28 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct 120' of new 10' high retaining wall, fill void areas landward of new wall with clean trucked in fill as needed (140 +/- cubic yards), regrade areas and revegetate with native plantings to match existing, and install 120' of one and a half to three ton rock armoring at base of new retaining wall, and

"Whereas", a public hearing was duly held on the 11th day of September, 2015, 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 retaining wall:

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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 408

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Francis A. Bertini, 24 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct 61' of new 10' high retaining wall with a 12' return at northeast corner, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 72' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall, and

"Whereas", a public hearing was duly held on the 11th day of September, 2015, 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 retaining wall:

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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 409

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

"Whereas", Robert Haines and Ellen Siegel, 26 Prospect Avenue, have petitioned the Town of Shelter Island for permission to construct 180' of new 10' high retaining wall, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 180' of 1 and 1/2 to 3 ton rock armoring at base of new retaining wall, and

"Whereas", a public hearing was duly held on the 11th day of September, 2015, 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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 410

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Winifred Mead, 30 Prospect Avenue, has petitioned the Town of Shelter Island for permission to construct 100' of new 10' high retaining wall with a 12' return at southwest corner, fill void areas landward of new wall with clean trucked in fill as needed, regrade areas and revegetate with native plantings to match existing, and install 112' of 1 and 1/2 3 ton rock armoring at base of new retaining wall, and

"Whereas", a public hearing was duly held on the 11th day of September, 2015, 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 retaining wall:

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: 4 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Reich and seconded by Councilman Shepherd, the meeting was adjourned at 5:25 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

September 29, 2015

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 29th day of September, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and eleven persons were present. All Town Board members signed a waiver of notice.

The Supervisor called the special meeting to order at 1:01 p. m.

RESOLUTION NO. 411

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Li Productions for Tory Burch, P. O. Box 1349, East Hampton, New York 11937, has requested a filming permit for September 29, 2015, for filming at Shell Beach, and

"Whereas", the filming crew consists of 35 persons, 1 to 2 motor homes, 3 to 4 cube trucks and 6 suv's, and

"Whereas", said application has been reviewed by the Police Department and Highway Department, and

"Whereas", the Highway Department responded that there must not be any obstructions on the road or walkways during this event, and all garbage must be picked up in the area, and also that there is a Suffolk County dredging project scheduled for October 2nd and the County will need access to the right of way during the shooting to drop off and stage their equipment for the dredging project IF they arrive with their equipment on Tuesday, and an option for the Production Company could be moving their shoot to the 2nd Causeway, and

"Whereas", the Police Department responded that they have reviewed the site location and does not see any issues with vehicles parking at the end of Oak Tree Lane as long as there is ample room for the public to use the cul-de-sac turn around, and the cul-de-sac remains unobstructed; all vehicles parked on the public roadway shall be parked on the shoulder of the road, in the direction of travel, 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
Rush fee	$1,500.00
One day filming fees $2,000 per day	$2,000.00
Clean up deposit	$1,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Shepherd and seconded by Councilwoman Lewis, the special meeting was adjourned at 1:04 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 2, 2014

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, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar and two persons were also present.

The Supervisor called the special meeting to order at 4:00 p. m.

Salute to flag.

The Town Clerk presented the tentative 2016 Town budget to the Town Board members.

At 4:05 p. m., Councilman Reich moved and Councilman Shepherd seconded to recess this special meeting until 10:00 a. m. on Monday, October 5, 2015. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 2, 2015

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 October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and twenty-three 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 William G. Dickerson concerning the problems he is having with the property adjacent to his on Tarkettle Road, as the neighboring property, which is owned by the Town, is not being taken care of by the Town and is not being kept clean and also the bulkhead will need repairing.
2. A memo from the Town Clerk's office stating that Patricia Lenzer has been appointed to the position of full time Confidential Deputy Town Clerk effective September 30, 2015.
3. A letter and pictures from Douglas Rilling concerning a structure that is falling down and needs repairs.

The Supervisor read and presented the following PROCLAMATIONS:

Declared October 2015 to be DOMESTIC VIOLENCE AWARENESS MONTH in the Town of Shelter Island.

Declared October 4 through 10, 2015 to be FIRE PREVENTION WEEK throughout the Town.

Declared October 17, 2015 as PINK Day for the entire Town and the month of October to be Breast Cancer Awareness Month.

A copy of these proclamations are attached to these minutes.

RESOLUTION NO. 412

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of George Zinger as a member of the Assessment Board of Review expired on September 30, 2015, and

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

BE IT RESOLVED, That George Zinger is hereby reappointed to serve as a member of the Assessment Board of Review for a term to expire on September 30, 2020.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 413

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Annamarie Ruscica is hereby appointed to serve as Recreation/ FIT Aide for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 414

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That Natalie Regan is hereby appointed to serve as Recreation/FIT Aide for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 415

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from The Nature Conservancy in the amount of $1,579.00 as follows: $935.00 to the 2015 A4010.422 Deer and Tick corn account, and $644.00 to the 2015 A4010.491 Deer and Tick four poster maintenance account; and the Hurricane Sandy reimbursement of State and Federal funds received in the amount of $455,297.92 to the DB0410 revenue account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 416

Councilwoman Lewis 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 $2,205.00 to the Postmaster from the 2015 A1330.414 Receiver of Taxes postage account for the purchase of 4,500 first class stamps.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 417

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,568.00 from the 2015 A1355.441 Assessors' revaluation update account to United States Postmaster for the purchase of 3,200 $.49 first class stamps for the Assessors' office.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 418

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", sealed bids for 3,000 plus or minus tons of Type 6F asphalt delivered and applied were received by the Town Clerk's Office until 3:00 p. m. on the 25th day of September, 2015, at which time they were publicly opened and read aloud, as follows:

CAC Contracting Corp.	$85.90 per ton installed,
Rosemar Construction, Inc.	$91.50 per ton installed, and
South Fork Asphalt Corp.	$95.89 per ton installed, and

"Whereas", the Superintendent of Highways and the Town Board have reviewed the aforementioned bids, now, Therefore

BE IT RESOLVED, That the Town Board hereby awards the bid for 3,000 plus or minus tons of asphalt delivered and applied to CAC Contracting Corp. for the amount of $85.90 per ton.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 419

Supervisor Dougherty 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 agreement between the Town of Shelter Island and Andrea M. Nydegger for her employment with the Town as Social Worker for the term October 1, 2015 through September 30, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 420

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $105.00 to The Dering Harbor Inn for three unused parking permits for the year 2015, and the fee of $70.00 to the Candlelite Inn for two unused parking permits for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 421

Councilwoman Lewis 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 $975.00 from the 2015 A1220.491 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, 2015 through September 30, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 422

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", pursuant to Chapter 33 of the Shelter Island Town Code, Sylvester Manor Educational Farm, Inc. has requested permission as per letter of application dated September 22, 2015, to hold a "Plant & Sing" event on Sunday, October 11, 2015, 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 they have no objections or comments on the event, and

"Whereas", the Shelter Island Police Department responded that there is no anticipated need for 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. 423

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Mary Ellen Adipietro, Patty Bumsted, Louise Clark, Betty Fogarty, Dede Gray, Gina Kraus, Linda Kraus, Ann Loeffler, Lisa Shaw and Linda Springer have requested permission to hold the Shelter Island 5K Run/Walk on Shelter Island on Saturday, October 17, 2015, at 11:00 a. m., and

"Whereas", the application fee of $100.00 and the compliance fee of $100.00 have been paid, 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 recommendation 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. 424

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Mr. William S. Baldwin of the Great Peconic Race held a paddle boat race around Shelter Island on Sunday, September 19, 2015, and

"Whereas", the required $100.00 compliance fee was paid, and

"Whereas", the Superintendent of Highways requested that $75.00 be held back for the Public Works Department to cover the cost of disposing of the garbage and cardboard left after the event, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return $25.00 from the $100.00 compliance fee to the William S. Baldwin, P. O. Box 3238, Sag Harbor, New York 11963, and

BE IT FURTHER RESOLVED, The Supervisor is hereby authorized and directed to transfer the fee of $75.00 from Trust and Agency to the A2130I refuse and garbage revenue account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 425

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

"Whereas", filming permit number 55 was issued on September 29, 2015 to Li Productions for filming at Shell Beach on September 29, 2015, 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 Li Productions, P. O. Box 1349, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 426

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Brown, to wit:

"Whereas", filming permit number 53 was issued on September 4, 2015 to Li Productions for filming at 52 Peconic Avenue on September 8, 2015, 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 Li Productions, P. O. Box 1349, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 427

Councilman Brown offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", filming permit number 54 was issued on September 9, 2015 to Li Productions for filming at 60 Peconic Avenue on September 10, 11, and 12, 2015, 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 Li Productions, P. O. Box 1349, East Hampton, New York 11937.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 428

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute an Intermunicipal Agreement between the Shelter Island UFSD Board of Education and the Town of Shelter Island concerning the operations and maintenance of the Fitness Center, Tennis Courts and Ballfields for the time period July 1, 2015 through June 30, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 429

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Norman Mooney, 22 Glynn Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay at a location designated as latitude 41.062225° north and longitude 72.364489° west, and

"Whereas", a public hearing was duly held on the 11th day of September, 2015, 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 the northwest field of West Neck Bay at a location designated as 41.064260° north and 72.364350° west.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 430

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015, in the amount of $148.62, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $148.62 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 431

Councilwoman Lewis 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 $2,295.00 from the A1620.476 computer shared services account to East End Computers, LLC, 78 White Street, Southampton, New York 11968 for the Dell extended warranty for the Police Department server for two years through August 23, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 432

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 October, 2015, 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 entitled A LOCAL LAW ENTITLED AMENDMENTS TO CHAPTER 126 ENTITLED AMENDMENTS TO NO PARKING ON JASPA ROAD, to wit:

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

Section 1. Amend Chapter 126-8 of the Shelter Island Town Code, titled “Parking Restrictions” by adding subsection FF to read as follows:

FF. No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park, on the south side of Jaspa Road for a distance of 75 feet west of LIPA pole #75 at the intersection of Jaspa Road and Route 114.

Section 2. Sections 133-4(D) and 126-2 of the Town Code shall be amended to change the spelling of Jasppa Road to Jaspa Road, to provide uniformity of spelling.

Section 3. 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. 433

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, 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 23rd day of October, 2015, 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 OVERRIDE OF 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 2016 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 2016 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. 434

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", William Anderson, 7 Montclair Avenue, has petitioned the Town of Shelter Island for a wetlands permit for permission to demolish and remove existing 1.5 story dwelling and construct new two story single family dwelling with attached garage, covered porches and uncovered pervious patio; construct 18' by 36' swimming pool and pervious pool patio, remove and replace (in-place) existing 66 square foot gazebo, install new drinking water well, install drainage system of leaders, gutters, and drywells, remove existing septic system from within regulated area (and install new, upgraded sanitary system outside regulated area), and establish approximately 3,845 square foot of native vegetation in place of existing lawn area adjacent to bulkhead in the form of a 15' to 36' wide buffer, 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 4:54 p. m., prevailing time, on the 23rd day of October, 2015, 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. 435

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, 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 23rd day of October, 2015, 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 CHAPTER 37, RE: VEHICLES ON BEACHES, to wit:

Section 1. Amend Chapter 37 of the Shelter Island Town Code, titled "Vehicles on Beaches" as follows:

A. Chapter 37, Section 37-4 Definitions of the Shelter Island Town Code, is hereby amended in its entirety to read as follows:

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

BEACHES Beaches and beachfront property owned and/or managed by the Town of Shelter Island except Town landings. Also included are all beaches below the mean high-water mark or lying under the water. Parcels above the mean high-water mark which are not specifically described herein are private property and are subject to trespassing regulations.

RESIDENT Includes all domiciliaries who have actually and consistently resided within the Town of Shelter Island for a period of not less than six months immediately preceding their application for a permit hereunder and/or owners of real property situate in the Town of Shelter Island.

VEHICLE Any self-propelled transportation device mounted on tracks, treads or wheels or any number or combination thereof.

B. Chapter 37, Section 37-5 is hereby amended to read as follows:

§ 37-5. Vehicles without permit prohibited.

A. No person shall operate vehicle at any time on beaches in the Town of Shelter Island, except on a road or in a parking area established within said beaches for the use of motor vehicles, without a beach vehicle driving permit.

C. Chapter 37, Section 37-6 (A), (B), (C) and (D) are hereby deleted and replaced with the following (A) and (B) to read as follows, with subsequent subsections renumbered accordingly:

A. No person shall operate a vehicle on a beach, at any time between April 1 and September 15 of each year. At other times, vehicles are allowed if they display a valid and proper beach vehicle permit issued by the Shelter Island Town Clerk.

B. Permits shall be issued annually to residents from April 1 through March 31 of each year, upon payment to the Town Clerk of a nonrefundable fee of $25.

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. 436

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$1,000.00 from the A4540.485 Ambulance vehicle maintenance account to the A4540.478 Ambulance medical supplies account; and

$2,000.00 from the DA5130.491 Highway Machinery refurbish equipment account to the DA5130.447 Highway Machinery oil, fluids and grease account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 437

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That general claims numbered 1386 through 1506 in the amount of $96,098.83, highway claims numbered 206 through 219 in the amount of $9,083.91, and West Neck Water claims numbered 29 through 31 in the amount of $2,244.30 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 5:07 p. m., the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of James J. Schoepfer and Anne Marie Norris, 38 Brander Parkway, for permission to install a mooring in West Neck Bay, approximately 75' out from ramp at West Neck Road Town landing at a location designated as 41.06593° north and 72.36442° west; said mooring location was formerly occupied by the W-1908 Kane 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: the WMAC tabled this, they had the full agenda at that last meeting that lasted 2 and a half hours and they just kind of felt that they were going to do the moorings this week, probably on a Monday and people aren't probably putting moorings in where it was a rush to get some of those bulkhead applications on Peconic Avenue facing the north side, to get those in, when I plotted this out, I kind of suggested some other coordinates and moving it out to 25 feet off of the landing, I would suggest we have the hearing and maybe hear the WMAC on Monday night, I can report on it on Tuesday but I think we could have the hearing but maybe hold it open just if they have any comments.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. There being no comments, at 5:09 p. m., the Supervisor declared the public hearing held open until October 21, 2015, and called to order the public hearing to be held as advertised on the application of J. W. Piccozzi, Inc., 176 North Ferry Road, for permission to remove 162' of existing bulkhead and 14' east return, construct 162' of new bulkhead and 14' east return in place, and regrade disturbed areas.

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: WMAC reviewed this on September 10th and they were in favor 5 - 0, it's just a normal replacement.

The 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 5:09 p. m. and called to order the public hearing to be held as advertised on the application of John E. Woodward, 10 Tuthill Drive, for permission to install a mooring in Coecles Harbor approximately 275 to 300 feet offshore of existing bulkhead and centered approximately 60 feet between north and south property lines at a location designated as latitude 41.07478° north and longitude 72.29301° west; said mooring location was formerly occupied by the C-2024 Woodward 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: this is a mooring in the same place but the WMAC just did not review it, I don't think they would have any issues with that; it's owned by the same person; it's owned by the same person so I don't think; okay; basically it's a lapsed mooring getting redone.

The 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 5:11 p. m. and called to order the public hearing to be held as advertised on the application of South Ferry Hills Association, for permission to construct approximately 348 linear feet of vinyl bulkhead in place of existing timber bulkhead, construct approximately 35 linear feet of vinyl bulkhead in place of and up to 12 inches higher than existing timber bulkhead, and incidentally dredge 10' by +/- 118' and 10' by +/- 98' areas adjacent to bulkheading within inlet channel to a maximum depth of -3.5' MLLW, using approximately 200 cubic yards of resultant sand spoil as backfill.

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: WMAC reviewed it September 10th, they were in favor 5 - 0, this was discussed at several meetings, one thing I have always questioned was, I had never seen the DEC approve it to a not even foot depth, at 3.5, they always used to go the 4 foot, 5 foot, 6 foot, 8 foot, is that something new Rob; Rob Herrmann of En-Consultants, on behalf of the applicant, basically what we were showing was just the dredging out to match where the soundings are now; okay; so typically within 6 inches the dredged depth would be accepted standard but like I said we just went really to what the existing depth was at that distance so we weren't digging a hole, just kind of matching out, I'm sure the 6 inches will get rubbed one way or the other by the time we're done digging, otherwise it's a very straight forward application, I know the Town is obviously well familiar with the site, Ian Crowley from Crowley Marine is here, he's gonna be doing the work if the Board has any questions about the substance of the work; thank you Rob.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: that's all I have; thank you; thank you.

The 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 use of approximately $13,570.00 in Federal Community Development Block Grant funds the Town expects to receive in 2016.

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

The Supervisor opened the hearing for all to be heard on citizens views to be met with said funds. Some views expressed were as follows: Chris do you have anything or are you just gonna; I understand that they're going to be allocated to finishing the work on the tot lot this year; well that's one choice but I heard another suggestion that I thought was an excellent one which was to make the doors of Town Hall handicapped accessible like in many places where they automatically open so you're coming up that ramp on a wheelchair and the door would automatically open for you, so that's another option; can those, can that, do we have a price on that because I don't know; no we don't; if that can be accomplished with it but I don't think we have to; the first option is to go with what we said we would last year, committed to; you committed three years worth so far; I would suggest that we go to the park because that's probably hard to get grants for, we're gonna have a grantwriter, I would think the grantwriter would have, there would be more grants for making this accessible; what I just said, we told them last year we were going to the park and we'd support it, they raised a lot of money, we laid some money up, so we have to help them out; and we are, there are a lot of limitations on the use of these funds and so would also doing things to make buildings handicapped accessible and we have in the past used them at the Legion, I think you did; yes we did, so this is something that we have committed to but those are things to think about looking forward because we're sort, we find ourselves because of the restrictions placed on the way the funds are used, to pretty much be using them for things like the center of town where we can show that we use diversity and that we used a lot of diversity of people and economic things happening in those locations we have for consideration; so we contact them and see if they need it; I think they do, I mean I think they're still; but for the process we really need to know; right; at some point we're gonna vote on that; yeah; I think they do too; yeah, I can get in touch with Katie Springer, I think she's been spearheading it; yes she has; and she's done a great job so I'll give her a call and make sure that, you know, see what they're, how they are at this junction; thank you, that's good.

The Supervisor declared the public hearing closed at 5:18 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 438

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", J. W. Piccozzi, Inc., 176 North Ferry Road, has petitioned the Town of Shelter Island for permission to remove 162' of existing bulkhead and 14' east return, construct 162' of new bulkhead and 14' east return in place, and regrade disturbed areas, and

"Whereas", a public hearing was duly held on the 2nd day of October, 2015, 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.

RESOLUTION NO. 439

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", John E. Woodward, 10 Tuthill Drive, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor approximately 275 to 300 feet offshore of existing bulkhead and centered approximately 60 feet between north and south property lines at a location designated as latitude 41.07478° north and longitude 72.29301° west; said mooring location was formerly occupied by the C-2024 Woodward mooring, and

"Whereas", a public hearing was duly held on the 2nd day of October, 2015, 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. 440

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", South Ferry Hills Association, has petitioned the Town of Shelter Island for permission to construct approximately 348 linear feet of vinyl bulkhead in place of existing timber bulkhead, construct approximately 35 linear feet of vinyl bulkhead in place of and up to 12 inches higher than existing timber bulkhead, and incidentally dredge 10' by +/- 118' and 10' by +/- 98' areas adjacent to bulkheading within inlet channel to a maximum depth of -3.5' MLLW, using approximately 200 cubic yards of resultant sand spoil as backfill, and

"Whereas", a public hearing was duly held on the 2nd day of October, 2015, 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 Reich and seconded by Councilman Shepherd, the meeting was adjourned at 5:25 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 5, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 5th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar and eleven persons were also present.

The Supervisor called the special meeting to order at 10:00 a. m.

Salute to flag.

The Board discussed the Recreation, Water Advisory Committee, Building Permits Coordinator, Town Clerk, Media, Building, Receiver of Taxes, Town Attorney, Town Board, and Silver Circle budgets.

October 5, 2015 - continued

At 11:42 a. m., Councilman Reich moved and Councilman Shepherd seconded to recess this special meeting until 1:15 p. m. this day. This motion was carried.

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 5th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar and eight persons were also present.

The Supervisor called the special meeting to order at 1:15 p. m.

The Board discussed the Supervisor's, Town Justices', IT, and EMS budgets.

At 1:59 p. m., Councilman Reich moved and Councilwoman Lewis seconded to recess this special meeting until 10:00 a. m. on Tuesday, October 6, 2015. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 6, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 6th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar and four persons were also present.

The Supervisor called the special meeting to order at 10:04 a. m.

Salute to flag.

The Board discussed the Police Department, Jail, Nutrition Program, Residential Repair Program, Senior Center, Social Worker, and Assessors' budgets.

At 11:05 a. m., Councilman Reich moved and Councilwoman Lewis seconded to recess this special meeting until after the work session scheduled for this day. This motion was carried.

The recessed special meeting for budget papooses was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 6th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar and four persons were also present.

The Supervisor called the special meeting to order at 2:06 p. m.

The Board discussed the Highway Department, Public Works, and Landfill budgets.

At 4:37 p. m., Councilman Brown moved and Councilman Reich seconded to recess this special meeting until 9:00 a. m. on Thursday, October 8, 2015. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 8, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 8th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar and eight persons were also present.

The Supervisor called the special meeting to order at 11:00 a. m.

Salute to flag.

The Board discussed the Taylor's Island, and Deer and Tick Committee budgets.

At 11:50 a. m., Councilman Shepherd moved and Councilman Reich seconded to recess this special meeting until Friday, October 9, 2015 at 1:00 p. m.. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 9, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 9th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar and one person were also present.

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

The Board discussed the proposed budgets.

At 2:40 p. m., Councilman Shepherd moved and Councilman Brown seconded to recess this special meeting until 9:00 a. m. on Wednesday, October 14, 2015. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 13, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 13th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar and six persons were also present.

The Supervisor called the special meeting to order at 1:34 p. m.

Salute to flag.

The Board discussed the Water Advisory Committees, Deer and Tick Committee, Landfill, Highway and Public Works budgets.

At 3:00 p. m., Councilman Shepherd moved and Councilman Reich seconded to recess this special meeting until Wednesday, October 14, 2015 at 9:00 a. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 14, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 13th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar and three persons were also present.

The Supervisor called the special meeting to order at 9:00 a. m.

Salute to flag.

The Board discussed several of the proposed budgets.

At 9:45 a. m., Councilman Shepherd moved and Councilman Reich seconded to recess this special meeting until Tuesday, October 20, 2015, to be reconvened after the scheduled work session. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 20, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 20th day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Clerk Dorothy S. Ogar and three persons were also present.

The Supervisor called the special meeting to order at 2:58 p. m.

The Board discussed several items of the proposed budgets.

At 3:25 p. m., Councilman Reich moved and Councilman Shepherd seconded to recess this special meeting until Friday, October 23, 2015, at 4:00 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 23, 2015

The recessed special meeting for budget purposes was reconvened in the Shelter Island Town Hall, Shelter Island, New York on the 23rd day of October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar and five persons were also present.

The Supervisor reconvened the special meeting at 4:00 p. m.

Salute to flag.

RESOLUTION NO. 441

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a tentative budget for the fiscal year 2016 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 2016, 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 4th day of November, 2015, 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 4:07 p. m., Supervisor Dougherty moved and Councilman Reich seconded to adjourn this special meeting. This motion was carried.

Dorothy S. Ogar
Town Clerk

October 23, 2015

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 October, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and eighteen 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 Sharon Herbstman from Hidden Path concerning the many problems being caused by the construction of the house by David Lapham, such problems include the clear cutting of trees, the water, trucks using Hidden Path, the new electrical pole, etc.
2. A letter from the Shelter Island Association concerning a letter from the Menantic Peninsula Association's letter concerning the property at 21 Montclair Avenue.

The Supervisor presented the following financial report for the month of September, 2015

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
SEPTEMBER 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	2,496,226.37	686,617.31	1,164,468.58	2,018,375.10	767,263.91
Hwy Checking	511,452.63	489,738.71	94,076.65	907,114.69	
T&AChecking	418,389.41	21,619.80	21,155.27	418,853.94	15,343.68
T&A Savings	12,218.47	0.30	0.00	12,218.77	
Hwy Cap Res	202,873.82	17,505.01	41,533.00	178,845.83	
WNW Supply	74,840.02	527.60	15,249.95	60,117.67	40,627.15
Taylor's Island	39,786.59	0.32	0.00	39,786.91	
Com Preserv	4,077,087.71	104,349.19	175,000.00	4,006,436.90	590,057.06
Waterways	262,950.58	725.00	0.00	263,675.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,805.89
Environmental	15,750.00	0.00	0.00	15,750.00	
AmbulanceRes	262,559.38	16,011.02	0.00	278,570.40	
TOTALS	8,788,753.53	1,337,094.26	1,511,483.45	8,614,364.34	1,765,097.69

RESOLUTION NO. 442

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Shelter Island Yacht Club, 12 Chequit Avenue, has petitioned the Town of Shelter Island for permission to remove existing walkway to allow construction, remove 128' of existing bulkhead and construct 128' of new bulkhead, in-place, and replace walkway after bulkhead construction, 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 13th day of November, 2015, 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. 443

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That Patricia Lenzer is hereby appointed to serve as Subregistrar for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 444

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Andrew E. Graffagnino is hereby appointed to serve as part time Police Officer for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 445

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

BE IT RESOLVED, That as per the request of Superintendent of Highways Jay L. Card, Jr., Kenneth L. Lewis, Jr. is hereby promoted from the position of AEO to the position of HEO on the contract list, retroactive to October 2, 2015, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to compensate Mr. Lewis retroactively to October 2, 2015.

Vote: 4 in favor 0 opposed 1 abstain (Councilwoman Lewis abstained)

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 446

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

BE IT RESOLVED, That as per the request of Superintendent of Highways Jay L. Card, Jr., Martin Hunt is hereby promoted from the position of AEO to the position of HEO on the contract list, retroactive to October 2, 2015, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to compensate Mr. Hunt retroactively to October 2, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 447

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That as per the request of Superintendent of Highways Jay L. Card, Jr., Ray Congdon, III is hereby promoted from the position of Mechanic I to Mechanic III, retroactive to October 2, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 448

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute 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 November 1, 2015 through October 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted

RESOLUTION NO. 449

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from Aflac in the amount of $30.94 to the Trust and Agency account; and the reimbursement funds from the County of Suffolk in the amount of $273.69 to the A 3120.133 Police Department's Clerk's overtime account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 450

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

"Whereas", sealed bids for the proposed installation of a double broadcast epoxy/quartz flooring system at the EMS Building, 12 Manwaring Road, Shelter Island, New York, were received by the Town Clerk's Office until 3 p. m. on the 11th day of September, 2015, at which time they were publicly opened and read aloud as follows:

Carter Melence Inc. $19,772.00; and

"Whereas", EMS Director Jack Thilberg has reviewed the proposal, now, Therefore

BE IT RESOLVED, That the Town Board hereby awards the bid for the installation of a double broadcast epoxy/quartz flooring system to Carter Melence, Inc., the sole bidder for the sum of $19,772.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 451

Councilwoman Lewis 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 $1,162.00 from the 2015 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, 2016 through December 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 452

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Li Productions paid a deposit for Police services of $2,000.00 for filming on September 8 and 9, 2015 at 52 Peconic Avenue, and

"Whereas", the Chief of Police has requested that the Town of Shelter Island shall retain $1,000.00 of said fee; said fees were used to pay for overtime expenses, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return $1,000.00 of the deposit to Li Productions, P. O. Box 1349, East Hampton, New York 11937, and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to transfer the $1,000.00 balance of said deposit from the Trust and Agency to the A3120.110 Police Department overtime account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 453

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $2,155.00 from the 2015 A1330.476 Receiver of Taxes computer software account to Business Automation Services, Inc., 661 Plank Road, Clifton Park, NY 12065 for the tax collection system annual software support maintenance and the RPS tax file processing annual software and support maintenance for the period December 1, 2015 through November 30, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 454

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $379.00 from the A1220.491 Supervisor's contracts account to Carr Business Systems, 130 Spagnoli Road, Melville, New York 11747 for the annual maintenance of the copy machine in the Supervisor's office for the period October 14, 2015 through October 14, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 455

Councilman Shepherd offered the following resolution, which was seconded by Councilman Brown, 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, 2015 through May 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO 456

Councilwoman Lewis 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 17, 2015, 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: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 457

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Sylvester Manor Educational Farm, Inc., paid a compliance fee of $100.00 for their Plant & Sing event on October 11, 2015, 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, Inc., P. O. Box 2029, Shelter Island, New York 11964.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 458

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $70.00 to Seven on Shelter for two unused parking permits for the year 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 459

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "FIT Center Reserve Fund" (hereinafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of FIT Center capital improvements. The type of FIT capital improvement to be financed from the Reserve Fund is to be determined by mutual agreement of the Town and Shelter Island School.

The Chief Fiscal Officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Shelter Island. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund.

The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.
Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established.

No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c, and

BE IT FURTHER RESOLVED, That within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law §90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this

resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum, upon such approval. This resolution is adopted subject to a permissive referendum pursuant to General Municipal Law 6-C, and shall not take effect until 30 days from the date of publication in the official newspaper of the Town.

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 Councilwoman Lewis, to wit:

BE IT RESOLVED, That the following amendments are approved for recycling center fees:

regular mulch is $15.00 per yard (no change), but coarse or fine mulch will be $20.00 per yard;

mulch delivered will increase from $15.00 per yard to $20.00 per yard plus delivery;

leaf compost will decrease from $15.00 per yard to $5.00 per yard;

shredded leaves will be $15.00 per yard;

unscreened fill will be $20.00 per yard;

screened clean fill (delivered or picked up) will increase from $20.00 per yard to $25.00 per yard;

recycled concrete (picked up and delivered) will increase from $20.00 per yard to $22.00 per yard.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 461

Councilwoman Lewis 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 A 1220.491 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, 2015 though September 23, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 462

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Gary Baddeley has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 133 South Ferry Road, Shelter Island, New York and zoned AA-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-024-01-046; and

"Whereas", the applicant seeks permission to modify an approved wetlands permit for 665 square feet of terrace and alternatively allow an as-built construction of a 1,104 square foot terrace and two areas with covered roof, located 74.1 feet from the edge of the wetlands as shown on a site plan by Sherman Engineering entitled Site Overlay dated 11-7-14, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated January 5, 2005 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on July 10, 2015, 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) The parcel is a 1.35 acre property bordering Smith's Cove; and

2) In 2007, applicant obtained a wetlands permit to demolish the 2,118 square foot dwelling and replace with a 4,856 square foot dwelling with two pervious patios located 76.5' and 83.2' from the wetlands respectively; and

3) Applicant constructed a house and structures as shown on a survey by Nathan Taft Corwin III dated July 5, 2013; and

4) During this project, applicant constructed two roofed patios and a 1,110 square foot terrace 74.1' from the wetlands which were not allowed by the original approval, and applicant now seeks permission to keep these intrusions into the wetlands; and

5) The Town Board has always made it clear in policy and in the initial wetlands permit that construction within the vegetative buffer would not be acceptable, so that any intrusion of the terrace into the vegetative buffer requires significant mitigation and remediation measures; and

6) As mitigation, Applicant has offered to install a French drain along the perimeter of the terraces, which together with the installation of a solar pool cover, planting vegetative buffers, payment of money into a wetlands mitigation fund and consensual community service, would be a valuable mitigation measure to reduce impacts on the aquifer and the wetlands; and

7) Plantings were required as mitigation for the original wetlands permit, and five years after being required have still not been installed. As a condition of this approval, applicant must install 100' of spartina alterniflora as shown in the Wetlands Plan by Sherman Engineering dated 8/14/15, and a 10' wide buffer planted with native vegetation as shown on the site overlay by Sherman Engineering dated 11/7/14, within 6 months or the wetlands permit shall be automatically voided;

8) The Town Board is willing to relax its strict policy of disapproving construction in the wetlands vegetative buffer because of concerns about the environmental impact of retroactively moving the patios and terraces outside the vegetative buffer, and the fact that the intrusion is only a foot into that area, but this approval is conditional on successful performance of the mitigation measures specified herein and actions specified in a stipulation between owner and the Town, and such wetlands permit may be voided by the Town Board if such actions are not performed; and

BE IT FURTHER RESOLVED, That the wetlands permit to modify an approved wetlands permit for 665 square foot terrace and alternatively accept an as-built construction of a 1,104 square foot terrace and two areas with covered roof within the regulated area for the premises located at 133 South Ferry Road, Shelter Island, NY, is hereby approved, subject to the following conditions:

1) The roofed patios are approved as constructed and depicted on a site plan by Sherman Engineering entitled Site Overlay dated 11-7-14; and

2) The following mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) install leaders, gutters and drywells on the roofed terraces as required by law; (2) install French drains along terrace; (3) install a solar pool cover for the existing pool; (4) within 6 months, applicant must install wetlands plantings as shown in the Wetlands Plan by Sherman Engineering dated 8/14/15; and (5) execution and performance of the stipulation between the Town and owner prior to 1/1/16—absent completion of these mitigation measures, this approval will be voided by resolution of the Town Board; and

3) The project has already been constructed, but erosion controls shall be put in place during required terrace work to prevent any runoff from disturbed ground into the wetlands. The implementation of mitigation measures shall be examined by the Building Department prior to start of work and periodically thereafter; and

4) 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 during the period in which the foregoing mitigation work is performed; and

5) 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 and the Building Permits Coordinator; and

BE IT FURTHER RESOLVED, That the Supervisor is hereby authorized and directed to execute the Settlement Agreement between the Town of Shelter Island and Gary Baddeley for the proposed negotiated settlement for the issuance of a wetlands permit.

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

RESOLUTION NO. 463

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", sealed bids were received by the Town Clerk's Office until 3 p. m. on the 7th day of October, 2015, for the proposed West Neck Water District WATER MAIN REPLACEMENT PROJECT - PHASE 3 - 2015, at which time they were publicly opened and read aloud as follows:

William A. Anderson, Inc.	$65,911.80;
Bancker Construction Corp.	$89,790.00;
Elmore Associates, Inc.	$103,915.17; and
Bensin Contracting	$143,345.00, and

"Whereas" said bids were reviewed by the West Neck Water District Board of Directors and J. R. Holzmacher P. E., LLC, and

"Whereas", J. R. Holzmacher P. E., LLC recommended to award the bid to William A. Anderson, Inc., the lowest responsible bidder for the sum of $65,911.80, now Therefore

BE IT RESOLVED, That the Town Board hereby approves and awards said bid to William A. Anderson, Inc., the lowest responsible bidder for the sum of $65,911.80.

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

RESOLUTION NO. 464

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, 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 13th day of November, 2015, 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 SCALLOPS UNDER CHAPTER 108**, to wit:

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

Section 1. Chapter 108 of the Shelter Island Town Code is hereby amended to read as follows:

Section 108-6, Regulations pertaining to specific shellfish, sections E (1) and (3) are hereby amended to read as follows:

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.

(3) A person with a NYSDEC Digger's 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 in any one boat taking scallops, not more than ten 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.

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. 465

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

BE IT RESOLVED, That the Town Board hereby calls for a public hearing to be held at 4:52 p. m., prevailing time, on the 13th day of November, 2015, 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 CHAPTER 129, WETLANDS, RE: ADMINISTRATIVE PENALTY, to wit:

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

Section 1. Purpose. Some wetlands violations permanently impair the fragile wetlands environment in a manner where complete remediation and restoration is impossible and so must be strongly discouraged via a monetary penalty.

Section 2. Amend Section §129-12(A) Penalties for offenses to read as follows:
A. Any person who violates, disobeys or disregards any provision of this Chapter shall be liable for a civil penalty not to exceed $25,000.
Section 3. 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. 466

Councilwoman Lewis 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 4:54 p. m., prevailing time, on the 13th day of November, 2015, in the Shelter Island Town Hall, Shelter Island, New York, on an application of the Shelter Island Craft Brewery, LLC, for a special permit to operate a non automated 1/2 barrel craft brewery serving tastings and snacks and carry home containers at a location designated as 55 North Ferry Road, Suffolk County Tax Map No. 0700-015-02-003.1, Zoning District B.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 467

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$8,406.54 from the A1410.106 Town Clerk deputy #3 personal services account,
$1,135.16 from the A1410.107 Town Clerk deputy #3 overtime personal services account,
$346.14 from the A1410.108 Town Clerk deputy #3 stipend account, and
$479.38 from the A5710.104 Waterways Management Deputy Town Clerk #3 personal services account to the A1410.105 Town Clerk deputy #2 personal services account;
$2,000.00 from the A4010.491 Deer & Tick Committee four poster maintenance account to the A4010.498 Deer & Tick Committee deer reduction management account;
$1,500.00 from the A4560.408 Medical Center maintenance account to the A4560.423 Medical Center electricity account;
$5,000.00 from the A7020.462 FIT Center account to the A7020.262 FIT Center equipment account;
$4,171.21 from the A8510.412 Taylor's Island dock repair account to the A8510.408 Taylor's Island cabin repairs account; and
$15,000.00 from the DA5130.482 Highway Machinery grinder maintenance account to the DA5130.446 Highway Machinery contractual account;
$580.00 from the FX8320.408 West Neck Water repairs and maintenance account to the FX8320.200 West Neck Water equipment account; and

BE IT FURTHER RESOLVED, That the following budget modifications are hereby approved:
$1,000.00 from the General Fund unassigned fund balance to the A6777.433 Senior Center transportation account; and
$95.000.00 from the West Neck Water unexpended fund balance to the FX8320.448 West Neck Water water mains replacement account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 468

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That general claims numbered 1507 through 1649 in the amount of $91,235.57, highway claims numbered 220 through 242 in the amount of $15,491.96, and West Neck Water claims numbered 32 through 37 in the amount of $5,430.99 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 4:59 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 AMENDMENTS TO CHAPTER 37, RE: Vehicles on Beaches.

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

Correspondence included the following:

1. A letter from Marcus Kaasik who doesn't think we need to change the law.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jeff Brewer; come on up please Jeff; I just read this piece of paper that you have highlighted that was at the desk and what you just read stated that there will be no driving on the beaches from April 1st til September 15th, correct; that's what it says; that's not what you have out here; I know; so why is this different; just settle down; okay I just want to check that out; I was just wondering if I was the only one that caught that; it's not consistent with what she sent out earlier, I think it's an omission that needs to be checked on, 37-6 we're talking about, it says no person should operate a vehicle on a beach at any time between April 1st and September 15th of each year; that's what Dot said but that's not what; that's not what that says; yeah I know; that's what she said but that's not right so I have a feeling you have a problem with the current amendment that maybe we ought to postpone this and get that squared away; we're not gonna adopt anything tonight by any means, we're just; can we work on that; yeah; it's not good; okay; it's early, there's confusion here, thanks for leading off with that; thank you; that's what I was looking at when she was reading it and I said oh oh; yeah; John Pagliaro; how are you doing; very well and yourself; very well thanks; so I just want to lend my two cents worth if I may, I think that historically outdoorsmen, fishermen and hunters alike have traditionally been the most strongly conservation minded people because we want to protect the resource more than anybody and drawing from my group of friends, that has been the case anecdotally that we are the custodians of the beach as we use it and conscientious about what our impacts are as we do so, I saw Jim on the ferry the other day and I said there's a lot of room for common ground so that it's not so sweeping so that it allows fishermen, I think would be the most obvious example to make use of the resource because the dates that are specified coincide with the annual spring run of fish that we're trying to access so the logic is that we would find some kind of you know stipulation or loophole that would allow use, probably just a specific number of beaches, I'm thinking of Reel Point you know in particular that would enable us to still use that during the April 1 to September 15th time frame, I'm trying to think what else, and Reel Point in particular, I've been fishing out there since I've been twelve or thirteen so I think that people's perception of the use is probably different than the actual impact, I think that you know, there was one track that kind of went out on the inside and crossed over that never would have compromised vegetation or the vegetative buffer and post Sandy the way it's been reconstructed, I guess that was Army Corps of Engineers, is that right; yeah; it might have been done a little insensibly, I think it was overfilled a little bit, so what has been described as erosion, I know by Jay Card, I don't really think that's, that's the case, I think it was overfilled and the sea is just kind of finding its equilibrium so you're gonna see a big undertide so it's easy to perceive it as erosion when in fact it's just the land mass restoring to what it wants to be; we were actually out there with the DEC last, last week Paul; yeah; and they kind of felt it's erosion, I mean it's, the whole point is moving to the west and it's just, where the road was, it's now under water, it's out in Gardiner's Bay, the Town road is in Gardiner's Bay, the Town property; that is Club Drive that goes out there on the map; right; but what they're using now is a lot more _; he should come up; basically as someone who, I mean; right; when I first started going out there, it was always by foot, I never drove out there til I had an accident that compromised my ease of walking out there, and it just had a you know, you can focus on the least tern which I know the sign points out that it's least tern habitat but there were deer and foxes and I saw owls out there, there was a huge vegetative, I don't know if it was buffer, it was just, you know there was by laurel, there were cedar trees and it held everything in place and it encouraged wildlife to be there, it was just a little ecosystem and I don't know whether they demised that when they did the dredging or if they were actually swept off by Sandy and in any case it is totally transformed but my point is the existing tract that went out there, never compromised any vegetation, it was clear on sand for the initial part til you get to the, you know where the Highway Department put in concrete and boulder debris off the left and then it cuts across as it does now which still when you walk out there, you're still not on planted vegetation and then you take up the track on the inside, it really has very minimal impact; let me

ask you a question; yeah; have you read this thing; yes, tried to sort through; my understanding is that there is no change been done on the Reel Point rules; I guess that depends on which version; well; __; that's not gonna happen; okay that's not gonna happen, okay so this is all; other than that; right; just so you know; yeah, thank you; I'd just like to ask you and Jeff was already up, whether you are happy the way this is written, what you saw in the back; oh we gotta, I just got this, just now; I know, I didn't get it much before you; but thanks for sending it to me, but what it says in the Reporter, it says you are doing away with all beach driving you know between April 1 and September 15th and that's not acceptable; no, forget it; you know the fish get here like you know late April and the bite is really strong at first you know 3 or 4 weeks of May, it goes into June, to about the 3rd week in June; if you looked at the one with the red markings; yeah I just got that but I got, what this said, what this says is horrifying, the shutting of it all down, I can't; it's not me; not yet; no honest, I'm not relieved by this but I want to you know sort through it you know, you know I got to go with my fishing line; we're gonna do the same thing; we're gonna do the same thing; you know, there's a lot of different areas, there's a lot of things accessible at low tide and there's a lot of different neighborhoods and a lot of different neighbors and just trying to put it all together so everybody is happy is what should be the focus; none of the changes proposed were not til April, May, so there's no rush on it now cause nothing has changed for the winter, I don't think there's any rush for us to be doing anything, it's not like we're trying to make something you know December 1st or something, it's not, it was just in the Spring; it will be, I saw some bunkers still in Coecles Harbor yesterday so there may be some chance to still get some bass at Reel Point, it would be nice to you know, have that open for like, soon, I think that back to the discussion about the road and what you see on a survey there, Club Drive going out and there used to be a clubhouse out there, if you walk out there a little ways, there's rubble and sometimes you see tile and a piece of pipe and so forth and that was, I knew an old lady that went to that clubhouse, Mrs. Wallace, she lived out on Ram Island and that was destroyed in the hurricane of 38; oh boy; and that was; 54; I was told 38; Hurricane Carol destroyed; oh okay, you could be right, that was what she told me but I think that's what really eroded the Club Drive up to the west because I remember driving out basically where it is right now back when you know I was at the school prom which was at the Ram's Head Inn, go out there and drive you know, you know you could drive out there without four wheel drive up to the club ruins you know and take your date and whatever but not all the way out so let's take some time with this and you know, the Island is surrounded by water, it has a strong history of __ interacting with the sea and I think that's very important that we do that, not just look at it but you know, engage with it, you know, clam, fish, you know, crab, all that sort of stuff; thank you; I had asked before the meeting, I asked Jay if he had any comments or anything on it, he texted me and said, the severe erosion of establishment of plant material are probably what you are seeing out there near Reel Point; I wonder how much time he spent out there, he's not here and I'm not discrediting it but you know __ when he's not present but as someone who has spent a lot of time there, you know and like an intimate wave of observing it, the grade from, do you know where I'm talking about where the concrete _ are and the fill; yeah, yeah; the grade from that okay was extremely gradual and the heavy vegetation did not start until several hundred yards south of there and it was a very gradual rise; no I know, now it's like an 8 foot vertical bluff; it is 6 feet higher so what, I think what is being construed as erosion, the sea did not change level, the sea is finding its equilibrium but if you put 6 feet of sand above and then you call it erosion when the sea is doing what the sea does, it's a little bit erroneous, you know, I think characterizing it that way is not accurate; I don't think any of the fishermen here going out on the beach ever would intentionally drive in the green or grasses; can you come up here or are you gonna; no; okay I'm sorry, go ahead; we take care of it; exactly; okay; I've got to jump in here because I'm old and I'd forget what I'm gonna say, alright, I want to track down what's going on here for sure, Laury, 37-6 versus what you, versus what sent out in this e-mail to us; okay; is that a mistake, 37-6a; what I sent out; we're comparing the two things, there's no change basically and then in the draft that was sent it says nobody should operate a vehicle at any time during April 1st and September 15th of any year, so I mean it looks to me like; without permit; what; it says without a permit; it doesn't say without a permit; it doesn't say that; okay; it kind of needs to because that's what the laws do, okay, so I want to know what the mistake was; I can't identify it for you at this moment; okay, we're gonna track that down; absolutely; intent has a lot to do; that's the value of having a public hearing so we find these things; well okay; just for the record again, anecdotally, I've been stopped at night on Wade's Beach after the beginning of summer, after May 31st or May 23rd, whatever happens; on Wade's Beach; I'm sorry, on Wade's Beach and __ and the officer, it's been like I have a permit and he said well that doesn't matter because there's a moratorium, he stated this and then I was referred to, he referred

me back to Dottie and I feel like I don't know, it was like yes you cannot drive on Wade's Beach in high summer essentially so that, some record got __ somewhere; in theory; somebody's ___; thank you, Jimmy; yeah well; come on up Jim; no; you don't want to come up; but you know, we made a $25.00 fee some years ago for people out on the beach and that should become a guideline so I mean that does keep quite a control on it but not everybody might not get those guidelines, I don't know, I'm not good with paperwork; yes they do; yeah, no, I'm just saying; they absolutely do; yeah, I'm delinquent on getting a license some years but I've gotten it quite a few years, I think that's keeping control on them; this is also limited to Island residents only; off islanders no longer get a permit; I go off of Hay Beach every once in a while, you know, off of Orient Lane and you know, I'm sure there's people cringing when they see a car go past their bulkhead ten feet away but there is no form of vegetation however; Orient Lane; yeah I mean, if you go up in the vegetation you're gonna get a flat tire cause there's all boards in there with nails and everything and that's stupid; thank you Jimmy; I just want to make sure what's going on here, whether we misunderstood our own law or what, so come Tuesday I guess we'll know, right; yeah, I suspect we'll have to go back to the drafting board; why was this started; why was it started anyway; yeah, go ahead Peter, why don't you; I don't know, I didn't start it; the Town Attorney can answer; Chief Read felt that the law was difficult to enforce as it was written now because it had different time periods, different rules and it has no rules at all for certain beaches like the Ram Island Causeway and we and the County just spent like a million dollars grading and reseeding and replanting that and he _ to deal with that so he suggested that we revise the law to simplify it and make it easier to enforce and to allow enforcement on the causeway; that's where things went wrong; right; that would explain it; enough said; yes sir, come on up please; I already; oh you've already been up, okay; I just want to bring to your attention that the beach driving law and __ but regarding the beach driving law, has very, very strict requirements, what we can and cannot do; yeah; not joy ride, you cannot destroy vegetation, you cannot speed, you cannot go in certain areas or by certain people, it is a very, very strict law, now you turn around and say well you can't enforce it, it's been enforced for years, I know I issued many summonses under that law, there is no reason why we can't keep the law the way it's written and just have them issue the summonses the way they are, I've never seen one of the summonses get thrown out because of the way it was written or if they violated the law and if they did, it is very, very strict, now all you're doing is putting a time frame on it, ___ no matter what the restriction, nobody can do it, the fishermen all follow and not only the fishermen, I've seen senior citizens down there with their dog, they can't get too old to go down to the beach to let the dog swim during the summer months, away from the people, I think it's a great thing but would you turn around and make it stricter, datewise, now all the guys that have __, I'm not saying that everybody against it, there are people that abuse it, we have law enforcement to go after them, have them write the summonses but don't write, change the law because the guys who are doing it right should be penalized for the people that are doing it wrong, the law is enough, if you read it __ just everything on it, it's already in it; thank you sir; thanks, Chief Read is away next week, the week after we'll put it on the work session and we'll get more, he'll have a chance to watch this on television and we'll, __ the law as presently written works so we'll have to fine tune enforcement or play with some language, we will put I assure you that you guys will have a second crack at it if we do anything at all and as Peter pointed out, we have until May 1; no crash and rush; no crash and rush so; this can be construed to be an auspicious beginning to this; exactly, so I'm not meaning to shut you but I think we've heard very helpful comments and anyone else wants to talk, I'm not trying to prematurely cut this off but I think we had a pretty good airing of; well you have said that you are not, you won't allow anybody on the beach, Shell Beach, from April 1st til September 15th according to the current law, right; that's right, that's right; there is no vehicle traffic on Shell Beach; that's what the law says except on the unpaved roads; except on the road; Shell Beach is really one beach that is not accessible, so that may be something quoted in that, maybe added, years ago it was accessible way; you can't get on there right now, down at the end; __ at the end; there is no reason, I mean Shell Beach is so long and narrow, you can park you know, 50 feet from the water almost everywhere so I don't see a need to; it's got vegetation on both sides; it's got vegetation, you've got the plovers and now with all the new spoil from the dredging put up there, it's gonna be very soft on that side; there's gonna be a lot of erosion.

The Supervisor declared the public hearing closed at 5:22 p. m. and called to order the public hearing to be held as advertised on the proposed LOCAL LAW ENTITLED OVERRIDE OF TAX LEVY LIMIT.

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

The Supervisor reported as follows: this is the tax cap and our wonderful friends in Albany very hypocritically gave us this year, it's 0073, .0073, three quarters of one percent, I mentioned earlier, I mentioned we got a notice yesterday, our health premiums are going up 7.4 percent, health premiums in the Shelter Island budget, our budget is about 8 million bucks, health fees alone are in excess of a million two and they're going up 7.4 so it's fun to pass laws saying you can't raise taxes but then they raise taxes; and they're sitting on a lot of reserves; yeah; yeah, we have to have a hearing before we override the tax cap, as I mentioned an hour or so ago, we put in a budget of 3.5 percent which we worked very hard to come in at that number with things like 7.4 percent health premium increase and a lot of other stuff that's out of our control so we need to break the tax cap and we have to adopt this resolution to do it.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: we get unfunded mandates every year; unfunded mandates come gushing out.

The Supervisor declared the public hearing closed at 5:29 p. m. and called to order the public hearing to be held as advertised on the application of William Anderson, 7 Montclair Avenue, for a wetlands permit for permission to demolish and remove existing 1.5 story dwelling and construct new two story single family dwelling with attached garage, covered porches and uncovered pervious patio, construct 18' by 36' swimming pool and pervious pool patio, remove and replace (in-place) existing 66 square foot gazebo, install new drinking water well, install drainage system of leaders, gutters, and drywells, remove existing septic system from within regulated area (and install new, upgraded sanitary system outside regulated area), and establish approximately 3,845 square foot of native vegetation in place of existing lawn area adjacent to bulkhead in the form of a 15' to 36' wide buffer.

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

The Supervisor called for a report from the Planning Board and Conservation Advisory Council.

Councilman Shepherd presented the report of the Conservation Advisory Council which was as follows: En-Consultants, agent for William Anderson at 7 Montclair Ave, requests a wetlands permit to demolish and remove existing 1.5 story dwelling and construct new 2 story single family dwelling with attached garage, covered porches and uncovered pervious patio; construct 18 foot by 36 foot swimming pool and pervious pool patio, remove and replace (in-place) existing 66 square foot gazebo, install new drinking water well, install drainage system of leaders, gutters and drywells, remove existing septic system from within regulated area (and install new, upgraded sanitary system outside regulated area), and establish approximately 3,845 square feet of native vegetation in place of existing lawn area adjacent to bulkhead in the form of a 15 foot to 36 foot wide buffer.

The CAC reviewed this request at the Sept. 21, 2015 meeting. The CAC voted unanimously to deny the application as presented. The CAC recommends that there is no NEW construction in the 100 foot regulated area. The CAC also recommended that the pool be located out of the regulated area and contain a hydrostatic value. No dewatering in construction of the pool should be allowed.

Councilman Shepherd presented the report of the Planning Board, which was as follows:
Re: Anderson Wetlands Application, 7 Montclair Avenue, SCTM# 700-022/02/056 A Residential zoning; within Near Shore and Peninsular District.

There is a DEC letter of no jurisdiction # 1-4732-1002/00006 dated June 16, 2015.

There is a SCDHS permit # R07-12-0016 for a total maximum bedrooms of six (6). In this case, five (5) in the main house and one (1) in the pool house. The present sanitary system must be abandoned per Department requirements.

There was a discrepancy on the house size, 6,306 square foot given, which would require a special exception permit. The corrected size is 5,875 square feet, which falls below the 6,000 square foot threshold.

This is an application for a wetlands permit for the demolition of the non-conforming existing improvements +/- 60' from the edge of the wetlands boundary on the abovereferenced premises and the construction of a new, two story, single-family dwelling with unfinished storage basement and unfinished attic storage, attached garage, covered and screened porches, in-ground swimming pool, patio and a two story cabana with accessory sleeping area, storage area, pergola and a porch.

Planning Board members visited the site, reviewed the surveys while on site and considered all submittals.

We submit the following observations:

The location of the proposed dwelling would be 78.9' from the edge of the wetlands boundary and the pool patio would be located 75.9' from the edge of the wetlands boundary. All new improvements will be located outside of the vegetative buffer which is an improvement over the original dwellings placement, with the exception of the replacement of the existing 66 square foot gazebo, located 26.3' from the edge of the wetlands boundary. There will be intrusion into the wetlands vegetative buffer for demolition purposes.

The waterfront property has a new bulkhead and dock with required stairway around. The application would result in a nearly 50% increase in wetlands setbacks and 574 square foot or 87% decrease in lot coverage within the 75' vegetative buffer through the complete removal of all existing coverage except for the 66 square foot gazebo to remain. Therefore, the property's overall conformance would increase.

The vegetative buffer will be substantially enhanced through the permanent removal of 574 square feet of existing dwelling coverage and the replacement of 3,845 square feet of lawn with native plantings adjacent to the bulkhead.

There is a long list of mitigation measures planned in their application to be found in "Section E".

This 1.19 acre parcel is the largest lot on Montclair Avenue created by combining two (2) original lots sometime in the distant past. The present house straddles both lots. The elevation of the property reaches ten (10) feet. The new septic location dictates the location of the new house. While we can't challenge this specific permitted well location up against the bulkhead, the Town might want to have a generic dialogue with the Health Department on these types of placements. There is a cross view of the swimming pool supplied showing that the entire pool will only be four (4) feet deep.

We submit the following recommendations:

Since the 200 foot road frontage and 200 foot shoreline is greater than any neighbor, the house will comfortably blend in.

We recommend approval as presented.

By: John Kerr, Planning Board Member; John D'Amato, Planning Board Member.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Rob Herrmann is here representing the Andersons; good evening, quickly first I just want to mention a correction in the project just as a reference where I mentioned that the existing septic system is being removed from the regulated area, it is not actually outside the regulated area, there is nowhere else in the application that I made reference to the septic system in the regulated area but that's a mistake in the project description so I apologize for that, I think I'm so used to saying that on every application like I said, the application is for the demolition and removal of existing structures on the property, including a one story dwelling that's located almost entirely within the wetlands regulated area and also a detached garage that's located outside the wetland regulated area but is presently a non-conforming distance from Montclair Avenue, there's proposed construction of a new 2 story 5 bedroom dwelling that would be located partially within the regulated area, a swimming pool partially within the regulated area and an attached garage with accessory sleeping quarters located farther from the Montclair, a conforming distance from the road but that structure is actually outside the wetlands regulated area and that's outside the purview of this application, with respect to the existing conditions on the property, the property is bulkheaded and is effectively 100 percent clear, it's presently characterized by a one story dwelling that has a waterside porch located approximately 53 feet from wetlands which shares the face, the seaward face of the bulkhead and the primary dwelling about 60 feet from the wetlands and as noted in the description, the existing dwelling footprint including the porch occupies approximately 574 square feet of vegetative buffer and then an additional 1,077 square feet of the dwelling is located within the adjacent vegetative buffer between 75 and 100 foot setbacks; sorry we __; do you need something Peter; no, no, no;

oh I'm sorry, so the total footprint of the existing dwelling within the wetlands regulated area is about 1,651 square feet, under the proposed site plan, the proposed dwelling structure would be located approximately 25 feet farther, farther in than the wetland as the most seaward corner of the most seaward waterside porch would be located about 78 feet so about 25 feet farther landward than the existing waterside porch and then the footprint of the primary dwelling located about 85 feet from wetlands so then also about 25 feet farther than the existing primary dwelling footprint, the proposed dwelling will be located entirely outside the 75 foot buffer and as a result we will have a reduction in lot coverage within the 75 foot buffer of 574 square feet, the new dwelling with porches will occupy 3104 square feet of the adjacent vegetative buffer, between the 75 and 100 feet setbacks and so we also have a net decrease in coverage area by the dwelling structure of 347 square feet, so the overall footprint of the dwelling that's within the regulated area, goes down, now with respect to total coverage by all surface areas proposed even including the proposed patio areas is only a net increase in 335 square feet and that's as a result of the additional 198 square feet of swimming pool and 484 square feet of patio area but 100 percent of the patio area that's proposed within the regulated area is designed to be pervious and in fact all of the proposed patio surfaces including that which is outside your jurisdiction is also designed to be pervious so therefore with all those numbers laid out, the net changes in lot coverage within your jurisdiction, within the regulated area by impervious surfaces actually has a net decrease of about 149 square feet, coverage decreases in the 75 foot buffer by 574 square feet and increases the adjacent buffer by 425, so for the record I have to go through all these numbers but basically the end result is we have a net decrease in impervious area within your jurisdiction of 149 square feet as a result of the proposed project; a net decrease, that's within the hundred; that's within the entire 100 regulated area by impervious surfaces, so that number does not include the pervious patio, if you include the pervious patio, there's an increase of 335 square feet, now again due to landward relocation, the site development that places the waterside porches about 78 feet from wetlands and the dwelling about 85 feet from wetlands, the project also results as I think was mentioned in the Planning Board report of a nearly 50 percent increase of the existing wetlands setback also constitutes an improvement to site pollution, however being mindful that we are proposing new structures that will be located partially within the regulated area, there is mitigation measures that have been included with our application and those are outlined in section E of our application, whereas I have described part of the mitigation we indicate in the application __ from the application itself with respect to the decrease of coverage, increase of the wetlands setback, etc., but in addition to that as is always required by the Board, we have a proposed permanent drainage system of leaders, gutters and drywells that will be installed to capture and recharge roof runoff, there will be an upgraded septic system located outside the regulated area, as mentioned in the Planning Board report, we have a pretty nice design actually we think for the non-turf buffer to be located adjacent to the bulkhead where we're taking about 3,845 square foot of lawn area that's adjacent to the bulkhead and surface waters and replacing them with native vegetation in the form of a buffer that varies in width from 15 to 36 feet, because there is a bit of the swimming pool, about a third of the pool is being located within the adjacent vegetative buffer and thus within the Board's jurisdiction, we have included as mitigation, for the swimming pool, mitigation that would not be required by the Building Department that the pool would be located entirely outside your jurisdiction that includes an automatic pool cover and also installation of a 2800 gallon cistern located entirely outside the regulated area for pool fill and of course a pool drywell and the pool is proposed as using a saltwater filtration system so even though again part of the pool is proposed within the regulated area, we are proposing a significant amount of mitigation associated with that pool consistent with past Board practice as mitigation for that proposal, as I mentioned, all of the uncovered patio surfaces are to be constructed as a pervious design consistent with the Board's policy and requirements and of course during construction, runoff and site disturbance will be contained with a project limiting wire back filtration fence, which we know that the Board prefers; a question on that; sure; you're not changing the grade obviously within the regulated area of 75 foot, then why is the fence so close to the bulkhead other than to have to do with the with; just to allow room for it, basically you've got up on Montclair, you've got the existing garage that has to be removed, you've got the proposed driveway, the proposed septic system so there is gonna have to be some setting and stockpiling of materials before grading and all, somewhere on the property and that's gonna be on the seaward side, the gazebo is gonna be replaced, the well is gonna be installed, the existing dwelling and foundation has to be removed, Mike McCrenna, the project architect and Scott Summerville who is the builder for the site are all here, they can speak more to that but that's my understanding, it's basically where we're trying to be realistic in terms of where we're setting the fence, we don't

want to show it pressed right up to the house when we know they can't hold to that, that's really what I have for my presentation but before I turn the floor back to the Board, I did want to mention that I did receive a call from a Mr. Howard Johansen who indicated that he lives across the street and had various questions to me about the application and the site plan, many of which contained details of which were relating actually to the Health Department's approval and as I promised I would look into his concerns as much as I could between when I spoke to him today, I just wanted to address a few of those issues for now, I don't know if he is here tonight; he is; okay, speak and raise those questions, maybe I can address some of them now, one item he noted that although the test hole data is included on the site plan, the test hole location is missing from the map, I spoke to David Fox about that who is the surveyor, he apologized, he did say that the test hole location was inadvertently omitted when they prepared the site plan for Mr. Anderson but advised if you look at the site plan that the test hole was located in the westerly proposed driveway entrance, just above the word proposed in the label that says proposed pervious driveway and that label is sitting right in the middle of the proposed driveway north of the proposed attached garage, Mr. Johansen also asserted that he believed the location of Mr. Anderson's well is shown incorrectly and mentioned that other surrounding septic systems and wells are in his opinion are depicted incorrectly, I could not respond to those assertions directly because I actually had little to do with the Health Department approval on this, as the Building Department knows, Russell Ireland was the prior owner, Russ had a Health Department approval several years in the past which established the location for the well that you see on the site plan today and that approval was transferred into Mr. Anderson's name and modified pursuant to Mr. Anderson's plans but I did speak to David Fox about it as David was also the surveyor and licensed, State licensed professional that worked with the Health Department on the original layout for Ireland and David confirmed to me that I could testify that all of the surrounding well and septic location including Mr. Anderson's well were based on actual field observations or surveys that were available at that time that the Building Department, Health Department, etc., he had also questioned the absence of 2 foot contours on the site plan, as the Board knows, the site is quite flat, if you look at the corner elevations on the survey, they vary from 8.6 to 9.5 feet up by Montclair Avenue and down to 7.2 to 8.1 feet near the bulkhead, so I also discussed that with David and he said all he could really add to this map in the way of contours would be a single 8 foot; what contour, what's the proposed raise gonna be, is it raising it; just around the house as you would normally finish the grade around the house but again I can have Michael McCrenna speak to that detail in a moment cause that goes back, I know the Board had; I think you've got it right, the section on the pool; right; which was helpful; right; but in thinking about it, we never got the full basement, how far is that; we have that information tonight and I'll hand that over; the plans we had just didn't have that section; right, well we, it was something the Board had discussed briefly at the work session and then Mr. Johansen raised a question so I did ask Michael to have that information for you tonight so he'll be able to provide that when I stop talking, in just about 30 seconds; __; yeah that was really it Jim, he also had some additional questions relating to the project design itself but on the elevation issue, that's probably a good segue for me to step away and hand it over to Mike; my question is how far below the basement floor is groundwater; the basic, I have a drawing here, here is the front elevation of the house and this shows here that the bottom of our basement floor is gonna be at elevation 3.67 which is actually 3 feet above groundwater, the first floor elevation will be at elevation 12 and the existing grade elevation is drawn in, this line here that on the east side of the property, it's around where the house is going, along the front of the house is gonna be 8.5 and then 9.5 on the west side of the house, as you can see, the grade is only about 2 feet, the finished grade along the front of the house, the Montclair side will only be approximately about 2 feet above the existing grade to accommodate the new septic system, it's gotta be 3 feet above groundwater; I'm surprised it's that far to water; well really it's an 8 foot basement; right; actually; but also the test hole is done much closer to the road than the house is; what we also did too is we actually took the next step, we actually dropped the house into the foundation to keep the house at a lower elevation so it wouldn't look high out of the ground, otherwise it would add another 8 inches to the house; right, I just want to make sure that the footings are at least 6 inches out of the ground; oh yeah; so we don't run into any kind of dewatering; yeah; we don't want anything like that, I don't want that phone call, yeah, no, we make sure that we put the house at a minimum of 2 feet above groundwater and here we're at 3 feet, so the bottom of the footing will be about 2 feet above groundwater but the basement slab will be 3 feet; Peter, just for the record the test hole data on the site plan, Dave Fox has an elevation shot of the test hole, so as long as you know what the elevation of what the test hole is and what the depth of groundwater is, you can tell what the groundwater table would be, elevation

groundwater table, the elevation of the groundwater table and where the test hole was dug and the dwelling is not gonna __; the floor is open for any comments, yes sir, come on up; speak of the devil and he will appear; good evening; who might you be; oh I'm Howard Johansen; I know that; I'm a resident across the street from 7 Montclair, I've been there for almost 20 years so I know some things about the property, not everything but my objection basically is this housing compound does not justify construction within the 100 foot regulated area, this site is located in the Near Shore Overlay District with a very fragile aquifer, its construction triples the square foot living space, doubles the number of bedrooms, doubles the lot coverage and almost quadruples the number of bathrooms in the home, this site is 236 feet on the east and 225 feet deep on the west, that should be ample to remain a hundred foot away from the wetlands, the house being a hundred foot west of this site which is the old Dalton house took down, with a pool on three quarters of the size of the plot is able to avoid the hundred foot regulated area, and with a little imagination, this could be accomplished on this site, this site will have significant environmental impact and change the character of the neighborhood, the other items I have which I have a list here; Howard; yes; what do you see as an environmental impact; well let's see, the septic system for 6 bedrooms; what about them; the septic system; yeah; the environmental impact; they don't vary with the size of the house so much, right; well there, you have much more leaching pools; okay; so it's based on bedrooms; right okay; so you're gonna have more environmental impact from the septic; well you'll have a bigger leaching field, you don't necessarily know what the population of the house; well the leaching field, I think they have a 1500 gallon septic tank, it's some place on here, approximately, that will fill up in a week so then leaching, after that, all of that is going into the septic system which will be in the environment, the other item is the lot coverage, covering quite a bit more public ground so that's an environmental impact; how so; because you don't have the natural effect, water coming down and the natural space and air to keep it's the coverage, and the characteristics of the neighborhood, this is a cottage community, it makes it a little bit different, that's, I mean we don't have an architectural review board here, so we can't, that's just my opinion of that, the other items I had which Rob mentioned some of them, the submitted plans for the structures are not signed or stamped so we couldn't, when I looked at the plans in Dorothy's office, I couldn't really get an elevation or the bottom of the basement which level which is __ , the contour lines of 2 foot should have been on these plans, now these requirements are for the application but it should have had signed plans and we should have contours, I feel this is necessary in this fragile area to have these so somebody can really look at the plans carefully, this is a very fragile aquifer, then on the wetlands permit application, like Rob said, there was an error that the septic system was in the regulated area, it's not; no; so that should not be carried over to the mitigation, it is also listed in the mitigation and it's not; no it's not; okay and the part B 2.1 of the wetlands permit says there are no cubic yards of soil to be removed, I don't know how you can build this, I talked to __ and said you are filling up the cesspools, we only have 2 cesspools on that site, they're not very big, so the rest of the cubic footage of the basement that's coming out and the pool, are more so you should have a calculation of the removal of dirt, this is all on mitigation, the other one I have is on E 1 b, I have a note that the site plan indicates approximately 10 feet, not 25 feet, I have to check that, existing drainage system has all the components, it has drywells now, so that's not a mitigation issue, it always has been even though the new building will also have it but the existing had so it's really not mitigation, I indicated that item E 1 g and h are code requirements in the Near Shore area so that's not really mitigation and the remaining few mitigation items are not justified going into the hundred foot setback, now on the short environmental assessment form, these don't go into the wetlands but want to bring it up, I said that item 6, the response should be no, the proposed action is not consistent with the predominant character of the existing built landscape, brief description of the proposed action again, that should be modified because of the septic system not being in the regulated area, item 8 a, the response should be yes, the proposed action is substantial due to the increase of traffic, above present due to the doubling of the number of bedrooms, naturally you're gonna have more people there and it's gonna affect that; I'm assuming they mean over the long term rather than during construction; oh yes, yes, as a permanent building with 6 bedrooms in the house, that's what I meant; you mean that; sure, after the building is constructed, we know the experience we're having down there with the construction that there will be way more traffic during construction, trucks and everything, the following comments are concerning the site plan which I talked to Rob about some of them, the proposed well and septic system review, the existing well to be abandoned is actually a cesspool, I know that because I was there when they put, cleaned the line out and __ the cesspool __ the cottage, the test hole is not located, it should be located, this is important for the Health Department and the pool and basement since groundwater is indi-

cated to be at only approximately 9 feet below grade, it's also very important and this is just a side note from the Water Advisory Committee, the test hole was dug in 2012, that was a year of a drought so the level of the groundwater at the nearest which is on Evans and Menantic was down 25 foot then and since then it's come up so I think it's important that we do these test wells closer to the actual construction and as you brought up, it should be in the foundation, that's the lower point; I mean right across the creek we found some surprises digging from, stuff, and it was the same person you know Mark McDonald and test wells and originally, things were a little bit different and they were a little bit older, you know they were a couple of years; yeah; __ three year __, you know kind of, one of my questions I wanted to bring up, so groundwater is at .7, you're saying the basement floor is gonna be at 3.7, that's bringing your foundation to 11.7, what's the finished floor height; first floor height; we dropped the floor down 8 inches; okay; to keep the house up; okay, it was getting pretty; we are, just for the record, we are 5 feet below the __; yeah; the plans that I had seen, had 13 10 inches risers from the basement to the first floor, it's a 130 inches; no that's not right; no, the plans that I had; no they are 10 inch risers because of the treads; oh 7 inches; ___ it's probably 7 and a half; the code; we probably have 14 going into the basement and probably _ ; okay, it was just like the elevation of the finished floor could have __ the plans; but it should be on the survey that was submitted; 12 foot; yeah it is 12 foot; yeah but not the foundation, the basement; okay, it's on the drawing; and what is it now, tops of the basement floor; __; top level; it is 3.7; 3.7, okay; I don't see on the survey unless I'm missing, _ survey __; yup, yup; so the floor on the house is 3.7 feet; no, no, 12; that's the finished floor; but the basement floor, I'm just looking at the __ that was just referred to; oh it wouldn't be necessary for the Health Department; I said it was 3.7 because water is at .7 and he said 3 feet above; alright; I'm just trying to get to see something that said you know if you're keeping it there and for some reason in excavating, digging the hole, water is higher and that the footings stay at least 6 inches; we don't even go that close Peter, we try to stay; I know; at least a foot and a half and Peder Larsen is digging the foundation for us; I know but if you hit water and the basement is only 7 foot 9 when unfinished; that's what I'm saying; it's there for ___; ___ crawl; that's what I'm saying you wouldn't have any objection to; no, no; if we had that in there to make sure there was no dewatering and ever and stuff like that; no, we realize; yeah; that's why we took the pool from 8 foot to 4 foot; yeah, yeah; just to delay that fear; okay the location of the septic system as was mentioned when I talked to Rob, first of all my cesspool is not indicated on the plan and it says in excess of a hundred and 50 feet, it's not, it is right across the street so this went to the Health Department with a lot of inconsistencies and I have a survey of the other building a hundred feet away and it shows the cesspools different from this survey shows; is that the septic system near the front; that's correct; but our well is over a hundred and 50 feet from the septic system regardless; I understand that but I think this is a real plan, it should be corrected, I just think if it's gonna be the record, the Town of Shelter Island is trying to locate septic systems so we can do something in the future __ and basically we're using surveys, I think you understand, and the cesspool lot 5 is incorrectly shown and also on lot 2 so I just, I don't like to have drawings that are incorrect, I'm bringing it up to the engineer who should be concerned, that's all I have to say, the 2 foot contour line was because at the building you have 10.5, I don't know if that's really true, whatever, I think you should have the contour lines required by the permit for these applications and then a resolution is written eventually that construction hours be limited from 8 a.m. to 5 p.m. Monday through Friday only, this is a residential, we have 8 or 9 permanent families there year round and bothered with the construction noise that we have now; Howard I would propose that if we did anything different that mimic projects of where we put things like Tolkin's was 8 to 5 and it was during, __ 8 to 6, I'm just saying I don't think we want to have every different project having different hours and different days; no, no, it should be, if we're gonna restrict it on a particular project it should be uniform with other projects; well it depends on where the project is, different parts of the Island would make a difference, we have our community there that has 9 permanent people there all the time, it's not like Toklins has; well I was on the Board and I wasn't the builder when the Board passed the resolution; yeah I know; and I'm building and I; well you make a good point; I'm just making a point; I'm just saying; sure; short walk to work; right; but I'm just saying if we do things, it should be; uniform; yeah uniform; you don't this one doing this and that one doing these hours and this one every other day; no you can't work after 5 in the winter anyway because it's too dark, certain things but the time of the year also; yeah, you can work inside certainly; yes you can as long as the light intrusion isn't there; sounds good, okay the floor is open, Rob; I'm gonna try to respond as briefly as I possibly can, Mr. Johansen put a lot out on the floor but what I will try to do is respond to what I think is, is most critically relevant to what the permission we're asking for from the Board, with respect to Mr. Johansen's raising the former

Dalton house up the road, a couple of points to make there, first of all with the overall scale of the dwelling, that house received, well that project received a wetlands permit, it was permit number 99, it was issued in September of 2013, the proposed coverage on that site plan for the dwelling structure was 3,276 square feet on a 34,883 square foot par- cel and our proposal between the dwelling and with porches is 5,415 square feet on a 45,558 square foot lot so that parcel that you referenced has a dwelling coverage of 9.4 percent and ours is 11.5 percent so there's not a substantial difference between those 2 because we do have quite a larger parcel as I think was mentioned in the Planning Board report, what's also important to this Board, this is not a ZBA application, this is not a character of the neighborhood application, this is not a special exception application, it's a wetlands application so what's critical to the Board is what's proposed within the regulated area and I will not put you to sleep by repeating my presentation but all of the numbers that are critical to the regulated area I mentioned in my presentation and I think the most important part of my presentation related to the fact that we're circumspect to the fact that we are not keeping totally outside the regulated area, your Code does not require that everything be kept outside the regulated area, it requires that it be kept outside the 75 foot vegetative buffer and we have a substantial decrease of complete removal of all of the existing coverage within the 75 foot buffer except for the gazebo and therefore the Code does say if we're gonna stay in the regulated area we have to bring mitigation to the table and just by Mr. Johansen's characterizations I would not say that our mitigation is insubstantial or doesn't warrant the construction because if you compare what we're proposing to that wetlands permit, that wetlands permit that was issued just 2 years ago has no vegetative buffer, it has a septic system that is closer to the water on the seaward side of the house whereas we're proposing a septic system much closer to Montclair Avenue on the landward side of the house which is noted in the Planning Board report, that forces the house a little bit closer to the water so it's an opposite orientation between the dwelling and the septic and because this pool is in the regulated area and that pool was not, we are offering a cistern, we are offering the pool cover, we are offering the saltwater filtration system, none of those things are requirements in connection with the other, with the house up Montclair Avenue cause this Board had no control over it so we come to the Board quite aware of what we're asking for and we worked on this for quite some time with Mr. McCrenna and with Mr. Summerville with Mr. Anderson and I explained that if we were gonna keep these structures within the regulated area, we had to mitigate them and that's what we're proposing to the Board is that this mitigation, having a greater separation of the septic system, to me and consistent with every environmental report that's out there is far more important than whether the house is 85 feet or a hundred feet from the wetlands, you want the sanitary system farther from the bulkhead and so we think those things do carry a lot of weight with our application for the Board's consideration, with respect to a couple of the items that he mentioned that concerned the Health Department approval, again that's not really exactly what's before you but with respect to the location, Mr. Johansen's septic system certainly is as Mike mentioned our well is located a hundred and 50 feet from our own septic on our own property and obviously there is no impacts of a well to a septic system so with respect to that separation, Mr. Anderson would be the one with the concern about where Mr. Johansen's septic system is so substantively it's irrelevant but by all means if the, if the depiction of the location of his septic system is incorrect, if he wants to forward me a, his own survey that shows something different from what Dave Fox is showing, then by all means we'll update the survey accordingly whether it impacts our application or not, with his respect to characterizations of the, what he says are inaccuracies with the septic and well on the other lot, I can't really respond to that, I have a licensed land surveyor who worked on the site plan with the Health Department and tells me that he established those locations based on field verifications and surveys, certainly if Mr. Johansen has other information that he wants to provide to us that show differently, we'd be happy to receive it and I would forward it to Mr. Fox and ask him to look at it but again those items I don't think really should affect this Board's review of the septic system despite the fact that we're locating it far away isn't really part of your application because it's not in your jurisdiction and the well has, obviously the well is where it is according to the Health Department approval, if there was gonna be a problem with that well, that's something that Mr. Anderson would have to deal with and he'd have to deal with it with the Health Department but I'm not in a position to question Mr. Fox or the Health Department's decision to approve you know the well and the septic system as they were approved, that's all I have unless the Board wanted me to respond to any other part of it; thanks Rob; you're welcome; yes ma'am; many of you know me, I'm Barbara Warren, I live around the corner from where you will be building and basically welcome to the neighborhood, I'm on Bay Avenue, around the corner and all this discussion about the distance between wells and cesspools brings back memories because we built here 17

years ago, I'm only here really to mainly address the Board about our community's rising concern about water usage, I am concerned about a house with 5 to 6 bedrooms because, maybe the Andersons are only gonna keep it as a one, their own house for a while but if it sells, it's got potential to become a bed and breakfast, you know we're having trouble down in our community with the house on the point, construction continues constantly at that house and we know which way it's going, so there is tremendous concern about water usage and the levels of our wells, I do want to comment though about something that Howard said that we're a cottage community, my home is not a cottage and when we came 17 years ago, we came to that property with Ralph Kast and he said very accurately, he was a little off because he didn't plan on the economy tanking but he said within 10 years you're gonna see every one of these cottages come down and big houses go up and we really want to take pictures and send them to him in New Zealand, but that's not an issue to me because some of the homes going up are really quite beautiful but I do get a little about 5, 6 bedrooms and maybe not the Andersons as owners but perhaps the next owners because that's what's happened on the point, we're going to 8 bedrooms there with the plans of where basically it could become a hotel and that's very very worrisome so that's basically, I just wanted to make sure that the Board knew how much concern there is about oh oh what's happening, we have been designated a fragile water zone, I know there's been a lot of mitigation and I appreciate that, the buffer, the pool cover, all those things cause we do it naturally ourselves in our own homes but it's the next owner, that's my concern; thank you; just a question, how much, I assume there is a test well at the location; there is no test well yet, we have done one, no; I'm surprised; Peter, let me ask a question; no I was curious to see how much freshwater is in that column there; I've been in touch with Gregor Well Drilling, we'll get that done after, we just wanted to get, yeah, yeah I know; if it was important I would have had it done, you know there's a well east of us; right; in the same vicinity to the bulkhead and they don't have issues you know so and __ where is the well at the house you are building off on Charlie's; that's right on the road; it's right on the road; yeah; and you have good water, have you tested it; we haven't tested it, I know my water, I had problems with it, I was just curious to see just as an education, I thought a well had been dug, I was just curious to see how much freshwater was in it and what the depth of saltwater was, just as we've been talking about on other, it was just for education, not, looking at this project; but in general; yeah; I have a question too, this is a double lot, if it was still single and separate, could we build 2 houses based on the fact that it was a single lot, would we be able to put two 4 bedroom houses and have 8 bedrooms and 2 sanitary systems; each lot would have to be an acre; even if, remember all these lots are a hundred feet wide, right; right; but you couldn't split this lot, you could not; no no I'm not saying that, if it was 2 small existing houses, you could renovate each one individually and two 4 bedroom houses with 2 sanitary systems; if you could make the Health Department; you could; we were so tight, you have no idea; you could, look at what's being done up the road, so I mean, you talk about having 6 bedrooms, you could have 8 bedrooms; good luck with the project; thanks; just a comment with respect to Ms. Warren's concern and we've gone through this before on the _, for the dwelling there are 4 bedrooms designed, actually for use by Mr. Anderson but again as Peter you know we've adopted with the Health Department guidance memorandum about what should be counted by a bedroom, after you get past your kitchen, living room, dining room, family room, every room in the house whether it will legitimately be a study, legitimately be a library, legitimately be you know a fun room, whatever it is, they count it as a bedroom, so when we have a 6 bedroom system, it's for 5 Health Department designed bed; I have a __ because I think the Health Department has always been crazy putting the wells down by the __; no I understand that, I just want to _; ___ water; it just seemed Mrs. Warren's concern was the number of bedrooms so I just wanted to give her you know, some assurance whatever it's worth; __ it could be the next; oh we understand it ___; that's actually why the Health Department does what they do because Mr. Anderson's library could in the future be somebody else's bedroom, that's what the Health Department __; right; thank you, thank you all very much; thank you.

The 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 AMENDMENTS TO CHAPTER 126, ENTITLED AMENDMENTS TO NO PARKING ON JASPA 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: the Craft Brewery opened recently and we're trying to tolerate;

I hope the Reporter; __ Jasppa Road is becoming __; I hope the Reporter makes sure that the next edition of the phone book, that all the Jasppa Road residents have it correct; they have had it that way all along; that doesn't make it correct, it just changes it in the Zoning Code.

The Supervisor declared the public hearing closed at 6:17 p. m. and called to order the recessed public hearing to be held as advertised on the application of Jeffrey Lightcap, 131 South Ferry Road, to construct a 96 foot splashboard system along south side of existing dock structure.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: I haven't heard boo on it; no, I thought Jeff was gonna give us some thoughts, I haven't heard, have you; __; shall I recess it again or; one more time; yeah that's what I think.

At 6:18 p. m., the Supervisor recessed the public hearing on the Lightcap splashboard application and called to order the recessed public hearing to be held as advertised on the application of James J. Schoepfer and Anne Marie Norris, 38 Brander Parkway, to install a mooring in West Neck Bay, approximately 75' out from ramp at West Neck Road Town landing at a location designated as 41.06593° north and 72.36442° west; said mooring location was formerly occupied by the W-1908 Kane mooring.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: they had met on the Monday after our last meeting three weeks ago, so at the October 5th meeting they were in favor 7 - 0.

The 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 6:19 p. m. and reconvened the regular Town Board meeting.

RESOLUTION NO. 469

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a public hearing was duly held on the 23rd day of October, 2015, on a proposed LOCAL LAW ENTITLED OVERRIDE OF 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 - 2015 entitled OVERRIDE OF 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 2015 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 2016 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. 470

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Brown, to wit:

"Whereas", a public hearing was duly held on the 23rd day of October, 2015, on a proposed Local Law entitled AMENDMENTS TO CHAPTER 126, ENTITLED AMENDMENTS TO NO PARKING ON JASPA ROAD, and

"Whereas", all interested persons were heard in favor of or in opposition, now, Therefore

BE IT RESOLVED, That Local Law No. 10 - 2015 entitled AMENDMENTS TO CHAPTER 126, ENTITLED AMENDMENTS TO NO PARKING ON JASPA ROAD, is hereby adopted, to wit:

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

Section 1. Amend Chapter 126-8 of the Shelter Island Town Code, titled “Parking Restrictions” by adding subsection FF to read as follows:

FF. No person shall park a vehicle, nor shall the registered owner of a vehicle cause, suffer, allow or permit said vehicle to park, on the south side of Jaspa Road for a distance of 75 feet west of utility pole #75 at the intersection of Jaspa Road and Route 114.

Section 2. Sections 133-4(D) and 126-2 of the Town Code shall be amended to change the spelling of Jasppa Road to Jaspa Road, to provide uniformity of spelling.

Section 3. 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. 471

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", James J. Schoepfer and Anne Marie Norris, 38 Brander Parkway, have petitioned the Town of Shelter Island for permission to install a mooring in West Neck Bay, approximately 75' out from ramp at West Neck Road Town landing at a location designated as 41.06593° north and 72.36442° west; said mooring location was formerly occupied by the W-1908 Kane mooring, and

"Whereas", a public hearing was duly held on the 2nd day of October, 2015, and continued on the 23rd day of October, 2015 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 West Neck Bay at a location designated at 41.065809° north and 72.364716° west.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

On motion of Councilman Reich and seconded by Councilman Shepherd, the meeting was adjourned at 6:23 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

November 4, 2015

The public hearing to be held as advertised on the proposed 2016 Town budget was held in the Shelter Island Town Hall, Shelter Island, New York, on the 5th day of November, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Peter S. Reich, Edward R. Brown, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury Dowd, Town Clerk Dorothy S. Ogar, and eight persons were also present.

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

Salute to flag.

The Supervisor reported as follows: this is a public hearing on our proposed 2016 budget which we made available a week or so ago that my colleagues and I turned in and Dottie had copies available and we put it on the website so the floor is open for any comments.

The Supervisor opened the hearing for all interested persons to present written or oral comments in favor of or against the preliminary budget as compiled or for or against any item or items therein contained.

The following views were expressed: I have here I might mention that the pension came in with a favorable because the stock market was up but that's in 2015 budget, but we got a favorable pick up of about $23,000.00 which is helpful and we mentioned last week, Risk Management will have a cushion in the 2016 budget but let's leave it there, we don't know what worker's comp is gonna end up being, so the floor is open; you guys here for budget Jay and Jim; they're here for the work session; enjoyment; you have, I'm gonna close the public hearing unless; um; go ahead Ed; so I just want to surmise a little bit about the debt service, I have a paper here if I can find it, we paid off the Bridge Street Park this past year; yes we did, we made final payment which is nice; this building last year, 15 year note, Highway Department; the Highway barn; the Highway barn, we're a little bit over half way that; yeah it's about $150,000 a year; a year; interest and the principal; 2021 that will be paid off and that will be a nice; yes; paid off asset for the Town so our debt service is pretty solid, it was about 2 and a half for a while there and it's a lot less than that now; that's right; that's it; thank you very much Ed; Gruber
property we have left, that's $46,000 out of the 136,000, that's about it; good summary Ed, I appreciate it, we all appreciate it.

At 1:04 p. m., Councilman Shepherd moved and Councilwoman Lewis seconded to adjourn the public hearing. This motion was carried.

Dorothy S. Ogar
Town Clerk

November 13, 2015

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 November, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and six 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 H. B. Sherman resigning from the Water Advisory Committee.
2. A letter from Gina Sherman concerning the recycling center.
3. A letter from the WMAC concerning the Silver Beach Lagoon.

4. A letter from Susan Klenawicus submitting her resignation from the positions of Assessment Clerk and Clerk to the Board of Assessment Review effective November 27, 2015.

The Supervisor presented the following financial report for the month of October 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
OCTOBER 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen. Checking	2,712,473.23	250,111.39	676,544.85	2,286,039.77	767,292.06
Hwy Checking	907,114.69	6,632.20	97,343.32	816,403.57	0.00
T&AChecking	418,853.94	24,646.72	21,598.43	421,902.23	15,344.31
T&A Savings	12,218.77	0.30	0.00	12,219.07	
Hwy Cap Res	178,845.83	4.41	0.00	178,850.24	
WNW Supply	60,117.67	8,067.83	7,675.29	60,510.21	40,628.66
Taylor's Island	39,786.91	0.33	0.00	39,787.24	
Comm Preserv	4,006,436.90	155,474.90	14,400.00	4,147,511.80	590,078.70
Waterways	263,675.58	3,800.00	0.00	267,475.58	
Reserve Fund	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,818.80
Environ. Fund	15,750.00	0.00	0.00	15,750.00	
Ambul. Res.	278,570.40	11.74	0.00	278,582.14	
TOTALS	9,308,462.47	448,749.82	817,561.89	8,939,650.40	1,765,162.53

RESOLUTION NO. 472

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That Resolution No. 414 - 2015 dated October 2, 2015 appointing Natalie Regan is hereby amended to state as follows: BE IT RESOLVED, That Natalie Regan is hereby appointed to serve as Recreation Leader for the year 2015 at the rate of $20.00 per hour.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 473

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the reimbursement funds received from The Nature Conservancy in the amount of $1,977.00 as follows: $277.00 to the A4010.49 Deer and Tick maintenance account and $1,700.00 to the A4010.422 Deer and Tick corn account; the reimbursement funds received from the State of New York in the amount of $17,337.98 as follows: $16,682.95 for debris management to the DB2701 revenue account, and $655.03 for Police Department overtime to the 2015 A3120.131 Police Department overtime personal services account; and the reimbursement funds received from the State of New York in the amount of $9,450.63 to the 2015 DB2701 revenue account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 474

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, 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 30th day of December, 2015, for necessary transactions of the Board, and

BE IT FURTHER RESOLVED, That the Organizational Meeting for the year 2016 will be held at 2 p. m. on the 5th day of January, 2016, 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. 475

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

BE IT RESOLVED, That a special meeting of the Town Board of the Town of Shelter Island will be held at 9:30 a. m. on the 16th day of November, 2015 for the purpose of meeting with the Town's Grant Consultant, Jen Mesiano.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 476

Councilwoman Lewis 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 fuel oil for the Medical Building, Highway Department building and the Legion Hall for the year 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 477

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, 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 2016 for the Police Department, Town Hall Complex, Hall of Justice and ambulance building.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 478

Councilman Reich 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 4th day of November, 2015, on the preliminary budget for 2016, 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 as amended is hereby adopted and declared to be the annual budget for the year 2016.

Roll Call Vote:	Councilwoman Lewis	aye
	Councilman Shepherd	aye
	Councilman Reich	aye
	Councilman Brown	aye
	Supervisor Dougherty	aye
		5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 479

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute the Police Radio Agreement between the Town of Shelter Island and the Town of Southold for the period January 1, 2016 through December 31, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 480

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $625.00 from the A1620.476 account to East End Computers LLC, 78 White Street, Southampton, New York 11968 for the computer vulnerability scanning service for the term September 15, 2015 through September 14, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 481

Councilwoman Lewis offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", William Anderson has applied to the Shelter Island Town Board for a wetlands permit for the premises located at 7 Montclair Avenue, Shelter Island, New York and zoned A-Residential/Near Shore and Peninsular Overlay District, designated as Suffolk County Tax Map 0700-022-02-056; and

"Whereas", the applicant seeks a wetlands permit to demolish the existing house and construct a new two-story house with attached garage, a two-story cabana with accessory sleeping quarters and a swimming pool and deck, partially within the regulated area as shown on a survey by David H. Fox, PC, last dated July 24, 2015, so that the work is subject to Chapter 129 of the Shelter Island Town Code; 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 dated 6/16/15 for this project; and

"Whereas", this Board considered the proposed action at a public hearing, pursuant to notice, on October 23, 2015, 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) The parcel is a 45,558 square foot property bordering West Neck Harbor; and

2) The parcel currently has a 1,735 square feet, one and a half story nonconforming house located 53' from the wetlands which applicant seeks to demolish; and

3) Applicant seeks to construct a 4,024 square feet two story house with 1,391 square feet of covered porches further back from the wetlands than the existing house at a distance of 78.4' from the wetlands, as well as a pool 88.2' from the wetlands and a patio 75.9' from the wetlands, all as shown on the survey by David H. Fox, PC, last dated July 24, 2015; and

4) By moving the house back from the wetlands, construction in the vegetative buffer will be reduced by 574 square feet, and the amount of construction in the adjacent regulated area will go from 1,077 square feet existing to 1,986 square feet of proposed house, porch, pool and patio; and

5) The groundwater elevation at this site is 0.7', so that measures must be taken to ensure that the new construction does not go so deep as to require dewatering. Applicant has kept the pool depth at 4' to reduce intrusion and similar measures are being required on the foundation as mitigation for the intrusion into the regulated area; and

6) As mitigation, applicant has situated the new house out of the vegetative buffer, will replace 3,845 square feet of lawn with native plantings in a buffer along the bulkhead as shown in a Landscape Plan by J. Ratto Landscaping Ltd., will install an automatic pool cover, install a 2,800 gallon cistern outside the regulated area as needed for pool fill, will install gutters and drywells as required by law, and will upgrade the sanitary system as required by the Suffolk County Health Department; and

7) At the request of the Town Board, the location of the silt fence has been revised to the location now shown on the survey by David H. Fox, PC, revised as of October 29, 2015; and

BE IT FURTHER RESOLVED, That the wetlands permit to demolish the existing structure and construct a new house, cabana with sleeping quarters, swimming pool and patios, partially within the regulated area for the premises located at 7 Montclair Avenue, Shelter Island, New York, is hereby granted, subject to the following conditions:

1) The above-described project shall be constructed as depicted on the survey by David H. Fox, PC, last revised October 29, 2015 and the landscape Plan by J. Ratto Landscaping Ltd.; and

2) In order to prevent intrusion of this project into the shallow (0.7') water table and the negative impacts of any associated dewatering, the house footings must be at least 6" above the groundwater even if that requires the basement height to be less than 8'; and

3) The following additional mitigation measures shall be installed prior to issuance of a certificate of occupancy: (1) install a native vegetation buffer along the bulkhead as shown in the landscape plan; (2) install leaders, gutters and drywells on the addition as required by law; (3) install an automatic pool cover on a pool using saltwater filtration with the required pool drywells; (4) install a 2,800 gallon cistern outside the regulated area as needed for pool fill; and (5) install a permeable patio around the pool meeting the permeable stone detail plan submitted by J Ratto Landscape dated 11/4/15; and

4) During construction, wire-backed silt fences shall be securely placed at the location shown in the survey by David H. Fox, PC, revised as of October 29, 2015. 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

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) During construction, all contractors working on this project shall park on the property or on the adjacent shoulder, but not on the roadway; 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 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. 482

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a public hearing was duly held on the 23rd day of October, 2015 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 2016, 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 necessary updates 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. 483

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", it has been determined that alarm installation companies do not need to obtain a Home Improvement License for the installation of alarm systems within the Town of Shelter Island, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to return the fee of $100.00 to Full Care Security, LLC, 1290 Flanders Road, Riverhead, New York 11901 for a Home Improvement License which was issued on October 6, 2015.

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

RESOLUTION NO. 484

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $1,500.00 from the A1620.476 Buildings Computer account to East End Computers, 78 White Street, Southampton, New York 11968 for one year Symantec antivirus for 60 licenses at $25.00 per year per license for the term November 1, 2015 through October 31, 2016.

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 Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $750.00 from the 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, 2015 through December 31, 2015.

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

RESOLUTION NO. 486

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

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:
$1,500.00 from the A1010.200 Town Board equipment account to the A1010.484 Town Board office and miscellaneous account;
$1,000.00 from the A1220.200 Supervisor equipment account and dispersed as follows:
$800.00 to the A1220.484 Supervisor office and miscellaneous account, and
$200.00 to the A1220.492 Supervisor travel account;
$500.00 from the A3120.485 Police Department car maintenance account to the A3120.457 Police Department towing account;
$2,000.00 from the A4540.485 Ambulance vehicle maintenance account to the A4540.478 Ambulance medical supplies account;
$212.30 from the A7020.462 FIT Center account to the A7020.262 FIT Center equipment account;
$1,000.00 from the A8160.437 Landfill contingency account to the A5010.400 Superintendent of Highways office and miscellaneous account;
$1,000.00 from the A8160.442 Landfill purchase of bags account to the A8160.484 Landfill office and miscellaneous account;
$3,500.00 from the A8510.200 Taylor's Island equipment account to the A8510.408 Taylor's Island cabin repairs account; and
$10.00 from the B1990.400 Part Town Contingent account to the B3610.400 CLRB office and miscellaneous account;
$5,900.00 from the DA5130.491 Highway Machinery refurbish equipment account to the DA5130.446 Highway Machinery contractual account; and

BE IT FURTHER RESOLVED, That the following budget revision is hereby approved:
Increase the A1990.400 Contingent account by $25,333.00 to reimburse for the July 10, 2015 resolution number 337 for the purchase of generators, and increase the A4289 Federal Aid revenue account by $82,500.00 to be funded by the FEMA Generator Project Grant reimbursement.

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

RESOLUTION NO. 487

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That general claims numbered 1650 through 1771 in the amount of $70,821.41, highway claims numbered 243 through 265 in the amount of $13,762.00, and West Neck Water claims numbered 38 through 40 in the amount of $314.78 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.

At 4:47 p. m. the Supervisor recessed the regular meeting and called to order the public hearing to be held as advertised on the application of the Shelter Island Yacht Club, 12 Chequit Avenue, for permission to remove existing walkway to allow construction, remove 128' of existing bulkhead and construct 128' of new bulkhead, in-place, and replace walkway after bulkhead construction.

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: WMAC met on November 2nd and had no problems with this, they were in favor 7 - 0; thank you; also I did speak to Jack Costello a couple of times who was not gonna be here but if he said there would be some crashing; I expected Jack to be here.

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: Jim Mills, Commodore of Shelter Island Yacht Club, we ask that you look favorably upon the application, we already have DEC approval under a general maintenance permit, we already have Army Corps approval, it's essentially an in-kind replacement, thank you; any other comments from the audience or from up here; and that's a vinyl bulkhead out now, right; no it's an old wooden one that was done thirty plus; Chesterfield did it, I remember when it was done; okay guys, I was just looking at the detail and it says that the existing detail is vinyl outside and I didn't think it was possible yet; no; that's what the drawing says; it's part of the general maintenance permit that the club has, it's been with the DEC for ten years so if something happens with some of the other bulkheads, would fall under the same permit the way it was drafted, drawn; okay, I was just curious cause it didn't seem to be possible for the vinyl to be crapping out already; I hope not; right; vinyl is final; okay.

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 the proposed Local Law entitled A LOCAL LAW TO AMEND SCALLOPS UNDER CHAPTER 108.

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: again this was originally requested by Butch Labrozzi, the Bay Constable; oh that's right, thank you Peter; could use some comments, we've got 2 minutes to go; yeah we can't; you're a short timer Ed, do you have a story you can tell us.

The Supervisor declared the public hearing closed at 4:53 p. m. and reconvened the recessed public hearing of Jeffrey Lightcap, 131 South Ferry Road, for permission to construct a 96 foot splashboard system along south side of existing dock structure.

The Supervisor called for a report from the Waterways Committee of the Town Board, which was as follows: I spoke to Jack Costello a couple of times today and we'd actually like to recess it and then reconvene it at the first regular Town Board meeting which tentatively is January 29th; that's good to know.

At 4:54 p. m., Councilman Reich moved and Councilman Shepherd seconded to recess the public hearing on the Lightcap splashboard application until the first regular Town Board meeting which tentatively is January 29th, 2016. All in favor: 5 in favor, 0 opposed. The motion was carried.

At 4:54 p. m., the Supervisor called to order the public hearing to be held as advertised on the application of the Shelter Island Craft Brewery, LLC, for a special permit to operate a non automated 1/2 barrel craft brewery serving tastings and snacks and carry home containers at a location designated as 55 North Ferry Road, Suffolk County Tax Map No. 0700-015-02-003.1, Zoning District B.

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

The Supervisor declared the public hearing recessed at 4:55 p. m., to be reconvened at the next regular Town Board meeting on December 4th, 2015, and reconvened the regular meeting.

RESOLUTION NO. 488

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Shelter Island Yacht Club, 12 Chequit Avenue, has petitioned the Town of Shelter Island for permission to remove existing walkway to allow construction, remove 128' of existing bulkhead and construct 128' of new bulkhead, in-place, and replace walkway after bulkhead construction, and

"Whereas", a public hearing was duly held on the 13th day of November, 2015, 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.

RESOLUTION NO. 489

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", a public hearing was duly held on the 13th day of November, 2015, in the Shelter Island Town Hall, Shelter Island, New York, on a proposed local law entitled A LOCAL LAW TO AMEND SCALLOPS UNDER CHAPTER 108, 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. 11 - 2015 entitled A LOCAL LAW TO AMEND SCALLOPS UNDER CHAPTER 108, is hereby adopted, as follows:

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

Section 1. Chapter 108 of the Shelter Island Town Code is hereby amended to read as follows:

Section 108-6 Regulations pertaining to specific shellfish, sections E (1) and (3) are hereby amended to read as follows:

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.

(3) A person with a NYSDEC Digger's 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 in any one boat taking scallops, not more than ten 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.

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.

On motion of Councilman Reich and seconded by Councilman Brown, the meeting was adjourned at 4:59 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

November 17, 2015

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 November, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar and nine persons were present.

The Supervisor called the special meeting to order at 9:35 a. m.

The Supervisor introduced the Town's newly appointed Grantwriter, Jennifer Mesiano and the Department Heads that were presented.

Jennifer Mesiano reported on her background and her company Mesiano Consulting, which she had formed in 2006.

A discussion followed concerning certain programs and projects for which grants could possibly be sought to benefit our Town's needs.

On motion of Councilman Reich and seconded by Councilman Shepherd, the special meeting was adjourned at 10:47 a. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

December 4, 2015

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 December, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, Deputy Town Clerk Sharon O. Jacobs and six 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 Jim Colligan submitting his resignation from his position as a member of the Deer and Tick Committee, effective on December 31, 2015.

RESOLUTION NO. 490

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Seventy-four Ram Island Drive, L.P., 74 Ram Island Drive, has petitioned the Town of Shelter Island for permission to construct a 4' by 20' ramp onto a 4' by 70' fixed catwalk with a 4' by 30' lower platform at offshore end, and install four ten inch diameter mooring pilings in Coecles Harbor, 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 29th day of January, 2016, 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. 491

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Martin O'Neill, 5 Shorewood Court, has petitioned the Town of Shelter Island for permission to construct a 10' by 10' platform at top of bluff and 3' by 4' platform down bluff leading to 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 4:46 p. m., prevailing time, on the 29th day of January, 2016, 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. 492

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", Peter Carlino, 15 Serpentine Drive, has petitioned the Town of Shelter Island for permission to construct a 60 linear foot upper retaining wall and a 70 linear foot upper retaining wall, 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 4:47 p. m., prevailing time, on the 29th day of January, 2016, 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. 493

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

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the East End DWI Task Force reimbursement funds received from the County of Suffolk in the amount of $3,792.44 to the A3120.110 Police Department regular overtime account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 494

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

"Whereas", the term of John Needham as a member of the Ferry Study Group will expire on January 29, 2016, 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, 2018.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 495

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Dr. Charles Ihlenfeld as a member of the EMS Advisory Board will expire on December 31, 2015, and

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

BE IT RESOLVED, That Dr. Charles Ihlenfeld is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 496

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

"Whereas", the term of Marian Brownlie as a member of the EMS Advisory Board will expire on December 31, 2015, and

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

BE IT RESOLVED, That Marian Brownlie is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 497

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the term of Peter McCracken as a member of the EMS Advisory Board will expire on December 31, 2015, and

"Whereas", Mr. 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 EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 498

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

"Whereas", the term of Kathleen Renault as a member of the EMS Advisory Board will expire on December 31, 2015, and

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

BE IT RESOLVED, That Kathleen Renault is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 499

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the sum of $733.00 from the A1355.491 Assessors' support contracts account to Carr Business Systems, 130 Spagnolil Road, Melville, New York 11747 for the one year copier maintenance agreement for the term November 12, 2015 through November 12, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 500

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", sealed bids on the purchase of propane for the year 2016 were received by the Town Clerk's Office until 3 p. m. on the 3rd day of December, 2015, at which time they were publicly opened and read aloud, as follows:

J. W. Piccozzi, Inc.: for each gallon delivered for the calendar year 2016, the differential will be the sum of $.529 (fifty-two and 9/10 cents) per gallon, and

John's Gas Service: for each gallon delivered for the calendar year 2016, the differential will be the sum of $.538 (fifty-three and 3/10 cents) per gallon, now, Therefore

BE IT RESOLVED, That the contract for the purchase of propane for the calendar year 2016 is hereby awarded to J. W. Piccozzi, Inc., the lowest responsible bidder, for the sum of a differential of $.529 per gallon.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 501

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", sealed bids on the purchase of fuel oil for the year 2016 were received by the Town Clerk's Office until 3 p. m. on the 3rd day of December, 2015, at which time they were publicly opened and read aloud as follows:

J. W. Piccozzi, Inc.: for each gallon delivered for the calendar year 2016, the differential will be the sum of $.529 (fifty-two and 9/10 cents) per gallon, now, Therefore

BE IT RESOLVED, That the contract for the purchase of fuel oil for the calendar year 2016 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. 502

Councilwoman Lewis 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 2016/2017 Municipal Snow and Ice Agreement Amendment B between the State of New York and the Town of Shelter Island concerning expenditures.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 503

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

"Whereas", the term of N. Christine Lewis as a member of the EMS Advisory Board will expire on December 31, 2015, and

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

BE IT RESOLVED, That N. Christine Lewis is hereby reappointed to serve as a member of the EMS Advisory Board for a term to expire on December 31, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 504

Councilwoman Lewis offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to execute 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, 2018, for the sum of $61,120.00; said agreement is to provide the Town baseline data on nutrient contamination and septic influence for groundwater on Shelter Island.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 505

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the State of New York provides financial aid for household hazardous waste programs, and

"Whereas", the Town of Shelter Island, herein call the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York, and the Municipality deems it to be in the public interest and benefit to file an application under these laws, and

"Whereas", it is necessary that a contract by and between the people of the State of New York, herein called the State, and the Municipality be executed for such State aid, now, Therefore

BE IT RESOLVED, by the Town Board of the Town of Shelter Island:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application, is hereby authorized.
2. That Jay L. Card, Jr., Commissioner of Public Works, or Brian Sherman, Foreman, is directed and authorized as the official representative of the Municipality, to act in connection with the application, and to provide such additional information as may be required, and to sign the resulting contract if said application is approved by the State.
3. That the Municipality agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That two (2) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application.
5. That this resolution shall take effect immediately.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 506

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", Jay L. Card, Jr., Superintendent of Highways, has requested permission to auction off certain old Highway Department equipment, now, Therefore

BE IT RESOLVED, That the Town Board does hereby declare the following Highway Department equipment to be surplus:

1 1993 Dodge dump truck
1 Exmark mower
1 old asphalt paver
1 old arm brush mower, and
2 - 3 pts hitch mower decks, and

BE IT FURTHER RESOLVED, That the Town Board does hereby authorize the Superintendent of Highways to auction off the aforementioned equipment.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 507

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Zach Vella, 85 Shore Road, Shelter Island, New York, zoned AA reverting to A-Residential/Near Shore and Peninsular Overlay District, and designated as Suffolk County Tax Map Lot 0700-013-01-018, seeks permission to demolish the existing three story house and construct a new single family dwelling with attached decks, new swimming pool, renovate existing tennis court, construct new open patios, some with permeable pavers, stabilize and renovate the existing single story two car existing garage for use as a garage, for a proposed 12,240 SFLA, 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 4:50 p. m., prevailing time, on the 29th day of January, 2016, 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. 508

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

"Whereas", Zach Vella, 85 Shore Road, Shelter Island, has petitioned the Town of Shelter Island for a wetlands permit for permission to remove existing 2,160 square foot croquet court from within regulated area (including 1,571 square foot from within vegetative buffer), remove existing sanitary system from regulated area and install new sanitary system outside regulated area, install new drinking water well, install pool enclosure fencing, install drainage system of leaders, gutters and drywells to capture roof runoff and pool drywell to capture pool backwash, establish approximately 24,922 square feet of native vegetation in place of historically existing lawn area within vegetative buffer, and install stone slab walkway to pond and 78 square feet of wood "fishing platform" over pond, 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 29th day of January, 2016, 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. 509

Councilwoman Lewis 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 4:55 p. m., prevailing time, on the 29th day of January, 2016, 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 AMENDMENT TO CHAPTER 53, DOCKS, CONCERNING THE SILVER BEACH LAGOON, to wit:

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

Section 1. Amend Article II Town-Owned Docks, Piers, bulkheads and Wharves, as follows:

Amend Section 53-6 by adding the words 'and at Silver Beach Lagoon' to read as follows:

§53-6. Legislative findings.

It is hereby determined that the existing docks, piers and wharves of the Town of Shelter Island located at Congdon's Creek at the easterly terminus of Congdon Road, at Dering Harbor at the easterly terminus of Bridge Street and at Silver Beach Lagoon in the Town of Shelter Island are hereby established as self-supporting improvements, pursuant to §141 of the Town Law of the State of New York.

Amend 53-7 to read as follows:

§53-7. Permit required.

No person shall moor or secure a boat at the docks, piers, bulkheads and wharves located either at Congdon's Creek, Dering Harbor or Silver Beach Lagoon without first obtaining a permit from the Town Clerk, except as hereinafter provided. Said permits shall include a sticker, which must be displayed on the authorized boat adjacent to the displayed registration number.

Amend Section 53-7 by adding a new 'C. Silver Beach Lagoon slips' to read as follows:

C. Silver Beach Lagoon slips

(1) A dock permit may be issued for any type of boat with a minimum length of 12 feet.

(2) Any such permit shall be valid for a term ending March 31 of each year.

(3) No slip shall hold more than one boat which shall be no longer than 23 feet length overall. The beam of the boat shall be less than the distance between the standoff piles for the slip for which the permit is issued.

(4) Each applicant for a permit or permit renewal for a slip shall provide the Town Clerk with the applicant's name, proof of residency, proof of his ownership of boat, description of boat, number and name of boat and proof of proper registration. A current photo of the boat must be submitted with the initial permit application. Any permittee must own the same boat at the time the permit is issued within 60 days thereafter.

(5) Initial and renewal permits may be obtained directly from the Town Clerk upon submission of proof satisfactory to the Town Clerk that said permittee is a resident of the Town of Shelter Island and owns the same boat as described on the permit. If such permittee wants to berth a different boat, he must provide the Town Clerk with proof of his ownership of such boat, a description of the boat, its name and registration number and proof of proper registration of boat. Slips not renewed by April 1, including mail renewals postmarked after April 1, shall be assigned by the Town Clerk to the next applicant on the wait list and may designate receipts to be placed in the Waterways Fund.

(6) The Town Board from time to time may establish, on its own motion, the fees for docking and mooring of boats and for the wait list.

(7) In the event that there are more applications than available spaces, a wait list will be established to determine the awarding of permits. A person must meet residency requirements to be placed on the wait list and supply their name and contact information. A person on the waiting list who qualifies for a sublet may remain on the waiting list for a slip assignment.

(8) A permittee who is unable to have his/her boat in slip from July 1 through September 30 (high season) must notify the Town Clerk by June 1. The Town Clerk will offer the slip for a high season sublet to the next interested applicant on the wait list. If the applicant accepts, all the information for a new permit application must be submitted, and the permit fee paid to the Town Clerk for that high season period, and the Town Clerk will issue a permit for occupancy during that high season. The original permittee may only do a high season sublet twice during his slip tenancy.

(9) Off-season sublet: October 1 through June 30. A permittee may allow another person to use his slip from October 1 through June 30 provided he notifies the Town Clerk, and the sublessee submits all the information for a new permit application and pays the permit fee to the Town Clerk for that off-season period, and the Town Clerk will issue a permit for occupancy during that off-season.

(10) If permittee dies, the permit for that slip may be transferred only to a surviving spouse, providing they meet all requirements of this chapter.

(11) All permittees, including sublessees, shall comply with the provisions of this chapter. Upon a second violation of this chapter, the permit may be revoked after a noticed hearing before the Waterways Committee.

(12) No person shall moor or secure a boat at these Town-owned slips without a permit.

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. 510

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$1,800.00 from the A1015.200 Media equipment account to the A1015.404 Media McGayhey technician account;

$896.00 from the A1220.491 Supervisor's service contracts account to the A1220.412 Supervisor's ADP payroll services account;
$148.00 from the A1355.492 Assessors seminars and travel account to the A1355.491 Assessors contracts account;
$1,500.00 from the A1490.114 Public Works personal services account, and
$1,500.00 from the A1490.120 Public Works personal services account to the A1490.121 Public Works overtime personal services account;
$5,050.00 from the A1490.413 Public Works jetties and bulkheads account and dispersed as follows:
$4,000.00 to the A1490.410 Public Works grounds maintenance account, and
$1,050.00 to the A1490.417 Public Works Town landings account;
$18,604.00 from the A1990.400 Contingent account and dispersed as follows:
$700.00 to the A1010.475 Town Board drug and alcohol testing account,
$8,500.00 to the A1010.497 Town Board professional services account,
$2,104.00 to the A1220.412 Supervisor's ADP payroll services account,
$2,600.00 to the A1620.483 Buildings telephones account,
$2,000.00 to the A6772.400 Nutrition Program food account,
$1,100.00 to the A6772.440 Nutrition Program maintenance account, and
$1,600.00 to the A6772.484 Nutrition Program supplies and rent account;
$1,278.00 from the A3120.491 Police Department contracts account and dispersed as follows:
$895.00 to the A3120.274 Police Department radio equipment account, and
$383.00 to the A3120.481 Police Department radio maintenance account;
$600.00 from the A3120.485 Police Department car maintenance account to the A3120.457 Police Department towing account;
$1,000.00 from the A4010.491 Deer & Tick Committee four poster maintenance account to the A4010.498 Deer & Tick Committee deer reduction management account;
$1,090.00 from the A4540.485 Ambulance vehicle maintenance account to the A4540.200 Ambulance equipment account;
$100.00 from the A5010.400 Superintendent of Highways office and miscellaneous account to the A5010.492 Superintendent of Highways travel account;
$200.00 from the A6776.422 Silver Circle food account to the A6776.408 Silver Circle maintenance account;
$500.00 from the A8160.106 Landfill hazmat personal services account to the A8160.105 Landfill hazmat personal services account;
$1,000.00 from the A8160.437 Landfill contingency account to the A8160.423 Landfill electric account;
$2,160.00 from the A8160.434 Landfill hazardous waste carting fees account to the A8160.129 Landfill double time personal services account;
$4,700.00 from the A8160.442 Landfill purchase of bags account to the A8160.127 Landfill overtime personal services account;
$300.00 from the B1990.400 Part Town contingent account to the B8010.484 Zoning Officer office and miscellaneous account;
$1,300.00 from the DA5140.168 Highway Machinery double time personal services account to the DA5140.167 Highway machinery overtime personal services account; and
$2,000.00 from the DB5110.479 Highway Repairs & Improvements surveys account to the DB5110.445 Highway Repair & Improvements account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 511

Councilman Reich offered the following resolution, which was seconded by Councilman Brown, to wit:

BE IT RESOLVED, That general claims numbered 1772 through 1908 in the amount of $79,495.91, highway claims numbered 266 through 281 in the amount of $16,425.71, and West Neck Water claims numbered 41 through 44 in the amount of $1,576.95 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 4:52 p. m., the Supervisor recessed the regular meeting and called to order the recessed public hearing on the application of the Shelter Island Craft Brewery, LLC, for a special permit to operate a non automated 1/2 barrel craft brewery serving tastings and snacks and carry home containers at a location designated as 55 North Ferry Road, Suffolk County Tax Map No. 0700-015-02-003.1, Zoning District B.

The Supervisor called for a report from the Planning Board, which was as presented by Councilman Shepherd, as follows:

October 27, 2015

Re: **Shelter Island Craft Brewery, LLC; Special Permit Application**

55 North Ferry Road, SCTM# 700-015-02-03.1, B Business zoning

The Applicant seeks to operate a non-automated, 1/2 barrel craft Brewery serving beer tastings, snacks and carry home containers, on the corner of North Ferry Road (Rt. 114) and Jaspa Road, in an existing building. It should be noted that the Brewery is currently already in operation.

Submissions:

1. Application for Special Permit dated 06/25/2015
2. Short Environmental Assessment Form dated 6/25/2015
3. N.Y State Liquor Authority Farm Brewer License, Effective 07/03/2015, Expires 06/30/2016, Cert. No. 856951.
4. Unattributed Survey with hand-sketched parking scheme.
5. Unattributed hand-drawn Sketch of outdoor lighting and signage.

Planning Board members visited the site, reviewed the survey while on site and considered all submittals provided to the Planning Board.

Pertinent Observations from Submissions:

The survey submitted is substantially lacking as it does not note the Surveyor, date of drawing, Owner's information, SCTM#, nor information typically found on a survey. It does not locate the septic system(s) nor well(s). It does not locate any grease trap(s) nor drywell(s) if they exist.

The hand-sketched parking overlay is likewise not attributed nor dated. It includes spaces used by 2 other businesses on the property; an Auto Repair Garage (Hubbard's Repair Shop) and an Eatery/Grocery (Maria's Kitchen).

The hand-sketched outdoor lighting and signage plan is also not attributed nor dated.

No floor plan of the building being used for the Brewery was submitted. No details as to the overall size of the building nor the areas being used by the two operations are noted.

The application states that the Brewery's interior space is 500 square feet. Much of the Brewery's seating exists outside the building on front yard picnic tables. No square footage of this outdoor space has been submitted.

No specific hours of Brewery, Garage, nor Eatery operation are noted in the application.

No permitted, proposed, or actual occupancy data was submitted. No indication of on-premises bathroom(s) are noted for each business.

The building used by the Eatery and the Brewery is non-conforming as to current front yard setbacks on both Jaspa Road and Rt. 114, but we note the structure pre-dates Town zoning.

Observations from on site inspection:

There is an "L" shaped hedge that separates the parking area for the Auto Repair shop (West end of property) from the parking area used by the two businesses that are in the easternmost building on the property. The survey needs to be updated to locate this hedge and other property improvements.

The site plan shows four parking spaces (numbered 9-12) in the Hubbard's Repair Shop (Western) parking lot, but on the day of we visited the site, most of the spaces in this lot seemed to be occupied by cars waiting to be repaired, or by customers of the Repair Shop.

The site plan shows nine parking spaces (numbered 1-9) in the Eatery's and Brewery's (Eastern) parking lot. Our estimate is that there are a maximum of five parking spaces in that area. On the day we visited the site most of the spaces in the lot were being occupied by patrons of Maria's Kitchen.

On the opposite corner, just across Jaspa Road, are two businesses, a Pizzeria (Bella Vita), and a Veterinarian (North Fork Animal Hospital). We observed that overflow parking from these businesses that does not stretch down Rt. 114 to the Fire station, does end up on Jaspa Road across from the Brewery. Adjacent to the Pizzeria, on the same side of Jaspa Road, is a C zoned

building with a driveway/curbcut that spans the width of the property, which again limits street parking.

There are signs on the property for each of the businesses that seem to comply with the Town Code sign requirements for business zone.

Recommendations:

Over the summer we did hear of complaints of limited parking and congestion on Jaspa Road, especially near its intersection with Rt. 114. Further review with the Police and Highway Departments may be necessary to determine if a safety and/or traffic problem exists, and if any modification of permitted street side parking areas are required. It seems to us that full occupancy or full use of all three businesses on this property, especially as the periods of operation appear to overlap, requires additional off street parking. We note that Town Code has different parking requirements based on specific business uses. The tasting Brewery is operating under a Farm license so we are unsure which statute applies: 133-8.B(8) or 133-8.D(17).

It is our belief that the Eatery and Brewery each have special Suffolk County Health Department requirements and it is not clear as to whether or not these are being met.

Further study may also be necessary to determine if the well and septic provisions are adequate for the 3 business, and their specific uses, on the property.

By,
Paul Mobius, Planning Board Chairman
Ian McDonald, Architect, Planning Board Member
For the Planning Board

The Supervisor opened the hearing for all to be heard in favor of or in opposition. Some views expressed were as follows: hi, my name is James Hull; thank you; I'm the owner of the brewery that we opened on July 3rd, it seems that we have quite a few issues here which I guess you know we're across from __ everything that we need to be done, it sounded like it was quite a few things we've been operating pretty fluently as far as the parking goes, there never really seems to be an issue, the on street parking spaces in front of my place are generally open even when we have customers in the store so even though it would appear that there would be a parking problem, there doesn't seem to be somehow, we also have access to all the parking down Jasppa beyond where George is, George Hubbard's Repair is so there are more spots down there plus the backyard is a large parking lot back there which the landlord gave us access to park, they seem to be gravitating in there somehow, we don't really seem to have a parking problem there, now it seems like Paul read a whole bunch of stuff there that are unfilled areas where the application was incomplete, is that what it is; I believe it was some of those; I tried to do my best possible; I didn't memorize it but did you not get a copy of that report; of the report; the Planning Board report; no, no I didn't, all I have is the application that I filled out for this permit, I tried to sketch as much as I could, some of it was pre-existing from the previous business, Bill Southwick owned it at the time, okay thank you, no this I did never get, so um, okay so it seems like there's a bunch of; unknowns; unknowns yeah so where should we go from here; I think the main thing that I would like to see which is just, I mean I'm basically on board with that, I heard great things, I didn't hear complaints, I know there was one initial thing and it seemed that was resolved, the parking too close to 114 on the street; right; and it seemed like that one was resolved but the big thing that I'd like to see is to get a current survey in the file just because if any time somebody takes out a building permit, it's always the opportunity for the Town to get an updated survey; okay, the survey that I submitted was not adequate, that's all I could really get because it went from the previous owner before; I mean I think it would have to be current, I think there is stuff there that's not there, the current survey would be done on a computer by the surveyor and it has a lot more detail, they would draw in parking spots in there and they would be exactly the size they were supposed to be, that kind of stuff, they will locate where the signs are, they'll locate where a propane tank is, if they know where the septic is, they will locate septic, I just think it would be a good thing to have to get into the file for looking at for future things; there was some hand drawn things on the one that was submitted; right; that aren't even relevant any more I don't think, some were from a prior submission I recall, it was just generally kind of blurry; I know our, like our wetlands code and stuff requires a, you know, a stamped survey, a certified survey so, and I don't know actually if our special exception if we require that, I just kind of assumed we did, but maybe we do, but if we do, I mean I think it's an important thing to have in there; and Mr. Hubbard is the owner of all the, the entire piece, is that correct; yes that's correct; so we would get the survey from the owner would we not; well I'm sure; well the applicant would get it from the owner or the applicant may have to pay, can hire a surveyor to do you know or

they could split, that's up to them, you know; well I'm willing to, just tell me just what you guys want, I thought we, you know I did all the fire stuff, I got the extinguishers and all the alarms and the monoxide and all that kind of stuff in there, I tried to make a sketch of the electrical as well as I could, most of these actually are existing, you know we did no excess wiring in there at all, it's all pre-existing outlets, we can, I did not include the bathroom in there, I know that for sure, on that little sketch, just, and therefore whatever you guys need really, let's do it and just let me know exactly what you need and we'll go ahead and we'll take care of it; I think a new survey would document how many spots there are now, I mean, being pre-existing, there's a lot of businesses on the Island that don't have you know on site parking; right' we try to do it for a new, if it was a vacant lot and a building being built today; yup; it would kind of being required but this, the building is kind of grandfathered in but as we speak, the surveyor would just kind of take a snap shot of where it is today; right; for future; before I asked for those corner signs to be put there, I asked for either a tiger stripe so that the cars would not be blocking the southbound view on 114 cause it could create a very dangerous situation, the signs were put up, no standing from here to corner, Jim Read has told me that they submitted a request to the State to have no parking across the street where the Bella Vita Pizzeria is, that is gonna be no parking over there at all, the signs will go up as soon as the State approves that but we do have a lot of actually on sight parking there, all the way down and including the backyard that I believe is rented from Bridg Hunt, don't quote me on this, but it could; do you know what zone that is, that lot; well, is that important to you, I can look it up; no, I mean _ with parking if it is a residential zone; I will let you know; I just don't know how many feet it is from the; it's a little hard to tell but I suspect it is zone C __; so basically we would ask Mr. Hull to get a survey of the immediate property he uses; yeah the property he uses, I mean the whole; and I; do you need an updated Health Department approval for the bathroom and the septic system and stuff; yeah sure; Health Department; well I went down to Yaphank and had a meeting there and the whole thing was referred to the Town of Shelter Island and I spoke to Mary Wilson immediately after that meeting, I didn't go home yet, I went straight there and I was told that she was going to investigate it and that was a long time ago, I guess that she has been there already, new rings were put in, a new set of rings was put into the septic system by Peder Larsen which would be more than adequate for what they have there and um as far as the Board of Health, my license is governed by the Department of Agriculture, the New York State farm license is a fairly new thing that was only initiated in 2013 by Cuomo and I'm completely governed by the Department of Agriculture, the Department of Health has no jurisdiction on my operation and gee whiz, anything else you guys need I'm gonna make, I thought I had a survey in here but that's not what you're really looking for; that one is about 20 years old; there's some hand drawn stuff on there that actually dates back to a prior submission for somebody else; right; this one is not good then, right; yeah, that's what we have; it's less than ideal; we need something more current; that's something you have to work out with George ultimately; is it something to be obtained from Riverhead possibly, in the records down there; no, it would be from a surveyor; I think it's gonna have to be a surveyor come and does that new survey; oh okay; I would think if there was an existing survey, you would have it, that was current; okay; yeah you can double check with George if he has one; this we don't even know who did this survey, I mean it just seems that it's just a part of, a sketch of it, I mean it looks like it was done by a surveyor but we don't even know who the surveyor was and there's no date on it __; ___ from Bill Southwick, it would be; things have changed you know, if the property is more, we don't have a solid record of all; okay, okay, now once I get that, where do we go from there; shall I recess this again; yeah; but you might want to recess it for more than just til the next meeting, you might want to go; it's gonna take a while to get the surveyor I would think; do we have a March meeting Dottie; I don't have the number here; we could recess to an indeterminate date; well if you do an indeterminate date, you will have to renotice when the date finally comes, but we could definitely do it that way; yeah we could recess til the January 29 and then if we are not ready; just open it again and then roll it over; roll it over; I imagine in that time, you could contact the surveyor and find out and let Dottie or Laury know when the surveyor can get there and you know, first week in February and you should have it by the third week in February; I would have to go through George Hubbard because he's got access to all that stuff; yeah; I have no idea; have you been in to see Laury on your own at all or; yes; you have been, okay; I went to her immediately last year before I even found a location, right, or anything to see what I would need ahead of time; I just wanted to make sure you kept a dialogue open so you could pick this stuff off which keeps the process going; oh of course yes; ___; right; yeah; just come on in when you; __; we're not critiquing anything, we're just doing our homework; I understand, I understand, this has all been smiles all the way down the line; everybody is really enjoying it; it's really good;

would it be sensible for him to ask for a waiver with the parking or are we talking waiver or not; well he definitely has the parking so he should ask for a waiver; because that's a question mark on the application, perhaps you should submit the request or suggest it on the application for a waiver of the parking requirement; okay; that would clean that up; my impression is that Mr. Hubbard has indicated that there are various, I guess it would be west of him that he uses for parking vehicles; right; if he is servicing and waiting for people to pick up their vehicles; yes; to pick up over night and then the street won't be __ there and that people could use, is that true; oh yes, there's plenty of spaces in there; you know he may need some kind of letter or something from that saying that that is okay too; yeah; I don't know; he couldn't make it down here tonight, he's the Mayor of Greenport and they have their lighting tonight, he had all planned on coming down here but, and explain all this stuff to you guys; I don't know how loose or fluid we can leave, I guess somewhat; yeah you're right; because we don't know how successful you're going to be and what will come out of all of this you know so; now's the time to; we were gonna have, yeah we'll do the best we can to get as much space as you can that fits so that we know, there's a fair chance that you're not causing a problem and we have to come back to some situation later; I'm sure you're hoping your business will double next summer but that of course brings more, you know, so we're just trying to anticipate and; yeah I'm trying to keep it kind of Shelter Island, I'm not gonna get any bigger than I am right now, it just, I don't have the room, number one, I'm just in there as much as I possibly make, a half a barrel at a time and my ambition is to not to become a large business, I really don't need it, it's just more or less a hobby than anything else, it doesn't pay a whole heck of a lot but it's nice, I'm able to bring people something good with Shelter Island ingredients included also so it's really a beautiful thing; no negatives; I've heard only good things; I heard no negatives on it; pardon; I've heard no negatives; me either, I was thinking I was getting something tonight, yes, it's all good stuff and people seem to like the idea of having this on Shelter Island and it's ours you know, it belongs to, you know, this is us, we're going into the glass actually and it's been really appreciated, it's good, it's really good; it makes me wish I still drank beer; yes; I don't drink beer either my friend, I just like to make it, that's all; you don't taste it; oh yes, I probably drank more beer in the last six months than I have in my entire life just tasting it and you know it was my friend Clarissa's wish that I take and carry this forward cause I was like throwing the fishing and the beer thing back and forth cause naturally I couldn't do both but this is her, she's in there with me; yes, Laury, what we're looking at, is this a transferable permit like from one owner to another; not normally but you could specify that if you prefer; I'm just asking, that's not normally that so but if somebody were to sell it or for whatever reason, they're vested __ for whatever reason the new person would be submitting for the permit to operate; unless you specify differently, yes; we would want to leave it that way; yes because a new person may have different hours or different ambitions or you know, want to have, a new person may have different ambitions; absolutely; and different hours and want to have music and want to have things that could be totally different animal; what hours are you proposing; I'm sorry; what hours are you proposing; we have from 12 to 8; which days of the week; right now we're on Winter from Thursday til Sunday, I may cut down the Thursday, there's hardly anything going on and the once, roughly Memorial Day we'll go on 7 days, 12 to 8; so Laury you propose to write this up specifically to those hours only; I just wanted to know just in case you chose to do that, I think you were saying you didn't know the hours, __ different hours, we didn't; we didn't even know what these were, right, right; we can decide that later, yeah; I'm sorry, it's hard to determine that right now because it coincides; my thinking was I just didn't want to open another hour or something; of course; if we've got to come back __; we would likely leave it alone; yeah; it's strictly a daytime thing, it just slows down at 6 o'clock, 7 o'clock, this time of night __ whatever, I could actually close a lot earlier too, people who like to do this tasting like craft beer like to do it during the daytime hours, it's not a night drinking spot or something like that; that's probably better overall; yeah for me too, I don't want to be a __ operator, it's going pretty good too, I have a pretty good, mellow kind of atmosphere down there in hole, it's all empty and quiet, and the music is subdued and the whole thing, it's got a nice mood to it; okay, thank you very much; all I have to do is get that survey; and any other way we can help you, just come to this building; thank you much; any other comments, yes; Glenn; who would Jim go to as he works his way out of that list, he had that long list from the Planning Board, do you want to tick off all those questions that he would need to answer, who would he go to, a Planning Board representative to make sure he has all his ducks in a row; I mentioned Laury; so Laury; and you could even come in with George, both of you together and work things, I would suggest just jump on it a bit, Emory Breiner has always been very helpful; once we write that report, we are basically finished; right; right; the only other thing I want to say is it's a great product, in my limited experience, I don't

drink that much but nice job; thanks; I'll recess this public hearing; I just want to mention one thing, I was thinking as we set these couple of docks and things, Ed and I are going to beat the meeting on Monday but we won't be here on the 29th so is it alright, I'll do a written report and give it to Dottie and Dottie can just read the written report of the WMAC; yeah; so that will be the report on that, I just want to think of it unless Paul; subject to Councilman Brown's approval; unless Paul wants to come to the meeting and do that; I don't know; we'll give them a break til the end of the year; thank you, that's a good suggestion.

At 5:16 p. m., Supervisor Dougherty recessed the public hearing, to be reconvened at the proposed regular meeting to be held on January 29, 2016. This motion was carried.

On motion of Councilman Reich and seconded by Councilwoman Lewis, the meeting was adjourned at 5:17 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk

December 30, 2015

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 30th day of December, 2015. Town Board members present were Supervisor James D. Dougherty, Councilmen Edward R. Brown, Peter S. Reich, and Paul D. Shepherd, and Councilwoman N. Christine Lewis. Town Attorney Laury L. Dowd, Town Clerk Dorothy S. Ogar, and eight persons were also present.

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

Salute to flag.

Correspondence included the following:

1. An email from Peter S. Reich concerning the Ferry Study Group.

The Supervisor recognized Councilmen Edward R. Brown and Peter S. Reich who are attending their final meeting as members of the Town Board and retiring as of December 31, 2015.

The Supervisor read and presented a PROCLAMATION recognizing Mrs. Mary Madden for achieving the great age of 100 years on December 25, 2015. (A copy of this proclamation is attached to these minutes.)

The Supervisor presented the following financial report for the month of November, 2015:

RECAP OF MONTHLY STATEMENTS OF SUPERVISOR
NOVEMBER 2015

ACCOUNT	FORWARD	RECEIPTS	DISBURSEM.	BALANCE	CLASS
Gen checking	2,286,039.77	203,042.24	562,757.95	1,926,324.06	767,333.38
Hwy checking	816,403.57	28,923.20	79,271.11	766,055.66	
T&A checking	421,90.23	19,342.46	16,732.32	424,512.37	15,345.14
T&A savings	12,219.07	0.31	0.00	12,219.38	
Hwy cap resv	178,850.24	4.56	0.00	178,854.80	
WNW supply	60,510.21	16,545.06	334.73	76,720.54	40,630.85
Taylor's Island	39,787.24	84.92	0.00	39,872.16	

Com Preserv	4,147,511.80	169.22	0.00	4,147,681.02	590,110.50
Waterways	267,475.58	500.00	0.00	267,975.58	
Reserve	414,618.55	0.00	0.00	414,618.55	
Bridge St Esc	0.00	0.00	0.00	0.00	351,837.74
Environmental	15,750.00	0.00	0.00	15,750.00	
Ambul. Reserv	278,582.14	11.37	0.00	278,593.51	
TOTALS	8,939,650.40	268,623.34	659,096.11	8,549,177.63	1,765,257.61

RESOLUTION NO. 512

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Mr. Paul A. Speeches was appointed by the Town Board to serve as Constable for the Town of Shelter Island on January 9, 1957 for the year 1957, on May 24, 1957 as full time Constable for the year 1957, on January 8, 1958 as full time Constable for the year 1958, and on January 13, 1959 full time for the year 1959, and

"Whereas", Paul resigned from the position of Constable on July 24, 1959, and

"Whereas", Paul was appointed on January 13, 1960 as part time Constable for the year 1960, and

"Whereas", Paul was a devoted employee of the Shelter Island Highway Department beginning on January 1, 1976 through April 30, 1994 when he retired, and

"Whereas", Paul spent an abundance of time helping many of the residents of our community with their needs, and

"Whereas", Mr. Speeches very sadly passed away at his home on December 28, 2015, 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. Paul A. Speeches, 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. and Mrs. Ted Sullivan, Miss Debra Speeches, and Mr. Thomas Speeches, the family of Mr. Speeches, 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.

RESOLUTION NO. 513

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", a vacancy exists in the position of Assessment Clerk, and

"Whereas", the Town Board has advertised for applicants, and

"Whereas", said position is a Civil Service position, and

"Whereas", Amanda Gutiw has taken and passed the Civil Service test for Assessment Clerk and been interviewed by the Board, now, Therefore

BE IT RESOLVED, That Amanda Gutiw is hereby appointed from the Suffolk County list to serve as Assessment Clerk for the Town of Shelter Island for 30 hours per week, effective January 4, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 514

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

"Whereas", the Shelter Island Yacht Club, 12 Chequit Avenue, has petitioned the Town of Shelter Island for permission to construct one 6' x 25' and one 6' x 20' extension to the floating docks, install one 3' x 20' aluminum ramp onto a new 12' x 50' floating dock, install eight new 8"

diameter anchor pilings, construct a new 8' bulkhead return at northwest corner of property, fill any areas landward with clean trucked in fill, and regrade gravel area, 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 4:57 p. m., prevailing time, on the 29th day of January, 2016, 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. 515

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", Scott Laton, 4 Bay Shore Drive, has petitioned the Town of Shelter Island for permission to install a mooring in West Neck Creek at a location designated as latitude 41.031537° north and 72.212215° 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 4:59 p. m., prevailing time, on the 29th day of January, 2016, 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. 516

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

"Whereas", Holly G. Aronow, 47H South Ferry Road, has petitioned the Town of Shelter Island for permission to install a mooring in Coecles Harbor at a location designated as 41.067381° north and 72.304115° west; said mooring location was formerly occupied by the Picker C-1589 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 5:01 p. m., prevailing time, on the 29th day of January, 2016, 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. 517

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

"Whereas", Ian McDonald Architect, agent for Robert Bethge and Melissa Shepstone, 5 Wheeler Road, has petitioned the Town of Shelter Island for permission to construct a 4' x 17' 6" timber catwalk, 4' x 18' aluminum ramp, and an 8' x 25' floating dock 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 5:03 p. m., prevailing time, on the 29th day of January, 2016, 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. 518

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Shelter Island Ambulance Foundation, Inc. has requested the establishment of an Ambulance Training Capital Reserve Fund to be utilized for funding training, now, Therefore

BE IT RESOLVED, That pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "Ambulance Training Capital Reserve Fund". The purpose of this Reserve Fund is to accumulate moneys to finance the cost of training Emergency Medical Services volunteers.

The Chief Fiscal Officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The Chief Fiscal Officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Shelter Island. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law and any other law, and

BE IT FURTHER RESOLVED, That this resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law, and

BE IT FURTHER RESOLVED, That within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law §90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum, upon such approval. This resolution is adopted subject to a permissive referendum pursuant to General Municipal Law 6-C, and shall not take effect until 30 days from the date of adoption.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 519

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to credit the check received from the Shelter Island Ambulance Foundation in the amount of $100,000.00 to the Ambulance equipment capital reserve fund; the reimbursement check from the Shelter Island Ambulance Foundation in the amount of $4,350.85 as follows: $3,570.85 to the A4540.200 Ambulance equipment account, and $780.00 to the A4540.492 Ambulance travel and meetings account for EMS training; the Town of Shelter Island Highway Department check returned from Malvese Equipment Co. because of a duplicate payment in the amount of $267.39 to the DA5130.447 Highway Machinery oil, fluids and grease account; and the reimbursement check from Shelter Island Country Club in the amount of $173.92 to the A1490.410 Public Works grounds maintenance account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 520

Supervisor Dougherty offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015, in the amount of $64.14, now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to transfer the sum of $64.14 from the trust and agency account to general account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 521

Councilman Shepherd offered the following resolution, which was seconded by Councilwoman Lewis, 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, 2015 through December 31, 2015.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 522

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

BE IT RESOLVED, That the EMS petty cash account is hereby increased from $250.00 to $1,000.00.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 523

Councilman Brown offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That the Town Board hereby authorizes the payment of 2015 claims received in 2016 to be paid with 2015 funds through March 11, 2016.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 524

Councilman Reich offered the following resolution, which was seconded by Supervisor Dougherty, to wit:

"Whereas", sealed bids were received for the West Neck Water District WATER MAIN REPLACEMENT PROJECT - PHASE 3-2015, to be opened and read aloud on October 7, 2015, and

"Whereas", the bid was awarded to William A Anderson, Inc. for the amount of $65,911.80, and

"Whereas", William A Anderson, Inc. has submitted a check in the amount of $3,300.00 for funds paid in lieu of the maintenance bond and a check in the amount of $15,000.00 for funds paid in lieu of a performance bond, and

"Whereas", it has been determined that said project will be deferred to an indefinite future date because of some Health Department and PSEG issues, and said funds should be returned to William A Anderson, Inc., now, Therefore

BE IT RESOLVED, That the Supervisor is hereby authorized and directed to expend the aforementioned funds from the Trust and Agency account to William A Anderson, Inc.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 525

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

"Whereas", the Town Board received a report from Building Inspector Bill Banks regarding an unsafe and collapsing barn structure on 61 North Menantic Road Shelter Island; and

"Whereas", after review of such report, the Town Board finds the barn on that property to be dangerous and unsafe; now, Therefore

BE IT RESOLVED, That the Town Board directs the Building Inspector to give notice in accordance with Section 45-4 of the Town Code to be served on the record owner of the property, Susan DeBevoise, at the last known address shown by the records of the Receiver of Taxes, directing her to repair or remove the barn within 60 days; and

BE IT FURTHER RESOLVED, That if the owner fails or refuses to comply with the order to remove the barn, the Town Board may provide for the demolition and removal of said building at a cost which will be assessed to the owner and collected as part of the tax levy.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 526

Councilman Brown 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 $1,860.00 from the A1620.476 Buildings Computer account to East End Computers LLC, 78 White Street, Southampton, New York 11968 for 3 SonicWALL security suite, two year subscriptions on TZ-215 at the Highway Department, Ambulance and Justice Court for a two year term of December 15, 2015 through December 15, 2017.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 527

Councilwoman Lewis 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, 2016 and ending December 31, 2018, and

BE IT FURTHER RESOLVED, That effective January 2016, the rent to be paid to the Presbyterian Church is hereby increased from $1,390.00 per month to $1,417.80 per month.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 528

Councilman Reich offered the following resolution, which was seconded by Councilwoman Lewis, to wit:

BE IT RESOLVED, That the following 2015 budget transfers are hereby approved:

$95.00 from the A1010.200 Town Board equipment account to the A1010.475 Town Board drug and alcohol testing account;

$95.00 from the A1010.492 Town Board school, travel and mileage account to the A1010.495 Town Board printing and advertising account;

$250.00 from the A1355.200 Assessors equipment account and dispersed as follows:

$143.06 to the A1355.484 Assessors office and miscellaneous account, and

$106.94 to the A1355.492 Assessors seminars and travel account;

$1,760.60 from the A1355.104 Assessment Clerk personal services account,

$82.00 from the A1355.441 Assessors revaluation account,

$153.96 from the A1356.100 Board of Assessment Review personal services account,

$20.03 from the A1356.101 Board of Assessment Review personal services account,

$48.30 from the A1356.105 Board of Assessment Review personal services account, and

$67.35 from the A1356.484 Board of Assessment Review office and miscellaneous account to the A1355.484 Assessors office and miscellaneous account;

$152.00 from the A1410.418 Town Clerk records repair account to the A1410.200 Town Clerk equipment account;

$1,700.00 from the A1490.120 Public Works personal services account to the A1490.115 Public Works personal services account;

$2,200.00 from the A1490.424 Public Works fuel depot account to the A1490.414 Public Works Town Hall and other buildings account;

$2,381.00 from the A1620.276 Buildings computer equipment account to the A1620.476 Buildings computer maintenance account;

$900.00 from the A1620.424 Buildings fuel account to the A1620.408 Buildings repairs and maintenance account;

$2,241.00 from the A1990.400 Contingent account and dispersed as follows:

$750.00 to the A1220.412 Supervisor ADP payroll services account,

$500.00 to the A1220.484 Supervisor office and miscellaneous account,

$241.00 to the A1355.484 Assessors office and miscellaneous account, and

$750.00 to the A6772.400 Nutrition Program food account;

$2,200.00 from the A3120.113 Police Department part time police personal services account to the A3120.110 Police Department regular overtime account;

$300.00 from the A3120.277 Police Department office equipment account to the A3120.491 Police Department contracts account;

$400.00 from the A3120.483 Police Department telephones account to the A3120.488 Police Department uniform cleaning account;
$10,000.00 from the A4010.422 Deer & Tick Committee corn account to the A1490.118 Public Works personal services account;
$900.00 from the A4540.422 Ambulance food account and transferred as follows:
$400.00 to the A4540.408 Ambulance building maintenance account, and
$500.00 to the A4540.445 Ambulance utilities account;
$100.00 from the A6776.486 Silver Circle van fuel account to the A6776.408 Silver Circle maintenance account;
$2,623.00 from the A7310.400 Youth Recreation account to the A7320.408 Youth Center maintenance account;
$40.00 from the A7320.424 Youth Center fuel account to the A7320.483 Youth Center telephone and internet account;
$1,000.00 from the A8160.107 Landfill personal services account and dispersed as follows:
$600.00 to the A8160.104 Landfill personal services account, and
$400.00 to the A8160.105 Landfill personal services account;
$8,300.00 from the A8160.434 Landfill hazardous waste carting fees account and dispersed as follows:
$4,000.00 to the A8160.117 Landfill personal services account,
$1,000.00 to the A8160.423 Landfill electric account,
$800.00 to the DA5130.246 Highway Machinery equipment account, and
$2,500.00 to the DA5130.446 Highway Machinery contractual account;
$2500.00 from the A8160.437 Landfill contingency account to the A8160.119 Landfill part time personal services account, and
$2,450.00 from the A8160.451 Landfill C&D hauling account and dispersed as follows:
$700.00 to the A8160.119 Landfill part time personal services account,
$250.00 to the A8160.129 Landfill double time personal services account, and
$1,500.00 to the A8160.438 Landfill processed concrete account;
$1,480.00 from the A8160.490 Landfill hazmat training account to the A8160.127 Landfill overtime personal services account;
$1,000.00 from the DA5140.447 Highway Brush & Weeds outside contractors account to the DA5130.246 Highway Machinery equipment account;
$5,000.00 from the DA5140.489 Highway Brush & Weeds equipment rental account to the DA5130.446 Highway Machinery contractual account;
$200.00 from the DA5142.147 Highway Snow Removal personal services account to the DA5142.447 Highway Snow Removal sand/salt account;
$20.00 from the FX8320.408 West Neck Water repairs and maintenance account to the FX8320.439 West Neck Water office and miscellaneous account.

Vote: 5 in favor 0 opposed

The resolution was thereupon declared duly adopted.

RESOLUTION NO. 529

Supervisor Dougherty offered the following resolution, which was seconded by Councilman Reich, to wit:

BE IT RESOLVED, That general claims numbered 1909 through 2081 in the amount of $110,500.93, highway claims numbered 282 through 305 in the amount of $14,491.10, and West Neck Water claims numbered 46 through 48 in the amount of $1,159.10 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.

Councilmen Brown and Reich both thanked the Board for the privilege of serving the Town in their capacity of Councilman for many enjoyable years.

On motion of Councilman Reich and seconded Councilman Brown, the meeting was adjourned at 1:26 p. m. This motion was carried.

Dorothy S. Ogar
Town Clerk